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President: Mr. Adam MALIK (Indonesia).

AGENDA ITEM 40

Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories

**REPORT OF THE SPECIAL POLITICAL COMMITTEE
(A/8630)**

1. Mr. MOHAJER (Iran), Rapporteur of the Special Political Committee: The report [A/8630] which I have the honour to introduce represents the last item considered by the Special Political Committee.

2. During the consideration of this item the Committee heard quite a number of representatives who, after having studied various documents provided on the subject, expressed their concern in one way or another regarding the human rights of the population of the area in question.

3. As established at previous sessions, the Committee authorized the Palestine Arab delegation to address the Committee, without this authorization implying any recognition of that delegation. The Committee also heard some delegations which, having a different approach to this question, presented varied interpretations of the documents and of the situation.

4. Towards the end of the debate the Committee had before it a draft resolution, submitted by the delegation of Mali and subsequently also sponsored by the delegation of Mauritania. The draft resolution contained in paragraph 11 of the report before the General Assembly originates from the Mali draft resolution with the amendments submitted by Nigeria and Indonesia.

5. In respectfully submitting to the General Assembly for adoption the report and the draft resolution therein, I might add that the draft resolution was adopted in the Special Political Committee by a roll-call vote of 48 in favour, 16 against and 42 abstentions.

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

6. The PRESIDENT: I shall now call on those representatives who wish to explain their votes before the voting.

7. Mr. RASHID (United Arab Emirates): I wish at the outset to pay tribute to the dedication and objectivity of the members of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories and to their unremitting efforts in carrying out the task with which they were entrusted. I also wish to congratulate them on their lucid and well-documented report regarding Israel's violation of human rights in the occupied Arab territories.

8. Though my country is a newcomer to the United Nations, the people of my country have continuously and diligently followed the work of the United Nations for the protection of the inhabitants of the occupied territories. Our concern for the well-being of our captive brethren stems from the ties that bind us with them as fellow Arabs. This fact was emphasized by the Chairman of my delegation, Mr. Adnan Pachachi, in his statement to the General Assembly on 9 December 1971, on the occasion of the admission of my country to the United Nations. He stated the following:

"I said at the beginning of my statement that the United Arab Emirates is the last area but one in the Arab world to regain its freedom from foreign rule. The exception to which I refer is, of course, Palestine and I

take this opportunity to declare on behalf of the new Member State our support for the struggle of the people of Palestine to restore their rights in their ancestral homeland. As an integral part of the Arab nation, the United Arab Emirates fully identifies itself with the other Arab countries in upholding the right of the people of Palestine to self-determination. We also support all the efforts to secure the withdrawal of Israel's forces from the Arab lands occupied in the aftermath of Israel's aggression of June 1967." [2007th meeting, para. 48.]

9. Our interest in the work of the Special Committee has been motivated by two factors. First, its terms of reference relate to the safeguarding and protection of a people with which my country and people are identified. We deeply feel in our hearts its sufferings and pains and we share its agony. The second factor has been our hope and expectation, shared by others, that by the establishment of the Special Committee—the first of its nature in the context of occupied territories—machinery would be created for the implementation of the Geneva Convention relative to the Protection of Civilian Persons in Time of War.¹ Our hope was motivated by both our belief in world public order and our concern for the well-being of civilians under alien occupation when such public order is breached. We should note that our hope has been partially fulfilled, thanks to the members of the Special Committee. Israel is to blame for the lack of practical results so far.

10. Our approach to this question is determined not only by our sympathy and solidarity with the inhabitants of the occupied areas but also by our attachment to the principles contained in the Geneva Convention. I should like to comment on some of the views expressed by the representative of Israel. I shall restrict myself to this and not comment on the report of the Special Committee as a whole, since many speakers in the Special Political Committee have already done so.

11. The representative of Israel alleged that the Committee's terms of reference were confined to policies and practices affecting population only. He denied the competence of the Committee in other matters. Accordingly he objected to the investigation conducted by the Committee with regard to the destruction of houses, the establishment of Jewish settlements and the annexation of certain Arab areas. It follows from the logic of the Israeli representative that somehow the inhabitants of the occupied territories are abstract or imaginary types of beings and that, unlike other peoples, they do not fit into the normal patterns of life. For him the destruction of their houses, the expropriation of their lands, the settlement of their areas by alien settlers and the annexation of certain parts of their territories are matters of no concern, since, according to him, they are not policies affecting population. One wonders, according to this logic, what definition the representative of Israel gives to the word "population" and also to the words "human being".

12. The fourth Geneva Convention, as an instrument of international law, prescribes modalities for safeguarding and protecting the rights of people under foreign occupation against the actions of the occupying Power. Its 159 articles cover the manifold interests of the inhabitants of the

occupied territories in resuming their ordinary pursuits and modes of living disrupted by war and combat.

13. These interests and pursuits could conveniently be placed into three broad groups: people, institutions and resources. They are interrelated and are all objects of protection.

14. In the light of the foregoing, Israel's claim that the competence of the Special Committee is limited to population is without factual or juridical foundation.

15. The representative of Israel stated in the Special Political Committee:

"The Israeli administration shows far greater consideration for human life, human dignity, freedoms and rights than is required by international law, including the Geneva Convention."²

It appears from the foregoing that the representative of Israel neither understands the norms of international law nor respects them. International law is the reflection as well as the embodiment of the world community policy. The prescriptions of the Geneva Convention, an instrument of international law, are the reflection as well as the embodiment of the attitude of the world community with regard to the protection and the safeguarding of the inhabitants of occupied territories.

16. In the case of foreign occupation, the attitude of the world community requires that the occupying Power should minimize the disruption of the value processes of the territory occupied. The same principle of conservation limits the competence of the occupier with respect to the organization and the administration of the territory, the utilization of the inhabitants' services and the exploitation of the natural resources of the territory occupied. World community policy requires, accordingly, that the occupying Power respect the lives, well-being, property, religious institutions and political allegiance of the inhabitants.

17. In the case of the occupied Arab territories, the world community requires of Israel, the occupying Power, respect and adherence to such principles. The report of the Special Committee contains objective and documented evidence proving Israel's violation of the spirit and the letter of the Geneva Convention. It is an indictment of Israel's disregard for, and non-adherence to, these principles. Hence the Israeli administration of the occupied territories is not above the requirements of international law, as the representative of Israel alleges, but much below them and, indeed, continues to flout them.

18. For those reasons, because of our full confidence in the Special Committee, its members and our endorsement of its report, and since we believe that continued investigation of Israeli inhuman practices against the inhabitants of the occupied territories is the minimum obligation due them by the international community, my delegation will vote in favour of the draft resolution contained in document A/8630.

² This statement was made at the 799th meeting of the Special Political Committee, the official records of which are published in summary form.

¹ United Nations, *Treaty Series*, vol. 75 (1950), No. 973.

19. Mr. CAHANA (Israel): The representative of the United Arab Emirates has seen fit to reopen here the debate over the terms of reference of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories; in doing so he showed that the new Member of the United Nations has a great deal to learn before he may contribute something sensible to the discussion of this complicated subject. By merely repeating slogans and clichés, which he probably got as a gift of independence from the other Arab countries, his contribution will remain negative.

20. He tried to question my definitions or my criticisms about exceeding the mandate, the self-made political mandate, which the Special Committee attributed to itself. As the name of the Committee says, it is being required by an already biased resolution "to investigate Israeli practices affecting the human rights of the population . . .". It was not asked to investigate, to analyse or to advance any opinion about the policies of Israel. It has to investigate "practices" and not "policies". What this Special—very special—Committee has done shows that it has exceeded its mandate. It went into interpretations of and commentary on policies—and not only policies, for it has analysed some speculations of its own about the intentions of the Government of Israel with regard to subjects and problems which were entirely outside its terms of reference.

21. The draft resolution which is to be voted upon today was not initiated out of concern for human rights, but rather was first and foremost designed to foment tensions in the Middle East through distortions, defamation and incitement. As attested to by many objective observers, including hundreds of thousands of Arabs who visited the territories in the course of the last four and a half years, Israel's treatment of the Arab inhabitants of the administered territories not only shows respect for their human rights as required by international law, but is indeed also characterized by concerted efforts to promote the welfare of the population. This is the truth which infuriates and enrages Arab delegations; this is what they protested against so vehemently in our debates in the Special Political Committee. It was enough for one objective, impartial representative to say anything positive that would dispel their distortions and their propaganda for all Arab delegations to jump up to attack him personally.

22. The draft resolution which the Special Political Committee is now recommending to the General Assembly is based on mendacious Arab propaganda material supplied by the Special Committee, composed of Ceylon, Somalia and Yugoslavia. All three of these States maintain no relations with Israel, and one—Somalia—denies Israel's right to independence. This is the Special Committee which was entrusted to carry out a judicial, so to say, investigation into the practices of the Government of Israel. The very fact that such a Committee could be established at all within the United Nations, I submit, is a subject for investigation. How is it that this Organization could allow such a scandal—one of its Member States being investigated by three other Member States hostile to it and biased and prejudiced against it? And how could the recommendation of such a Committee be presented as part of a resolution to be adopted by organs of this Organization?

23. This Special Committee was established through illegal procedural manipulations and has served since its creation as a tool of Arab belligerency towards Israel. The Special Committee has distorted and misrepresented the facts, exceeded its mandate, acted on preconceived and predetermined ideas, and has formulated tendentious conclusions and recommendations. Its activities have been a misuse of United Nations machinery, sully the image and the integrity of this Organization.

24. The recommendation that it made at the last hour—during the last two or three days—also sought to misuse the International Committee of the Red Cross, trying to assign to that universally respected body a position which it would not be authorized to assume.

25. The draft resolution proposed here must therefore be considered as completely negative from the standpoint of equity, integrity and international norms. Its contents and purpose are a disservice to the cause of peace in the Middle East. That draft resolution could be adopted in the Special Political Committee only because of the automatic, blind support which is always assured by the same known group of Member States for any anti-Israeli resolution in the United Nations. That group now consists of 18 Arab States. If anyone had any doubt about this, the eighteenth Arab Member of the Organization stood up here to show everybody that the Arab camp now controls 18 votes. But these 18 votes are joined by those of about 8 other States closely related to the Arabs, especially by ties of religion. And those are supplemented by about 9 of the Soviet bloc and other communist States which have no relations with Israel and are hostile to it. As far as those States are concerned, any consideration of principles, equity or the merits of a case are brushed aside whenever a situation can be created in the United Nations propitious to serve the interests of the Arab Governments and to harass Israel.

26. For all practical purposes this group of Arab and pro-Arab States, now numbering about 35 Member States, is one and the same party in the Arab-Israel confrontation in the United Nations. On the one hand, there is Israel, and, on the other hand, there are those 35 States as a solid anti-Israeli group. This has been the experience for nearly 20 years.

27. It is regrettable that another 14 of the remaining 82 Member States whose views are of value in our eyes for one reason or another cast their votes in the Special Political Committee with that group. We value the views of those other 14 Member States and we should like to see them approach a more impartial position.

28. With the kind and the amount of support that the draft resolution managed to obtain in the Special Political Committee, it is not only a minority draft resolution, but is indeed devoid of any moral, political and juridical validity. If that draft resolution is adopted, Israel will continue to treat the Special Committee and the resolution with the contempt they deserve.

29. In spite of the results in the United Nations, the Government of Israel will pursue its policy of respecting the human rights of the inhabitants of the territories; Israel will continue to co-operate with the Arab inhabitants in

promoting their well-being and in facilitating the broadest possible freedom of expression and action in the quest of Israel-Arab neighbourliness and peace.

30. Mr. EL-FATTAL (Syrian Arab Republic): The draft resolution on which the Assembly is going to vote is of primary importance for world peace and security. It calls upon Israel:

“to rescind forthwith all measures and to desist from all policies and practices leading to:

“(a) The annexation of any part of the occupied Arab territories;

“(b) The establishment of Israeli settlements on those territories and the transfer of parts of its civilian population into the occupied territory;

“(c) The destruction and demolition of villages, quarters, houses and the confiscation and expropriation of property;”.

I shall not read out the entire text of this draft resolution because it is before Members here. However, I should like to stress that we give this draft resolution and the votes that are going to be cast on it the importance they deserve.

31. The annexation of Arab territories should not be recognized by other States. Under general international law, it is the obligation of States not to recognize the Israeli annexation of Arab territories in any way, implicitly or explicitly. Occupation and annexation are both illegal. This has been reaffirmed in both the Declaration of Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations [*resolution 2625 (XXV)*] and the Declaration on the Strengthening of International Security [*resolution 2734 (XXV)*]. But those who condone Israeli occupation cannot escape the legal consequences. All States, whether Members or non-members of the United Nations, are under the legal obligation to recognize the illegality of Israeli annexation and the invalidity of Israeli acts in the occupied territories. Moreover, they are also under the obligation to refrain from any acts, and particularly any dealing with the Government of Israel, implying recognition of annexation or lending support or assistance for Israel's entrenchment and the continuation of its occupation. Respect for the doctrine of non-recognition of acquisition of territory by war will remain, and continuously remain, the basic criterion for determining Syria's relations with other States. We shall regard actions by any third State to support and assist Israel in annexation of Arab territory as a grave breach of international law and a hostile act against the Arab nation in general and Syria in particular.

32. The report of the Special Committee and the draft resolution are self-explanatory. What we need is action by the General Assembly corresponding to the gravity of the situation. Fair-minded delegations should bear their individual and collective responsibility towards a situation fraught with very grave consequences. It is not enough to condemn Israeli practices; it is imperative to unleash such international pressure as would force Israel to desist forthwith from its annexationist policies and unconditionally to withdraw from the occupied territories.

33. The Special Committee on Israeli practices reiterated its statement of last year that the most effective way to safeguard the human rights of the population of the occupied territories is to end the occupation of those territories.

34. Mr. PAYSSE REYES (Uruguay) (*interpretation from Spanish*): Uruguay has always championed the cause of the dignity and rights of all human beings; we aspire to peace and justice. Our policy is to promote the rule of law and the rejection of violence of any kind.

35. That being the case, only for very well-founded reasons can we refuse to vote for a draft resolution concerning an investigation of practices and acts affecting the rights of the population of the occupied territories as a result of acts of war. This compels the delegation of Uruguay to explain why, in the Special Political Committee, we voted against the draft resolution which is at present before the General Assembly, and why we shall again vote against it in plenary.

36. The reasons are clear, simple and logical and completely unrelated to the substantive issue. With all due respect to those who hold contrary opinions, we believe that this draft is a mistake from the juridical point of view; from the political standpoint it is inoperable, and from the point of view of practicability or usefulness, it marks a step backwards. Legally this draft is in error because it goes beyond the framework of the issue. The problem, specifically, is to analyse and take a decision on the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories. This title delimits and spells out both the terms of reference of the Committee as well as the action taken by the Special Political Committee, and now the decision of the General Assembly itself. However, in operative paragraph 2, subparagraph (a), the draft makes statements of substance that are alien to the specific task entrusted to the Special Committee. Paragraph 4 also is defective because it too goes beyond the Committee's terms of reference. It does not enhance the soundness of our resolutions to bring in partial aspects of a given problem in any resolution in a disorderly hit or miss fashion. The Assembly devoted special attention to the tremendous problem of the Middle East situation, and adopted a resolution thereon [*resolution 2799 (XXVI)*]. This was then the substantive decision. Thus the criterion was laid down and guidelines established for the restoration of peace. It is not appropriate now to make any additions.

37. At the appropriate time our delegation not only defined Uruguay's attitude and its desire for peace and justice but, together with Costa Rica, put forward a draft resolution [*A/L.652/Rev.1*]. Politically speaking, the draft now before us is inoperable. It lays stress on extolling, supporting and encouraging a Special Committee which has been able to do nothing and will be able to do nothing in future. Why? Because Israel, rightly or wrongly, not only does not co-operate in or facilitate the work of the Committee, but it even denies the legitimacy of its existence. We do not support Israel's legal challenge of the validity of the Committee, but Israel also attacks the Committee politically because it is composed of representatives of three States which have no relations with Israel but

do have relations with the Arab States involved, one of which is also at war with Israel.

38. That being the case, can anyone cherish the rosy illusion that the Special Committee will be able under this declaration of the General Assembly successfully to perform its task of investigation and pacification at which thus far it has failed? We are not attacking the Special Committee, its intentions or its acts, but being realistic we recognize that its composition was not a sound political decision. That being the case, the instrument does not serve the purposes for which it was designed and to press it is therefore ineffective. What is more, since this is a case of war, when excesses are being investigated, this inquiry cannot be restricted to one of the sides when, unfortunately, on the other sides there are also guerrilla fighters who suffer and infringe human rights through actions in which the Israelis are not involved.

39. As part of our objection to the draft resolution, we would also say that there are some harsh generalized conclusions which are not duly substantiated by proof, such as those appearing in operative paragraph 2, subparagraphs (f) and (g).

40. In conclusion, we say that from the practical or realistic standpoint or in terms of usefulness the draft marks a step backwards. We are not in favour of farming the sea or mere platonism. In the face of situations which we all seek to counteract and to remedy, we could take steps forward such as for example setting up a committee that was politically impartial to which none of the parties in conflict could object; and give it specific powers by agreement with the parties concerned; we should not try to force a link with the activities of the International Red Cross, an organization which resists all attempts to make it political. We could place the parties in conflict on an equal footing and ensure within the Assembly itself, in the face of the reality of an unfortunate state of war, that Israel by making an identical statement will co-operate together with the other belligerent States in the implementation of the Geneva Conventions. Nothing of this is achieved nor will it be obtained by the adoption of this draft, which will be no more than an additional declaration which will bring reparation to no one, nourish no hopes but which will on the contrary bring about new and painful disappointments.

41. It is for this reason, and only for this reason, that Uruguay does not wish to support new actions which solve nothing and only serve to engender further tension, frustration and division. Our attitude in this respect does not detract from our concern for the fate of the many innocent victims of the lack of insight of the leaders of peoples. We would however urge everyone to show understanding and realism, exercised in the service of the common cause of all mankind—with a capital M—of Arab and Israeli brothers, of man, the great protagonist, the victim, the forgotten one, smothered under nationalisms, dogmas, sermons, systems, passion and violence.

42. Mr. MOUSSA (Egypt): We have heard certain statements against the draft resolution before us and, in fact, against the subject of the protection of the human rights of the inhabitants of the occupied territories. The Israeli representative raised several points, the first of which was

that the draft resolution—which is necessary as a part of the United Nations efforts to protect the human rights and fundamental freedoms of oppressed peoples—is but an incitement to hatred.

43. I wonder whether a call for application of the Geneva Conventions is an incitement to hatred. I wonder whether a stand by the United Nations against settling or colonizing the occupied territories is an incitement to hatred. Is a call for the protection of the human rights of the population of the occupied territories an incitement to hatred? Is the application of the basic principles of human rights an incitement to hatred?

44. It is the practices and the policies of Israel in the occupied territories which are indeed an incitement to hatred. The annexation of territories, the establishment of Israeli settlements, the destruction and demolition of villages and towns, the evacuation, transfer and deportation of inhabitants and the ill-treatment and torture of prisoners and detainees are indeed an incitement to hatred.

45. Hence this draft resolution calls for an end to such practices which are an incitement to hatred.

46. The Israeli representative spoke about the composition of the Special Committee; we heard that the members of that Special Committee have certain views towards Israel. However, many other Committees—one of them established by the Commission on Human Rights, the members of which are from Austria, Peru and other countries—have, I understand, been rejected and attacked. Indeed, the integrity of the members of that particular Committee has been under constant attack from the Israeli quarter. Thus it is not a question of the membership of the Special Committee; it is a matter of a standard behaviour and attitude taken by Israel against any Committee—anybody—that intends to investigate violations of human rights or to protect the human rights and fundamental freedoms of the inhabitants of the occupied Arab territories.

47. The Israeli representative spoke of the investigation of one State while three other States were not being investigated. Perhaps that needs certain clarification. The investigation applies to the Arab territories under Israeli occupation; it is not an investigation of Israel or of what is happening in Israel. I would say that what is happening in Israel—its policies of racial discrimination and oppression—indeed needs investigation; but that is not at issue today. At issue today is the investigation of Israeli practices violating the human rights of the inhabitants of the occupied Arab territories. Hence there is no point in saying, as did the representative of Uruguay and, of course, the representative of Israel, that there is an imbalance in the terms of reference of the Special Committee.

48. Then the Israeli representative spoke of automatic support, which is why his delegation considers this draft resolution, adopted in the Special Political Committee, as a minority resolution; that is why they will treat it with contempt. However, I just want to say that there is another resolution, adopted right here in this Assembly some days ago, by a majority of 79 votes. I hope that it too will not be treated with contempt. Since the minority draft resolution, as they say, is to be treated with contempt, let us see the

rejection and the contempt they show for other resolutions adopted either by vast majority or even by unanimity.

49. As for the "co-operation" of the Israeli occupation authorities with the Arab inhabitants, which the Israeli representatives call "good-neighbourliness", the only phrase I have heard in this context is "neighbourhood punishment". However, the "good-neighbourliness" and "co-operation" with inhabitants of occupied territories is a very old story; we have always heard from colonizing Powers that they co-operate while they oppress, and that they want to serve the people while they kill them and prevent them from enjoying their fundamental rights and basic freedoms.

50. We consider this draft resolution before the General Assembly today as a necessary step to help protect the human rights of the people in the Israeli-occupied territories. We should never forget that those people are living under military occupation and military rule. They need your support in order to have their human rights protected, and your vote today will be of great value to them and to their basic rights.

51. Mr. ABDILLEH (Somalia): The representative of Israel today made a rambling statement in which he touched upon many topics, some relevant, others totally irrelevant to the item under discussion. My delegation wishes to reply to some of the points raised by him in his intervention.

52. His remarks on the validity or otherwise of the report are, of course, a matter for the General Assembly to decide upon. A Somali proverb says, "You cannot free an arrow which has pierced your body by shaking it". Truth hurts, but truth cannot be so easily erased.

53. My delegation is always amused by what the representative of Israel has to say concerning the members of the three-man Committee. He has on so many occasions said that each is completely identified with Arab hostility towards Israel. And many times, not only here today, he has gone on to say that Somalia, my country, has even denied Israel the right to independence and sovereignty and that our Foreign Minister last year said that Somalia considers itself to be in a state of war with Israel. He makes that kind of intervention in practically every forum of the United Nations.

54. Let us examine the question of Israel's right to sovereignty and independence. Does it imply that Israel's sovereignty and independence are more sacred than the sovereignty and independence of other peoples in the region it now occupies? Will Israel deny that it established its right to sovereignty and independence at the expense of millions of people, and at the point of a gun?

55. If Israel wants the international community to recognize its right to independence and sovereignty, let it first recognize the rights of others. Those homeless destitutes at the doorstep of Israel who have been appealing to be allowed to return to their homes surely are as much entitled to independence, sovereignty and self-determination as are the Israelis themselves. Instead, Israel continues to pursue a policy which has brought the deprived people of Palestine and the occupied territories misery, despair and destruction. So much for the denial of independence.

56. As for Somalia's being in a state of war with Israel, a charge which has also been repeated many times, I have this to say. The concept of war has many facets. There is the active physical state of war; there is cold war; there is moral war. Israel is and always has been at war. It has many wars—wars with peoples, with itself, and with the Charter. No Somali soldier has ever exchanged fire with an Israeli soldier. Our frontiers are far apart. Seas and countries separate us.

57. Let me make this clear to the representative of Israel. Somalia respects and firmly holds to the principles of the Charter and the meaning of international law. We firmly believe in human rights. We do not compromise on these issues, whatever the circumstances. Israel is at war with the Charter, and in that respect we are naturally—and I would emphasize "naturally"—in a state of moral war and conflict with Israel. That does not make our services to the United Nations or any committee or any forum any more prejudicial to the Charter than is Israel itself to the meaning of the principles that gather us together here.

58. The PRESIDENT: We shall now vote on the draft resolution recommended by the Special Political Committee in paragraph 11 of its report [A/8630]. The administrative and financial implications of that draft resolution appear in the report of the Fifth Committee contained in document A/8636. A recorded vote has been requested.

A recorded vote was taken.

In favour: Afghanistan, Algeria, Bahrain, Bulgaria, Burundi, Byelorussian Soviet Socialist Republic, Ceylon, Congo, Cuba, Cyprus, Czechoslovakia, Egypt, Equatorial Guinea, Greece, Guinea, Hungary, India, Indonesia, Iran, Iraq, Jordan, Kuwait, Lebanon, Libyan Arab Republic, Malaysia, Mali, Mauritania, Mongolia, Morocco, Niger, Nigeria, Oman, Pakistan, People's Democratic Republic of Yemen, Poland, Qatar, Romania, Saudi Arabia, Senegal, Somalia, Spain, Sudan, Syrian Arab Republic, Togo, Tunisia, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Tanzania, Yemen, Yugoslavia, Zambia.

Against: Barbados, Bolivia, Canada, Costa Rica, Dominican Republic, El Salvador, Gambia, Guatemala, Haiti, Israel, Lesotho, Liberia, Madagascar, Malawi, Nicaragua, Paraguay, Swaziland, United States of America, Uruguay, Zaire.

Abstaining: Argentina, Australia, Austria, Belgium, Botswana, Brazil, Burma, Cameroon, Central African Republic, Chad, Chile, Colombia, Dahomey, Denmark, Ecuador, Ethiopia, Finland, France, Ghana, Guyana, Honduras, Ireland, Italy, Ivory Coast, Jamaica, Japan, Kenya, Luxembourg, Malta, Mexico, Netherlands, New Zealand, Norway, Peru, Philippines, Portugal, Rwanda, Sierra Leone, Singapore, Sweden, Thailand, Trinidad and Tobago, Uganda, United Kingdom of Great Britain and Northern Ireland, Upper Volta, Venezuela.

The draft resolution was adopted by 53 votes to 20, with 46 abstentions (resolution 2851 (XXVI)).

59. The PRESIDENT: I call upon the representative of Ecuador, who wishes to speak in explanation of his vote after the vote.

60. Mr. BENITES (Ecuador) (*interpretation from Spanish*): My delegation abstained in the vote on the draft resolution in the Special Political Committee and in the Assembly. My delegation's abstention stems from the fact that we are unable to vote against a draft resolution containing certain principles that constitute the traditional basis of Ecuador's international policy. However, my Foreign Ministry has specifically instructed me to state that the problem on which the Assembly has just voted is in its opinion but one chapter in the struggle between Israel and the Arab States and that accordingly it should be solved through comprehensive negotiations between the parties concerned on an equal footing.

61. I should like to recall that the conduct of negotiations as advocated in Security Council resolution 242 (1967) has already been the subject of discussion, and it remains for me only to express the hope that the negotiations that were opened will lead to a just and lasting peace.

62. My Foreign Ministry considers that violations of human rights must be condemned wherever they occur, without any discrimination whatsoever, and that war is a violation of international law which leads to the violation of human rights.

63. In complying with the express instructions of my Government, which balance principles with facts, I should like to voice my personal opinion that the condemnation of war as an unlawful act derives precisely from the fact that it violates contemporary international law, which does not recognize war as a means of creating, abolishing or altering rights, and hence the annexation of territories by force and the threat or use of force except as provided in Article 51 of the Charter relating to self-defence, are considered as illegal.

64. Precisely because war leads to the violation of human rights—a situation which unfortunately has occurred and still occurs in various parts of the world and which should be condemned—it is desirable to give broad and universal implementation to the Geneva Conventions on respect for human rights in armed conflict and the covenants safeguarding human rights in general from any form of discrimination by broadening and applying the principles contained in the Preamble and in Chapter I of the Charter.

65. The PRESIDENT: This concludes our consideration of agenda item 40 and thereby of all the items allocated to the Special Political Committee.

AGENDA ITEM 49

Respect for human rights in armed conflicts:

- (a) Report of the Secretary-General;
- (b) Protection of journalists engaged in dangerous missions in areas of armed conflict: report of the Secretary-General

REPORT OF THE THIRD COMMITTEE (A/8589)

AGENDA ITEM 12

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

CHAPTERS VIII (SECTION F), XV, XVI, XVII (SECTIONS A AND B AND D TO M), XVIII (SECTIONS A TO C), XIX, XXI AND XXII: REPORT OF THE THIRD COMMITTEE (A/8588)

AGENDA ITEM 62

Town twinning as a means of international co-operation

REPORT OF THE THIRD COMMITTEE (A/8600)

66. Mr. MOUSSA (Egypt), Rapporteur of the Third Committee: I have the honour to introduce the Third Committee's reports on three items. I shall begin with the item on respect for human rights in armed conflicts [A/8589].

67. This item is divided into two parts consisting of two subitems. The first is the report of the Secretary-General on the question of respect for human rights in armed conflicts, and the second concerns the protection of journalists engaged in dangerous missions in areas of armed conflict.

68. On the first point the recent history of the subject emanated from the International Conference on Human Rights held in Teheran in 1968. As a result of the deliberations of that Conference the United Nations undertook many activities in this field. Studies were requested, standard minimum rules and principles were declared in order to save the civilian population from the sufferings inflicted upon them by indiscriminate attacks. More important was the view expressed all through the last three sessions of the General Assembly to the effect that the main task in this connexion would be to ensure the application, or the better application, of the existing rules and conventions, such as the Geneva Conventions. A basic point in this respect was constantly stressed, namely, co-operation between the United Nations and the Red Cross. The General Assembly therefore concentrated to some extent last year, at the twenty-fifth session, as it did this year, rather on procedural discussions and resolutions, bearing in mind that the Red Cross held last year—and will hold this year—an international conference of government experts of all States parties to the Geneva Conventions in order to elaborate on the various subjects involved.

69. Consequently, the Third Committee recommends to the General Assembly the adoption of draft resolutions I and II, contained in paragraph 33 of the report.

70. On the second point, namely, the protection of journalists engaged in dangerous missions in areas of armed conflict, the Committee, after having expressed interest in the subject, was unable to adopt a text concerning a draft protocol because of the care with which such a protocol or convention should be treated, especially as many delegations in fact said during the discussion of the item that a balance should be established between the rights and the obligations of the journalists and a clear definition of the journalists. It was apparent that the vast majority of Member States needs to ensure the *bona fide* nature of the

journalists envisaged by the system of protection. Therefore, the Third Committee, believing it necessary to adopt a convention or protocol providing for the protection of journalists engaged in dangerous missions in areas of armed conflict, has requested the Commission on Human Rights, through the Economic and Social Council, to consider the matter again in the light of the discussions which have taken place during the twenty-sixth session and the new ideas that have been proposed on this question.

71. The Third Committee recommends the adoption of draft resolution III.

72. I have very little to say concerning agenda item 62 on town twinning as a means of international co-operation, except to clarify certain matters with regard to translation, especially in Spanish and English. In the draft resolution contained in paragraph 12 of document A/8600, operative paragraph 1 contains the word "communities", and operative paragraph 2 contains the words "communal and municipal". I have been told by many of the Spanish-speaking representatives that the word "communal" is not quite accurately translated into Spanish and that they would prefer the word "inter-municipal". Certain representatives have questioned the accuracy of the word "communal" in English. Therefore, before the Assembly votes on this draft resolution, I should like to refer to the comments of some representatives. I think it was the representative of India who said that instead of saying "co-operation between communities" it should be "co-operation between municipalities"; and instead of "communal and municipal activity" it should be only "municipal activity". These are all translation exercises, but they are very important since some of the words used in the English draft do not exist in some of the other languages.

73. The third and final report that I have to introduce today is the report of the Third Committee [A/8588] on the report of the Economic and Social Council. The Committee recommends six draft resolutions, which appear in paragraph 31 of the report.

74. Draft resolution I deals with the United Nations Children's Fund. It endorses the policies of the Fund and requests the Fund to continue and expand its co-operation.

75. Draft resolution II deals with the declaration on the rights of mentally retarded persons. Its text resulted from the co-operative work between the United Nations and the specialized agencies concerned. This draft declaration, before being endorsed by the General Assembly, had been endorsed by the Commission for Social Development and, of course, by the Economic and Social Council. It was pointed out during the discussion—and this is an important observation—that the draft declaration was not intended for immediate implementation by countries whose resources would not be sufficient for such a purpose. It is designed only as a common basis for action and a frame of reference for Governments.

76. Draft resolution III deals with capital punishment. It does not ask Governments to abolish capital punishment, but merely expresses the hope that in the future a progressive decrease in the number of offences subject to capital punishment will be achieved.

77. Draft resolution IV deals with human rights in the administration of justice. The work in this field has been elaborated through the functional commissions of the Economic and Social Council, namely, the Sub-Commission on Prevention of Discrimination and Protection of Minorities, the Commission on Human Rights, and the Commission for Social Development.

78. Draft resolution V deals with youth and dependence-producing drugs. It mainly appeals to all States to enact effective legislation against drug abuse, providing severe penalties for those engaged in illicit drug-trafficking.

79. Finally, draft resolution VI deals with the celebration of the twenty-fifth anniversary of the Universal Declaration of Human Rights. It states that the General Assembly, desiring to mark in 1973 the twenty-fifth anniversary of the Declaration, decides to consider at the next session the question of the preparation of an appropriate programme for its assurance.

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

80. The PRESIDENT: The General Assembly will consider first the report of the Third Committee [A/8589] on agenda item 49.

81. First, I put to the vote draft resolution I. The administrative and financial implications of that draft resolution appear in the report of the Fifth Committee contained in document A/8612.

82. A separate vote has been requested on operative paragraph 5.

Operative paragraph 5 of draft resolution I was adopted by 90 votes to none, with 24 abstentions.

83. The PRESIDENT: I now put to the vote draft resolution I as a whole.

Draft resolution I as a whole was adopted by 110 votes to 1, with 5 abstentions (resolution 2852 (XXVI)).

84. The PRESIDENT: I now put to the vote draft resolution II.

Draft resolution II was adopted by 83 votes to 15, with 14 abstentions (resolution 2853 (XXVI)).

85. The PRESIDENT: We turn now to draft resolution III.

86. A separate vote has been requested on the words "as a matter of priority" in operative paragraph 6.

The words were retained by 42 votes to 2, with 73 abstentions.

87. The PRESIDENT: We shall now vote on draft resolution III, as a whole.

Draft resolution III as a whole was adopted by 96 votes to 2, with 20 abstentions (resolution 2854 (XXVI)).

88. The PRESIDENT: We shall now take up the report of the Third Committee [A/8588] on agenda item 12.

89. The Assembly will vote, one by one, on the six draft resolutions recommended by the Third Committee in paragraph 31 of its report.

90. After all the votes have been taken, I shall call on those representatives who wish to explain their vote.

91. We shall now vote on draft resolution I. Since that draft resolution was adopted unanimously by the Third Committee, may I take it that it is the wish of the General Assembly to do likewise?

Draft resolution I was adopted (resolution 2855 (XXVI)).

92. The PRESIDENT: I now put to the vote draft resolution II.

Draft resolution II was adopted by 110 votes to none, with 9 abstentions (resolution 2856 (XXVI)).

93. The PRESIDENT: We shall now vote on draft resolution III; separate votes have been requested on the last paragraph of the preamble and on operative paragraph 6.

The last paragraph of the preamble to draft resolution III was adopted by 37 votes to 3, with 71 abstentions.

Operative paragraph 6 of draft resolution III was adopted by 41 votes to none, with 68 abstentions.

94. The PRESIDENT: I shall now put to the vote draft resolution III, as a whole. A recorded vote has been requested.

A recorded vote was taken.

In favour: Austria, Belgium, Bulgaria, Byelorussian Soviet Socialist Republic, Canada, Central African Republic, Chad, Colombia, Costa Rica, Cyprus, Czechoslovakia, Denmark, Ecuador, Ethiopia, Finland, France, Ghana, Greece, Guatemala, Honduras, Hungary, Iceland, India, Ireland, Israel, Italy, Ivory Coast, Laos, Luxembourg, Madagascar, Malta, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Pakistan, Panama, Paraguay, Philippines, Poland, Portugal, Romania, Senegal, Singapore, Somalia, Spain, Sweden, Togo, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, Upper Volta, Uruguay, Venezuela, Yugoslavia.

Against: Saudi Arabia.

Abstaining: Afghanistan, Algeria, Argentina, Australia, Bahrain, Barbados, Bolivia, Botswana, Brazil, Burma, Burundi, Cameroon, Ceylon, Chile, Congo, Dahomey, Dominican Republic, El Salvador, Equatorial Guinea, Guinea, Guyana, Haiti, Indonesia, Iran, Jamaica, Japan, Kenya, Kuwait, Lesotho, Liberia, Libyan Arab Republic, Malaysia, Mali, Mauritania, Mexico, Morocco, People's Democratic Republic of Yemen, Peru, Qatar, Rwanda, Sierra Leone, Sudan, Swaziland, Syrian Arab Republic, Thailand, Trinidad and Tobago, Tunisia, Turkey, Uganda,

United Republic of Tanzania, United States of America, Yemen, Zaire, Zambia.

Draft resolution III, as a whole, was adopted by 59 votes to 1, with 54 abstentions (resolution 2857 (XXVI)).

95. The PRESIDENT: We shall now vote on draft resolution IV.

Draft resolution IV was adopted by 111 votes to 7, with 3 abstentions (resolution 2858 (XXVI)).

96. The PRESIDENT: We turn now to draft resolution V. An amendment has been proposed to the seventh preambular paragraph and a separate vote has been requested on operative paragraph 1.

97. I call on the representative of the Byelorussian Soviet Socialist Republic, who wishes to introduce the amendment.

98. Mr. LOSCHININ (Byelorussian Soviet Socialist Republic) (*translation from Russian*): The report of the Third Committee submitted to the General Assembly on agenda item 12 [A/8588] contains draft resolution V, entitled "Youth and dependence-producing drugs".

99. Operative paragraph 3 of that draft resolution contains an appeal to all States to take effective measures, including the enactment of legislation, against drug abuse. In other words, it is recognized in that paragraph that it is primarily on States and the relevant measures they take that success depends in the struggle against drug addiction and every type of drug abuse. At the same time, it is noted in the seventh preambular paragraph that this social malady can be effectively countered only through international co-operation.

100. As you can see, there is clearly a discrepancy between the operative part and the preamble of this draft resolution. Without denying the significance of international co-operation in this matter, the delegation of the Byelorussian SSR feels that the preamble and the operative part of the draft resolution should be balanced and proposes therefore that after the words "only through", the following phrase should be inserted: "the consistent implementation by States of their relevant national measures coupled with". The complete text of the seventh preambular paragraph, with our amendment, would thus read as follows:

"Noting that only through the consistent implementation by States of their relevant national measures coupled with international co-operation can the dangers of drug abuse be reduced and this social malady effectively countered,".

101. It would then be clearly indicated in the preamble that an effective struggle against drugs depends both on the efforts of States at the national level and on international co-operation.

102. With our amendment the resolution as a whole would be more harmonious and objective.

103. I am glad to be able to inform the General Assembly that the delegation of Iceland, which first proposed this

useful resolution in the Third Committee, agrees with our proposal. The delegation of the Byelorussian SSR hopes that the General Assembly will unanimously adopt the amendment in document A/L.668.

104. The PRESIDENT: In accordance with rule 92 of the rules of procedure, we shall vote first on the amendment. I now put to the vote the amendment [A/L.668] to the seventh preambular paragraph. The amendment is to insert after the words "only through" the words "the consistent implementation by States of their relevant national measures coupled with".

The amendment was adopted by 107 votes to none, with 8 abstentions.

105. The PRESIDENT: A separate vote has been requested on operative paragraph 1.

Operative paragraph 1 was adopted by 103 votes to none, with 15 abstentions.

106. The PRESIDENT: I shall now put to the vote draft resolution V as a whole, as amended.

Draft resolution V as a whole, as amended, was adopted by 122 votes to none, with 1 abstention (resolution 2859 (XXVI)).

107. The PRESIDENT: Lastly we come to draft resolution VI. Since the Third Committee unanimously adopted draft resolution VI, may I take it that the Assembly wishes to do likewise?

Draft resolution VI was adopted (resolution 2860 (XXVI)).

108. The PRESIDENT: I now invite Members to turn their attention to the report of the Third Committee [A/8600] on agenda item 62. The Assembly will now vote on the draft resolution recommended by the Third Committee in paragraph 12 of the report.

109. A separate vote has been requested on operative paragraph 2 (a).

Operative paragraph 2 (a) was adopted by 67 votes to 12, with 28 abstentions.

110. The PRESIDENT: The Assembly will now vote on the draft resolution as a whole.

The draft resolution as a whole was adopted by 85 votes to 4, with 27 abstentions (resolution 2861 (XXVI)).

111. The PRESIDENT: I call on the Chairman of the Third Committee, Mrs. Sipilä of Finland.

112. Mrs. SIPILÄ (Finland), Chairman of the Third Committee: As it was not possible for me to make my concluding remarks at the end of the last meeting of the Third Committee, I am grateful for this opportunity to do so at a time when all our reports have been adopted in the General Assembly.

113. The Third Committee used over 200 hours for its 84 meetings, the last of which actually took more than the normal time for three meetings. Only three of the 17 items on its agenda were deferred without debate.

114. Among the most important resolutions were: the resolution on assistance in cases of natural disaster, including the creation of the post of a relief co-ordinator in the United Nations system; the resolution concerning a programme in the field of social progress to be implemented during the Second Development Decade; the four resolutions on intensified action for the elimination of racial discrimination; and the three resolutions on human rights in armed conflicts. Continuous support for the activities of the United Nations High Commissioner for Refugees and of the United Nations Children's Fund was also guaranteed.

115. Regrettably, time did not allow a more thorough consideration of all the important items on the agenda but after the conclusion of some items, it is realistic to hope that more time will be allowed for the remaining items during forthcoming sessions.

116. In conclusion, I should like to express my warmest thanks to all the representatives for their excellent co-operation with the Chairman and for their devoted contribution to our common cause.

117. My special thanks go to the officers of the Committee: Mr. Mahmassani, the Vice-Chairman, whose never-failing, loyal assistance has deeply touched me; and Mr. Moussa, the Rapporteur, whose devoted work is reflected in many ways in our reports.

118. I should like to express my most sincere thanks to Mr. Schreiber, Director of the Division of Human Rights, and to Mr. Jansson, Director of the Social Development Division, whose experience and knowledge in their fields helped the Chairman in many ways.

119. I am very grateful to the most efficient Secretary of the Committee, Mr. Lüttem, and to many others, who in various ways contributed to our work by their wisdom, knowledge and experience in various fields.

120. My warm thanks go also to the interpreters, to the précis-writers and to the technical assistants, whose devoted work, especially during the late hours, I will always remember gratefully.

121. I cannot finish without expressing my special thanks also to the United Nations security guards, who were always prepared and willing to ensure our well-being, whatever the needs might have been.

122. During the meetings our opinions often differed, mainly because of our different backgrounds. We should, however, never lose sight of our common goal: the implementation of the universally accepted human rights. This is and remains a unifying factor and the differences relate only to the methods of implementation.

AGENDA ITEM 3

Credentials of representatives to the twenty-sixth session of the General Assembly (concluded):*

(b) Report of the Credentials Committee

123. Mr. ABDILLEH (Somalia): My delegation challenged the credentials of the representatives of South Africa last

* Resumed from the 2025th meeting.

year on at least two occasions, and we are doing so again today on the same grounds. Our reasons for doing so then were and still are that the time has come—actually, long passed—for the question of South Africa's representation to be treated as one that goes beyond mere formality; the question must be one of substance and not of form.

124. The challenge is based on the fact that the issuing authority, the so-called Government of South Africa, represents only a small minority group; it does not represent the 15 million Bantus, or the 500,000 Asians, or the 1.5 million Coloured people who together make up over 70 per cent of the population. The so-called Government of South Africa is composed of white men, it is elected only by white men, it is responsible only to white men, and it is obliged primarily to promote and uphold the interests of white men. Our challenge is also based on the unprecedented record of violations of human rights by the nationalist leaders of South Africa, a record with which this Assembly is all too familiar. A Government, indeed—composed of a pack of criminals.

125. This challenge is not made without precedents, from 1963 to the present year, 1971.

126. For the same reasons my delegation moves the following amendment contained in document A/L.666 to the draft resolution in paragraph 18 of the report of the Credentials Committee [A/8625]:

“Add the following phrase to the draft resolution: ‘except with regard to the credentials of the representatives of South Africa’.”

The draft resolution would then read:

“The General Assembly

“Approves the report of the Credentials Committee, except with regard to the credentials of the representative of South Africa.”

127. Mr. ENGO (Cameroon): The Cameroon delegation fully supports the amendment contained in document A/L.666, presented last Saturday [2025th meeting] by the representative of Somalia, our brother Mr. Farah, and so ably introduced this afternoon.

128. The representative of the United States, Mr. Phillips, commented at the same meeting that the subject-matter of Mr. Farah's proposal was an old one and that it was well known. Without imputing motivations, I should like to observe that that sentiment is representative of the mood that some delegations appear to have conveniently acquired over the serious question of self-determination as it applies to the populations of South Africa.

Mr. Bitsios (Greece), Vice-President, took the Chair.

129. When an issue becomes “old and well known”, it should, in their view, be treated with complacency and sometimes with contempt. There are even those with base ambitions, whose shortsightedness would promote delay and frustrate the United Nations drive for justice and peace in the hope that the passage of time would induce complacency and thus diminish or destroy significance.

130. The fact remains that the General Assembly, by its refusal to accept the credentials of the present representatives of the régime in Pretoria, especially in the commemorative twenty-fifth anniversary session, had for the first time faced the problem squarely and taken a necessary step.

131. There were two measures put to the General Assembly last year: either to expel South Africa from the Organization or to refuse the credentials of the representatives of the minority group sent here from South Africa. We chose the latter in the hope that the rebuke involved would induce a change in attitude on the part of the oppressors of that land. The peoples of South Africa as a whole deserve a seat in the United Nations. Since the people have not expressed their will in exercise of self-determination, it continues to be improper for representatives of occupation elements who have become citizens to be accepted here.

132. Nothing new has happened since our vote on this issue last year. On the contrary, the racist Fascist régime in Pretoria continues to dance with enthusiasm to illusion's tune in which the lyrics predict that all is well and that all will always be well. That régime has continued to defy the United Nations and its resolutions. It has pursued with added vigour the mockery of the principles and purposes of the Charter of the United Nations. It has not taken a single step to right the wrong of oppression and the refusal of fundamental human rights and dignity to the majority of the citizens of that land.

133. In fact, today not only has the voice of that majority remained, at best, muffled, but new techniques are being employed by this régime to silence that voice for all time. The advancements in science and technology are being used to the utmost advantage.

134. This seems particularly unfortunate, especially viewed against the background of the evils of *apartheid* revealed in the ocean of United Nations and other documentation on the subject. Their study discloses the demolishing effect that it is having even on the racist régime's capacity for a basic moral, political and legal rationale. The direct result, as we see it, is that the majority of the people have still to exercise their right of self-determination. Their chosen leaders, whose representatives should occupy the seats provided for South Africa here, are languishing in jails and are being dehumanized.

135. Any vote that we take here will be significant—either for truth and justice or alternatively to strengthen the faith of the racist régime of South Africa in the validity of its course. To accept the credentials of the men who claim to represent South Africa in these halls is to endorse that course. That would be the effect of your vote.

136. It is dangerous merely to classify this debate as procedural. In fact it involves a substantive question masquerading as a procedural one. The choice concerning the restoration of the legal rights of the vast majority of the Chinese peoples was not based on a purely procedural consideration. This Assembly must examine the substance of the problem and reach legal and political decisions on it.

137. In South Africa this season, the white racists undoubtedly join with the rest of the Christian world in celebrating Christmas. They sing the great songs which spell the spirit of goodwill and common human brotherhood—peace on earth, goodwill towards men; love thy neighbour as thyself; we are all God's children. These are some of the lyrics from the great songs of adoration and dedication. But what mockery they make of the message of yuletide. This Christmas, African men, women and children must continue to pay the price of something for the creation of which they did not take a conscious part—the pigmentation of their skin. The fathers and mothers must face the gruesome prospect that their children may never be able to exercise freedom of movement within their fatherland or even freely to depart from that land. They must explain to the youth the grim truth that a white skin is the only passport to political and economic advancement. They are expected to tell the youth to suppress their indignation because the spirit of Christmas demands love of one's neighbours, even of one's enemies.

138. Is it not a sad note that in spite of our colossal knowledge of history, in spite of the tremendous advancements that we have made in science and technology in this age, some of our generation are still so desperately blinded by illusions and miscalculations?

139. Look around, I would say to the racists of South Africa. You are moving with history like everybody else, and you are at a frightening crossroads in that history. Look how dim and bloody is the path of dictators, racists, imperialists and oppressors. Read all the writing on the wall, not just a convenient portion of it. If you and your régime see it as clearly as others do, you will not sleep, you will not eat, you will tremble with confusion and remorse. You cannot stop history's knife now, except by a change of direction. For you see, history does not repeat itself, except given identical conditions. Watch the trend globally, even in this era. Note also that everywhere, including South Africa itself, the youth are quivering with aggravated indignation. You cannot resist their push. For even your grown-ups tremble with increasing uncertainty, with doubt, and in some cases with a horror of realizing that they hold on to concepts that are not only barbarous but are rooted in the laws of the jungle, which they openly abhor.

140. No resolutions approved or disapproved here alone can bring change in South Africa. The wheel of time is turning. It crushes along its path all who have seized political power and have not used it with a sense of justice.

141. In your arrogance you may build in South Africa all the factories of weaponry that your powerful gold can sustain. You may strengthen your forces in the air, land and sea the best you can. Remain in the good books of your allies and accomplices—do all that and more along that line, but that will not be enough. The will of an oppressed people will prevail in the end, the oppressive use of sophisticated modern weapons of destruction notwithstanding. Your truest enemies are within your own land. They are not outside. They are perhaps even more so among your so-called white people themselves, among your youth and among your adults—from among African Coloured and white alike.

142. The fall of the Pretoria régime, as it exists today, will surely come, and you will not have to look far or abroad for the cause. When it does, you will hunger and thirst for pity and help from without. In response, your ardent friends of today will make only a few noises; but they will take cover under principle, as the faits accomplis pile one upon the other. They will watch you disappear with open eyes.

143. My commentary has been somewhat lengthy only because of the grave nature of the issue now before us. We strongly appeal to the delegations here to vote on the side of truth. Let us have a larger vote than last year and arrest the pace of the South African régime's growing illusion and arrogance. We would be asking of them no more than we ask for ourselves—that justice according to law and the rules of decency shall prevail.

144. The Credentials Committee has once again recommended that the General Assembly should endorse the presence of those who now occupy the seat reserved for the accredited representatives of South Africa. We once again reject this, and demonstrate our rejection of oppression and *apartheid* in the strongest of terms.

145. In conclusion, my delegation wishes once again to register its profound regret at the delay which has attended the submission of the report of the Credentials Committee. As we pointed out last Saturday, in spite of the clear provisions of rules 27 and 28 of the rules of procedure, the Credentials Committee met only last Friday—with only three working days to the end of the session. This type of delay is undesirable as it destroys the purpose of examining the credentials of representatives. It is the hope of the delegation of the Federal Republic of Cameroon that this will not happen in future.

146. Finally, we should like to state that we fully support and shall vote for the amendment contained in document A/L.666 submitted by the delegation of Somalia.

147. Mr. CHEN (China) (*translation from Chinese*): With regard to the report on the credentials of representatives to the twenty-sixth session of the General Assembly submitted by the Credentials Committee [A/8625], the Chinese delegation deems it necessary to point out that the Lon Nol clique is a puppet clique reared and fostered solely by United States imperialism. Without the support of United States imperialism it could not exist for a single day. It has no qualifications at all to represent the Khmer people. Only the Royal Government of the National Union of Cambodia led by the Cambodian Head of State, Prince Norodom Sihanouk, is the true representative of the Khmer people.

148. The South African white colonialist ruling authorities are a racist régime imposed on the South African people. That régime has no right whatsoever to represent the South African people. Therefore the Chinese delegation disagrees with the qualifications of the so-called representatives of Khmer and South Africa.

149. Mr. DIGGS (Liberia): In the meeting of the Credentials Committee on Friday, 17 December, the delegation of Liberia voted against acceptance of the credentials of the delegation of South Africa and we now support the

amendment submitted by Somalia in document A/L.666. We are minded to take this course of action not for the purpose of seeking the suspension or the expulsion of South Africa from the United Nations, because we are very conscious of the fact that Articles 5 and 6 of the Charter of the United Nations provide that the suspension or expulsion of a Member of the United Nations must first be based on the recommendation of the Security Council. As the Security Council has not in this case recommended the suspension or expulsion of South Africa from the United Nations, it would be unconstitutional for the General Assembly, without such a recommendation, to take that action.

150. We nevertheless take into consideration the statement made by the President of the twenty-fifth session of the General Assembly, Mr. Edvard Hambro:

“After listening very carefully to this extremely important and at times passionate debate, . . . after having studied very carefully the opinion given by my learned friend here on the rostrum, I reach the conclusion that a vote in favour of the amendment would mean, on the part of this Assembly, a very strong condemnation of the policies pursued by the Government of South Africa. It would also constitute a warning to that Government as solemn as any such warning could be. But that, apart from that, the amendment as it is worded at present would not seem to me to mean that the South African delegation is unseated or cannot continue to sit in this Assembly; if adopted it will not affect the rights and privileges of membership of South Africa. That is my understanding.” [1901st meeting, para. 286].

151. South Africa continues unrelentlessly its policies of *apartheid*, which are in utter violation of the purposes and principles of the Charter, and the least we can do in the circumstances is to condemn it for the horrendous malpractices in which it engages to subordinate the majority of its population and to deny them certain basic human rights.

Mr. Malik (Indonesia) resumed the Chair.

152. Mr. TRAORÉ (Mali) (*interpretation from French*): In the United Nations a practice is being established which deprives the report of the Credentials Committee of all meaning. Last year the General Assembly had examined this report only by 13 November. This year it is doing so on the day before the end of the regular session, but rule 28 of the rules of procedure of the General Assembly provides that “It”—meaning the Committee—“shall examine the credentials of representatives and report without delay.”

153. The interpretation of such a provision is quite simple. The Assembly should have the report of the Credentials Committee before it at the beginning of the session and not at the end as is now paradoxically the case.

154. In pronouncing upon the validity of representatives' credentials, the Assembly thus grants them the right to participate in its meetings and if necessary to vote on the conclusions of some of its deliberations. To this end it is recommended under rule 27 of the rules of procedure that the names of members of delegations shall be communicated to the Secretary-General, if possible not less than one

week before the date fixed for the opening of the session. This is also the reason why rule 29 of the rules of procedure recommends that a representative whose admission has aroused opposition be seated provisionally until the Credentials Committee has reported and the General Assembly has given its decision.

155. The delay in the submission of the report of the Credentials Committee is thus not in conformity with the rules of procedure which I have just cited. Our delegation hopes that in future this will not be repeated.

156. As regards the report itself [A/8625], we regret, together with the representative of Somalia, that it did not take into account resolution 2636 A (XXV) of the General Assembly on the excuse that the Committee can express its views only on the technical form of the credentials of representatives. We would be taking on very grave responsibilities vis-à-vis the United Nations if we were the first to undermine its authority by refusing to acknowledge its need for a certain continuity in its actions. Our documents have validity only if elaborated according to the spirit of the Charter. But the facts since 1949 prove that the policies of the Pretoria Government are incompatible with the fundamental principles of the Charter. To accept the credentials of such representatives would be tantamount to condoning the inhuman *apartheid* policy of the Pretoria Government which has already been condemned by the United Nations.

157. For these reasons, the delegation of the Republic of Mali firmly supports the amendment to the recommendation of the Credentials Committee proposed by Somalia [A/L.666]. We hope that the whole Assembly will adopt it for the sake of justice and legality. That would only serve to confirm the decision of the twenty-fifth session of the General Assembly on this matter.

158. Mr. BENNETT (United States of America): The United States opposes the proposal by the representative of Somalia that the General Assembly should approve the report of the Credentials Committee except with regard to the credentials of South Africa.

159. The rules of procedure of the General Assembly treat credentials as a technical and formal matter. Rule 27 requires only that: “. . . credentials shall be issued either by the Head of the State or Government or by the Minister for Foreign Affairs”. The credentials of the South African representatives meet this requirement fully; and that is the only requirement. That is all that our rules of procedure require. Credentials, under our rules, have nothing whatever to do with the representative character of a Government and its representatives. To introduce such a requirement only in the case of South Africa, while accepting credentials issued by unrepresentative or authoritarian Governments of many other Member States, would be indefensible and incompatible with our rules of procedure.

160. Mr. President, as you and the Members of the United Nations know, the United States has taken a clear and outspoken position on *apartheid* as a policy: we oppose *apartheid* because it is inconsistent with the dignity of man and the obligations of Members to promote universal respect for and observance of human rights and funda-

mental freedoms for all, without distinction. But neither the doctrine of *apartheid* nor our abhorrence of the system, or of any other authoritarian system, has anything whatever to do with the validity of the South African credentials. Those credentials are in order, like those of other Members. We should support the Credentials Committee on the South African credentials, just as we accept its report on the credentials of all other Member States.

161. As for the statement made concerning the Government of the Khmer Republic, the United States regrets that statement. I want to point out that by far the greater number of Members of the United Nations recognize that Government. We are, of course, aware of the claims made by certain private persons, sponsored and sustained by certain Governments, to a representative capacity with regard to the Khmer Republic. Such claims and assertions may raise important political issues, but those issues cannot be resolved by the General Assembly in the context of the report of the Credentials Committee.

162. Suffice it to say that the Credentials Committee has approved the credentials of Mr. Truong Cang and his delegation on the same basis on which it approved the credentials of the representatives of other Member States. It has determined that those credentials meet fully the requirements of the rules of procedure of the Assembly.

163. My delegation regrets that the Credentials Committee's report has been used as a peg on which to hang statements opposing the legitimate Government of the Khmer Republic.

164. Mr. NACO (Albania) (*interpretation from French*): The Credentials Committee, in its report [A/8625], recommends, *inter alia* approval of the credentials of the Phnom Penh and Pretoria régimes.

165. The Albanian delegation, as in the past, declares with all necessary vigour that it does not recognize the credentials of those two delegations. The Credentials of the representatives of the Phnom Penh régime emanate from a so-called Government that does not represent the people of Cambodia. We believe therefore that the credentials of the representatives of that Phnom Penh puppet régime should not be recognized as valid by this Assembly, the true Government of the people of Cambodia being the one that is headed by Prince de Samdech Norodom Sihanouk, Head of State of Cambodia.

166. The same comment applies to the credentials of the representatives of Pretoria. The majority of the South African people is unable to express its sovereign will to elect a government. This Assembly should not recognize the status quo in South Africa, and it can to that end, among other things, reject the credentials of the representatives of Pretoria.

167. In the light of the foregoing statements, the Albanian delegation will adopt a position accordingly on the documents before the Assembly.

168. Mr. ALARCON (Cuba) (*interpretation from Spanish*): My delegation will support the amendment [A/L.666] submitted by the delegation of Somalia in order

thus to express our repudiation of the barbarism of racial segregation as represented by the South African régime. That régime cannot, in fact claim representation of the African population of that country, which is suffering the effects of segregation, to which we have referred earlier, and which is struggling to eliminate segregation.

169. In voting on the report of the Credentials Committee my delegation wishes, moreover, to record its rejection of the representation of the Lon Nol régime—a régime that is a fabrication of the American and Saigon troops who are fighting against the people of Cambodia and all the Indo-Chinese peoples.

170. To us the only legitimate Government of Cambodia is the National Union Government presided over by Samdech Norodom Sihanouk, which is the very Government that is heroically facing foreign intervention in that country.

171. Mr. FACK (Netherlands): The item before the Assembly is the report of the Credentials Committee, which deals with the verification of the credentials of Member States represented here. The credentials of more than 130 Member States have been examined by the Credentials Committee and found to be in order in accordance with well-established practice and the rules of procedure of the Assembly.

172. My delegation is prepared to vote in favour of the Credentials Committee's report as it stands, thus endorsing and approving the work of verification carried out by the Committee. However, the delegation of Somalia has proposed an amendment to the Committee's recommendations with regard to the credentials of one Member State. My delegation will vote against this amendment because in our view it is contrary to the relevant rules of procedure of the General Assembly.

173. As many representatives pointed out last year, when a similar situation arose, deviation from our rules would create a most unfortunate and dangerous precedent, especially if such deviations were based, as in the present case, on considerations unconnected with the formal verification of credentials.

174. My delegation's total and unconditional condemnation of the policy of *apartheid* of the Government of South Africa of course remains entirely beyond question but today we are to vote on the verification of credentials issued by the Governments of Member States, and not on their policies. However, should the amendment be carried by a majority of delegations present and voting, as it was last year, my delegation would vote in favour of the amended report.

175. Our affirmative vote would be based on two considerations: in the first place, it seems important to us that the credentials of the more than 130 delegations represented in this hall are involved; in the second place, we associate ourselves with the interpretation of the amendment given by the distinguished and learned Legal Counsel last year³ which makes it clear that the delegation referred to in the

³ See *Official Records of the General Assembly, Twenty-fifth Session, Annexes*, agenda item 3, document A/8160.

amendment retains all its rights and privileges of membership notwithstanding embodiment of the amendment in the Credentials Committee's recommendations.

176. Mr. DIALLO (Guinea) (*interpretation from French*): The delegation of the Republic of Guinea wishes to support the amendment [A/L.666] proposed by its sister republic, Somalia.

177. To oppose the credentials of the present and happily provisional Government of South Africa cannot be a question of form, but definitely a matter of substance. There can indeed be no doubt that the Vorster clique represents a minority and is an illegal régime which has promoted racism, injustice and exploitation to a system of government in flagrant violation of the purposes and principles of the United Nations Charter. Thus it is a question of whether the United Nations General Assembly is able and willing to shoulder its responsibilities by opposing this régime, which has been condemned by the whole international community and constitutes an insult to dignity and morality.

178. The accursed Pretoria régime should have followed its own peculiar logic to the point of leaving the United Nations, since it is here obliged to sit next to African delegations. But since it will not willingly do so, it seems to our delegation that the international community should undertake to make it do so instead.

179. The Guinean delegation wishes to protest energetically here against certain insidious manoeuvres which are preventing the General Assembly from examining and adopting the report of the Credentials Committee [A/8625]. While rule 28 of the rules of procedure states that the Credentials Committee shall "examine the credentials of representatives and report without delay", it is clear that certain countries do everything to permit the General Assembly to examine the report of the Credentials Committee only during the last hours of the General Assembly session, in order specifically to get round the application of rule 29, which states that

"Any representative to whose admission a Member has made objection shall be seated provisionally with the same rights as other representatives until the Credentials Committee has reported and the General Assembly has given its decision."

180. What, then, would be the point of the General Assembly rejecting the credentials of any delegation a few hours before the end of the session when that delegation has been sitting among us for three months? That is why the Guinean delegation, together with many other delegations, will ensure that at the twenty-seventh session the report of the Credentials Committee is submitted in the first weeks of the session, or at least that a preliminary report be presented to us to enable us to exclude immediately from our work all those not having the authority to represent legally peoples not belonging to them. Certain delegations have given certain so-called technical reasons to the effect that for credentials to be valid it is sufficient that they be signed by heads of State, heads of Government or ministers for foreign affairs. But it is the entire Vorster régime which we do not recognize as

representing the people of Azania. Therefore, there can be no question of the Guinean delegation endorsing the authority of some clique of British or European settlers installed in Africa from outside. That is why we firmly and strongly support the Somali amendment and call for an overwhelming General Assembly vote in its favour.

181. Mr. OGBU (Nigeria): Once again we are faced with the problem of telling a member of the United Nations family some home truths. As usual, they have their mentors, those who speak on their behalf without even allowing them to represent themselves.

182. We have heard it said, among other things, that the question of credentials is a technical business and that it is necessary only to ensure that the credentials were signed either by the head of State or by the foreign minister.

183. We have heard this refrain before, and it was the same kind of story that kept the people of China from occupying their rightful place in this Assembly for 20-odd years. We are not going to be misled. If the representatives of the racist régime of Pretoria want to take heed and to see the writing on the wall, they had better be warned and beware that when it comes to the final analysis those who may be supporting them now may change their tune.

184. It has also been said from this rostrum that we should not violate the rules of procedure. One wonders whether deviation from the rules of procedure is more important than deviation from the spirit of the Charter.

185. My delegation supports the amendment proposed by Somalia because we believe that, although we are not asking for the expulsion of South Africa today, there are some good people, some humane people in South Africa and these people will be strengthened by any action of the United Nations towards challenging the representation of the delegation which sits here purporting to represent South Africa. It may be slow, but we have to keep on trying. We do not have to throw South Africa out today, but my delegation would like to remind it of the interpretation of a statement—which was quoted here today—made by the President of the twenty-fifth session of the General Assembly, a renowned diplomat and a distinguished lawyer in his own right, Mr. Hambro. The representative of Liberia has already quoted it but I think that, for purposes of emphasis, it is important to remind this Assembly that, in the words of Mr. Hambro,

"... the amendment as it is worded at present would not seem to me to mean that the South African delegation is unseated or cannot continue to sit in this Assembly; if adopted it will not affect the rights and privileges of membership of South Africa" and "it would also constitute a warning to that Government as solemn as any such warning could be." [1901st meeting, para. 286.]

In the opinion of my delegation, it is this warning that we consider more important at this stage.

186. Sir Laurence McINTYRE (Australia): My delegation regrets that the true purpose and nature of credentials and the proper function of the Credentials Committee, as set

out clearly in rules 27 and 28 of the rules of procedure of the General Assembly, should once again be threatened with misinterpretation and, if I may say so, misuse by the Assembly.

187. My delegation fully understands and whole-heartedly shares the abhorrence with which the South African policy of *apartheid* is regarded throughout the whole of the international community. The depth of the Assembly's strong feeling against *apartheid* has been amply and perfectly legitimately expressed on numerous occasions and in various Committees throughout the twenty-sixth session, as in previous sessions. But my delegation cannot regard the Credentials Committee as a proper forum for a discussion of the policy of *apartheid*, or indeed any other policy of a State Member of the United Nations. The traditional function of any credentials committee and the explicit mandate of our own Credentials Committee is purely formal and, if I may say so, almost mechanical: it is to examine the credentials of representatives to ensure that all representatives have been properly accredited by their heads of State or Government or by their Ministers for Foreign Affairs. In other words, the Credentials Committee is—and it must remain—purely a scrutineer of the punctiliousness of the Governments of Member States in fulfilling the Assembly's formal but relatively modest requirements in respect of the accreditation of their representatives. Provided the Committee can verify and satisfy itself that the signature on the credentials submitted by a particular State is that of the existing head of State or Government, or the Minister for Foreign Affairs of that State, its task in respect of that State is completed. The Committee has no mandate to question or to comment on the policies being pursued by the Government of that Member State. Those are matters to be discussed and criticized as necessary in other Committees and under appropriate agenda items in the Assembly itself. But this is no such appropriate agenda item.

188. For these reasons, my delegation must oppose the amendment contained in document A/L.666, and we do so with all respect for the sincerity of the representatives of Somalia and Cameroon and those who have supported them. But we would hope that, notwithstanding their strong feelings on the subject of *apartheid*, which we have all had numerous and legitimate opportunities to express throughout this Assembly's session, other representatives will recognize and respect the proper and limited functions of the Credentials Committee and will not commit themselves to a course that could have dangerous implications for all of us in the future.

189. Opposition has been raised this afternoon to the acceptance of the credentials of the delegation of the Khmer Republic. On this point the only thing to be said, I think, is that the credentials of the delegation of the Khmer Republic have been signed and issued by a Government which is recognized beyond doubt by the vast majority of States Members of the United Nations, and that the Credentials Committee has had no hesitation in accepting them.

190. Finally, as for the alleged insidious manoeuvres to which the representative of Guinea referred a short time ago, manoeuvres that, as I understood him, have been

introduced with the purpose of preventing consideration of the Credentials Committee's report by the General Assembly, I can only say that, speaking as a member of that Committee, I have no idea what he has in mind. I can assure him that there has been, on the part of the Credentials Committee at least, no intention whatever to deprive the General Assembly of its views and of its report.

191. I seem to recall that in the course of the twenty-fifth session of the Assembly a request was made at a relatively early stage of the session that the Credentials Committee should meet as a matter of urgency, make an examination and produce a report. At that time the Credentials Committee had no hesitation in meeting and considering credentials and producing a report. I am quite certain that if a similar request had been made to the Credentials Committee at an earlier stage of the present session, there would have been, as I say, no hesitation whatever on the part of the Credentials Committee in responding to such a request.

192. On the subject of delays, I might only remind the General Assembly that as recently as last Saturday morning some members among us, who are also members of the Credentials Committee, did our best to have the Credentials Committee's report considered at the meeting that was scheduled for Saturday morning so that we would not have to undergo the delay that we are undergoing this afternoon in having to consider the report.

193. Mr. TEYMOUR (Egypt) (*interpretation from French*): The question we are discussing is not a matter of suspending or expelling. It is a question of representation which is to be resolved by the General Assembly in conformity with the rules of procedure. But after the eloquent interventions by my colleagues from Somalia, Mali, Cameroon, Guinea and Nigeria it is difficult for me to add anything.

194. Although the amendment submitted by Somalia [A/L.666] does not fully satisfy our delegation since it does not reflect the entire position of Egypt vis-à-vis the credentials of other delegations present here, the delegation of Egypt will vote in favour of the Somalia amendment out of a desire for solidarity and co-operation, on the understanding that our affirmative vote will not be construed to mean that our reservation relates only to the representation of the minority régime in South Africa.

195. In addition the Arab delegation of Egypt would hereby enter its reservations on the credentials of the delegations which represent Governments that Egypt has not hitherto recognized and Governments we consider to be illegitimate.

196. Mr. EL-FATTAL (Syrian Arab Republic): The delegation of the Syrian Arab Republic has always regarded the question of credentials as being of the utmost significance and importance. We shall vote in favour of the amendment submitted by Somalia [A/L.666], which adds the words: "except with regard to the credentials of the representative of South Africa" to the original draft resolution [see A/8625, para. 27]. We shall vote in favour of the draft resolution, as a whole, once it has been amended.

197. However, we should like to state that the delegation of the Syrian Arab Republic considers the credentials of the Israeli representatives as null and void, and that they should have been considered so by the Credentials Committee and by the General Assembly. The members of the Israeli delegation represent only a usurping entity established by armed aggression and constituted against the wishes of the people of Palestine.

198. We also oppose the credentials of the so-called Khmer Republic. Syria recognizes the Government of Prince Norodom Sihanouk as the sole legitimate Government for the State of Cambodia.

199. Mr. JAMIESON (United Kingdom): As has been made clear on many occasions in the past and as was explained on a similar occasion last year, it is the view of the United Kingdom that the consideration of credentials is a technical and legal matter. The sole question is whether or not credentials are accepted as documents in order.

200. In the present case the report of the Credentials Committee shows clearly that the Committee found all the credentials mentioned in the Secretary-General's memorandum, including those of the representative of South Africa, to be in order and as having been issued in accordance with rule 27 of the rules of procedure. On this basis, which we believe to be the correct one, we would strongly oppose the withholding of the approval of the General Assembly from any of the credentials approved by the Credentials Committee.

201. Whatever may be thought of the policies of the present Government of the Republic of South Africa, and my delegation does not have to make clear once again its deep disapproval of the policy of *apartheid*, the Government of South Africa is, nevertheless, the Government of that country. Accordingly, since no objections on purely technical grounds have been raised, there can be no reason to decline to accept the credentials of the South African delegation.

202. In view of these considerations, my delegation must vote against the amendment which we regard as a misuse of the credentials procedure. If the amendment is nevertheless adopted, we shall abstain on the draft resolution as a whole. This abstention is not to be taken as implying any doubts about the recommendations in the report of the Credentials Committee. As will be clear from what I have said, it reflects the view that the report should not be used as a vehicle for political judgement on a Member State.

203. Mr. CHEBELEU (Romania) (*interpretation from French*): The report of the Credentials Committee recommends that the General Assembly should approve the credentials of all delegations. The delegation of the Socialist Republic of Romania wishes to state that it cannot recognize the credentials of the representatives who occupy the place of Cambodia, since these do not emanate from the legitimate Government of that country, which is the Royal Government of national unity.

204. Mr. SAFRONCHUK (Union of Soviet Socialist Republics) (*translation from Russian*): The Soviet delegation supports the amendment introduced by the delegation

of Somalia [*A/L.666*], concerning the non-recognition of the credentials of the delegation of the Republic of South Africa.

205. We are prompted to do this by the fact that the situation which has arisen in southern Africa as a result of the inhuman policy of *apartheid* pursued by the racist régime in Pretoria is causing great concern not only to Africa but to the whole international community. That policy is a gross and flagrant violation of the purposes and principles of the Charter of the United Nations and of basic human rights and freedoms.

206. The South African racists, having usurped power in the southern part of the continent, are expanding their military potential with the help of the NATO countries and using it not only to consolidate the racist system inside the country but also to fight the national liberation movements in South Africa, Namibia and Southern Rhodesia. They are using their military machine to help the Portuguese colonialists in their fight against the patriotic forces of Guinea (Bissau), Mozambique and Angola.

207. The Soviet people reject the inhuman practice and policy of *apartheid* with anger and indignation. Support for the African peoples in their struggle against colonialism, racism and *apartheid* is one of the basic principles of the foreign policy of the Soviet Union.

208. The Soviet Union strictly implements the Security Council and General Assembly resolutions relating to *apartheid*. We have never maintained and do not now maintain any political, economic or other relations with the racist régime in Pretoria, and we do not recognize the Pretoria régime as representing South Africa.

209. The Soviet Union has always advocated and still advocates the application of the strictest measures to put an end to the policy of racial discrimination and *apartheid* pursued by the Pretoria régime. That régime does not represent the population of South Africa, it flagrantly disregards United Nations decisions, it openly challenges the whole international community, and its policy is creating a situation in southern Africa which is fraught with danger to international peace.

210. In view of the foregoing, the Soviet delegation supports the amendment submitted by the delegation of Somalia and will vote in favour of it.

211. Mr. TRUONG CANG (Khmer Republic) (*interpretation from French*): My delegation will vote in favour of the report of the Credentials Committee [*A/8625*]. I should like to pay tribute to all of the members of the Committee.

212. However, I am sad to see that, because of prejudice or ideology, certain delegations have taken advantage of this opportunity to challenge unjustly the report of the Credentials Committee, with the sole intention of assuaging their animosity towards the Khmer Republic, whose only crime is to wish to remain neutral, independent and at peace.

213. Mr. President, like other representatives here, you have just witnessed inadmissible interference in the internal

affairs of my country by the representatives of certain countries. The representative of the People's Republic of China, in particular, declared from this high rostrum barely one month and six days ago—and I have counted the days—that

“The people of each country have the right to choose the social system of their own country according to their own will and to protect the independence, sovereignty and territorial integrity of their own country.” [1983rd meeting, para. 209.]

214. He also said that “... the affairs of a given country must be handled by its own people” [*Ibid.*] and he hoped “... that the spirit of the United Nations Charter will be really and truly carried out.” [*Ibid.*, para. 213.]

215. Now this same representative of the People's Republic of China, forgetting what he himself recently stated, has himself just committed a flagrant violation of Article 2 of the United Nations Charter, which stipulates that there should be no interference “in matters which are essentially within the domestic jurisdiction of any State”, by his crude intervention in the internal affairs of my country.

216. In its statement of 20 August 1971 [see A/8470], the Foreign Ministry of the People's Republic of China for its part clearly recognized that

“There have been changes of régime in quite a few States Members of the United Nations, including cases in which the names of the States have changed; but all this has not affected their seats in the United Nations. The restoration of the legitimate rights of the People's Republic of China in the United Nations is a simple procedural matter ...”.

217. Is that not a formal declaration of the People's Republic of China recognizing the right of States Members of the United Nations to change régimes and the name of the State? Or was it said merely to plead its own cause? If so, why should what it considers valid for itself not be valid also for another country? That country, which has identified itself with the countries of the developing world, and which has repeatedly affirmed that neither now nor in the future will it be a super-Power, is behaving like a true super-Power, also arrogating to itself the role of international policeman.

218. Can the small Khmer Republic hope that the Chinese colossus will abide by all its fine statements now that it has become a Member of the United Nations and also holds a permanent seat in the Security Council?

219. We believed that when the leaders of the People's Republic of China agreed to sit among us, they were expressing their desire to work seriously for the cause of peace and justice and not that they would transform the United Nations into a forum for polemics to mislead world public opinion and to manifest their hatred of my country, which refuses to offer them obedience. I am disappointed to find that that is not the case.

220. The Khmer Republic is a neutral country, jealous of its sovereignty and independence. Its conduct is based on

the principles of our Charter, Buddhist wisdom, the 10 principles adopted by the Bandung Conference in 1955 and reciprocity. Accordingly, we have never interfered in the internal affairs of other States, large or small. We attach all the more value to this fundamental principle of the United Nations, since it constitutes the best source of protection for small countries like my own. Our attitude and our behaviour in the United Nations are tangible proof of this fact. We participate with a spirit of equity and justice in all the work of the General Assembly in the interests of the international community and respecting all the ideologies of our brothers present here.

221. We are thus surprised to see some delegations, in undisguised bad faith, continuing to play the same comedy as last year and expressing reservations about the credentials of my delegation.

222. It is therefore with regret that I myself must express the same reservations about the representation of the régime of Peking, of the satellite régime of Albania, of the Havana régime, of the Damascus régime and of the Bucharest régime, which establish interference in the internal affairs of a third country as a norm of law governing relations among nations thus flouting and trampling underfoot one of the fundamental principles of the Charter.

223. Since the representative of the People's Republic of China and certain delegations speak of the so-called Royal National Union Government of Cambodia, allow me to say a few words on this score.

224. The so-called Royal National Union Government of Cambodia was created abroad by Prince Norodom Sihanouk on 5 May 1970, after the so-called summit conference of Indo-Chinese peoples, held on 25 and 26 April 1970 in the outskirts of Canton under the aegis of Prime Minister Chou En-lai.

225. This so-called Royal National Union Government of Cambodia, not being invested by the National Assembly, has no national seat and not the slightest legal foundation.

226. In fact Prince Norodom Sihanouk, legally divested of his functions as head of State, and not as head of Government, is no more than a simple citizen living in exile in Peking, deprived of any power to represent Cambodia under any title since 18 March 1970.

227. That so-called Royal Government since its formation has been sitting in Peking, and it is from the Chinese capital that it claims to conduct the affairs of my country.

228. This, in short, is the true face of that Government, a product of pure Chinese manufacture, a “made in China” Government that the People's Republic of China wishes to impose on the Khmer people.

229. As for the legality of the Lon Nol Government, I shall not tax the patience of representatives here by repeating the statements that my delegation has made on many occasions since last year.

230. I would venture simply to say that the Lon Nol Government was invested on 14 August 1969, even before

the dethronement of Prince Sihanouk, by a regularly elected Parliament representing the expression of the national will of my people. That Government sits in Phnom Penh, the capital of the Khmer Republic. It is this neutral Government which, seeking to preserve the sovereignty, independence and territorial integrity of the Khmer Republic, is now resisting the aggression perpetrated by the North Viet-Nameese and the Viet-Cong.

231. That is the reason why on 6 April 1970 the Secretary-General of the United Nations, on the basis of customary practice, decided, on the advice of the Legal Department, to deal with the authorities that effectively control the territory of Cambodia, in this instance the Government of the Khmer Republic that I have the honour to represent.

232. Mr. ENGO (Cameroon): My delegation is compelled to take the floor again in order to reply to comments made by some delegations which could be very misleading.

233. The argument was submitted last year and has once again been submitted clearly, especially by the representative of the United States and others, that rule 27 of the rules of procedure is all that need be satisfied. They have also expressed apprehension that the measure involved in the proposed amendment would lead to dangerous consequences. With regard to the latter, my delegation would like to point out that no adverse effect has emerged from the decision of the General Assembly last year. The greater danger is in fact to be found in encouraging South Africa's racist régime to adopt its defiant attitude towards the aims and purposes of the United Nations Charter, as well as the rules of law and of civilized conduct.

234. With regard to the first point, that is, the question touching upon rule 27 of the rules of procedure, we can say no more this year than we said last year in answer to a similar argument presented by the United States delegation, and I quote from the verbatim record:

"The argument has been raised by some speakers, especially by the representative of the United States . . . that rule 27 is all that need be satisfied.

"The representative of the United States went on to state that the fact that the credentials had been submitted through the Secretary-General in accordance with rule 27, plus the fact that the Credentials Committee had given a decision, virtually closed the case. With the greatest of esteem and respect, I regret my inability to subscribe to those conclusions. Rule 27 is concerned with questions of pure formality. It deals with how credentials may be duly submitted. Rule 28 deals with the establishment and functions of the Credentials Committee. Its only functions are: (a) to examine credentials submitted which have satisfied procedures and formalities proscribed in rule 27, and (b) to report without delay to the General Assembly. I shall again, with due respect, submit that its report is in the form of a recommendation, and not a decision binding on this Assembly. I believe that rule 29 supports this contention. It implies that the General Assembly has in fact to give its decision before the matter may be closed. The conclusions of the representative of the United States do not appear, to put it very mildly, to

be in tune with the procedural, as well as the substantive, juridical truth in this case. It is for the General Assembly, in my submission, to determine the acceptance or rejection of the credentials of any representative." [1901st meeting, paras. 185-186.]

Later we went on to say:

"The fundamental question, in our view, is not the nature of the formalities set up in rule 27. The Legal Counsel recognized that the rules of procedure of the General Assembly do not contain 'a definition of credentials'. We are not persuaded by speculations and conjectures on this matter. I believe that the rules were properly drafted not to question the supreme authority of the General Assembly to reach just and equitable decisions, having regard to all the circumstances before it. Nothing contained in the Legal Counsel's statement alters this position." [ibid., para. 188.]

235. Mr. MASUD (Pakistan): Since the hour is late I shall confine myself to reiterating my delegation's stand, without going into any details at this stage.

236. Our delegation reserves its stand regarding the credentials of the Israeli representative. Our reasons for doing so have been spelt out on many occasions and remain the same. We also reserve our position regarding the question raised about the credentials of the representative of the Khmer Republic. We support the amendment by Somalia [A/L.666] regarding the credentials of the representative of South Africa.

237. Mr. VON HIRSCHBERG (South Africa): I shall not respond to the allegations and distortions concerning my Government which have been made in the course of this debate, since they are irrelevant to the issue under consideration. I shall simply say that the South African credentials, which are now the subject of discussion, have been drawn up in precisely the same form and were issued by precisely the same Government which has issued credentials to South African delegations virtually since the inception of this Organization; and these credentials have again on this occasion, as on previous occasions, been found by the Secretary-General and by the Credentials Committee to be valid and in order.

238. The validity or otherwise of the credentials of a Member State is a question of fact, not of political opinion. If the requirements of the rules of procedure have been met, the credentials are automatically valid. There is no question that the South African credentials have been drawn up and issued in conformity with the requirements of the rules of procedure and have, therefore, been declared valid.

239. If the General Assembly were now to refuse to endorse the findings of the Secretary-General and of the Credentials Committee, as the amendment in document A/L.666 would have it do, obviously the Assembly would have rejected the requirements of the rules of procedure and the Charter for determining the validity of credentials in favour of requirements which neither the Charter nor the rules of procedure authorize; that is to say, the Assembly would have based itself on criteria which are arbitrary and

inadmissible in terms of the Charter and of the rules of procedure. Thus the Assembly would have acted illegally and in violation of the Charter.

240. This position is borne out by the legal opinion submitted by the Legal Counsel on 11 November 1970.⁴ No amount of rationalization can gainsay this. The Assembly should be under no illusions as to what it is being called upon to do today, which is to establish a dangerous and far-reaching precedent and to do so illegally in contravention of the Charter.

241. I shall not comment on the new criteria which the sponsors of the amendment have introduced today. They are irrelevant, for any criteria other than those laid down in the rules of procedure are clearly inadmissible. If they were not inadmissible we would find ourselves in a situation where one set of criteria would be applied today and another tomorrow at the whim of a sufficient number of States. This would obviously produce an intolerable situation. Yet that is precisely what the Assembly is being asked to do today.

242. If the Assembly should agree today that criteria other than those laid down in the rules of procedure are admissible in determining the acceptability or otherwise of credentials, what is there to deter a sufficient number of Member States from challenging the credentials of any State, on any pretext, at any time in the future? The Assembly should ponder carefully the implications of the course of action it is being asked to take today, for it is a course of action which will back-fire in the future, quite apart from the fact that it is in violation of the rules of procedure.

243. Of course, the sponsors of the amendment have sought to justify it on the ground that South Africa is *sui generis*—a phrase used in the Credentials Committee last week.

244. We know that double standards are applied in this Organization with regard to matters concerning South Africa—we have protested against this practice for years—so it comes as no surprise that the sponsors of the amendment should plead again today for the application of a double standard to South Africa in the context of its delegation's credentials. But be this as it may, the crux of the matter is that the General Assembly is being required to act on the basis of false premises. It is being called upon to accept that the representative status and character of a Government of a Member State are relevant criteria in examining and passing judgement on the acceptability of the credentials of that Government's delegation; and that the representative status and character of that Government must be determined to be acceptable to the General Assembly before the credentials issued by that Government can be accepted.

245. The application of these criteria, for which there is no authority whatever in the Charter or in the rules of procedure, is being advocated today, as I have said, on the ground that South Africa is *sui generis*.

246. We reject the contention that the South African Government is unrepresentative of the peoples of South

Africa. We reject the contention that South Africa alone is *sui generis*. What does *sui generis* mean? What is its *sui generis* situation? Legal textbooks will tell you that it is a unique situation, a situation peculiar to itself. But every country is unique; every Government is unique. The situation within any country is unique. Therefore any Government can be declared *sui generis* at any time.

247. So although the sponsors of the amendment would have these unconstitutional criteria applied to South Africa today, on the ground that South Africa is *sui generis*, tomorrow these criteria will assuredly be applied to some other country where a *sui generis* situation is deemed to exist by a sufficient number of representatives who view that country with disfavour. This is the crux of the matter. This is what the Assembly must face up to this evening.

248. It goes without saying that South Africa will vote against the amendment.

249. The PRESIDENT: The Assembly will now proceed to vote. In accordance with rule 92 of the rules of procedure, we shall vote first on the amendment contained in document A/L.666 and then on the draft resolution. A recorded vote has been requested.

A recorded vote was taken.

In favour: Afghanistan, Albania, Algeria, Bulgaria, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Chad, China, Congo, Cuba, Czechoslovakia, Dahomey, Ecuador, Egypt, Equatorial Guinea, Ethiopia, Ghana, Guinea, Guyana, Hungary, India, Indonesia, Iraq, Jamaica, Kenya, Kuwait, Liberia, Libyan Arab Republic, Malaysia, Mali, Mauritania, Mongolia, Morocco, Niger, Nigeria, Oman, Pakistan, People's Democratic Republic of Yemen, Philippines, Poland, Qatar, Romania, Rwanda, Senegal, Sierra Leone, Somalia, Syrian Arab Republic, Togo, Trinidad and Tobago, Tunisia, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Tanzania, Upper Volta, Yemen, Yugoslavia, Zambia.

Against: Australia, Austria, Belgium, Bolivia, Brazil, Canada, Colombia, Costa Rica, Denmark, El Salvador, Finland, France, Greece, Honduras, Iceland, Iran, Ireland, Israel, Italy, Luxembourg, Malawi, Malta, Mexico, Netherlands, New Zealand, Nicaragua, Norway, Paraguay, Portugal, South Africa, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela.

Abstaining: Argentina,⁵ Barbados, Botswana, Burma, Central African Republic, Ceylon, Chile, Cyprus, Dominican Republic, Fiji, Guatemala, Ivory Coast, Japan, Laos, Lebanon, Lesotho, Nepal, Panama, Peru, Singapore, Thailand, Turkey.

The amendment was adopted by 60 votes to 36, with 22 abstentions.

250. The PRESIDENT: The Assembly will now vote on the draft resolution in document A/8625, as amended. A recorded vote has been requested.

⁵ The delegation of Argentina subsequently informed the Secretariat that it wished to have its vote recorded as having been against the amendment.

⁴ *Ibid.*

A recorded vote was taken.

In favour: Afghanistan, Albania, Algeria, Austria, Belgium, Bolivia, Botswana, Brazil, Bulgaria, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Canada, Ceylon, Chad, Chile, China, Colombia, Congo, Cuba, Cyprus, Czechoslovakia, Dahomey, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Ethiopia, Finland, France, Ghana, Guinea, Guyana, Hungary, Iceland, India, Indonesia, Iran, Iraq, Israel, Italy, Ivory Coast, Jamaica, Japan, Jordan, Kenya, Khmer Republic, Kuwait, Laos, Lebanon, Liberia, Libyan Arab Republic, Luxembourg, Malaysia, Mali, Malta, Mauritania, Mexico, Mongolia, Morocco, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Paraguay, People's Democratic Republic of Yemen, Peru, Philippines, Poland, Qatar, Romania, Rwanda, Senegal, Sierra Leone, Singapore, Somalia, Spain, Sudan, Sweden, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Tanzania, United States of America, Upper Volta, Yemen, Yugoslavia, Zambia.

Against: South Africa.

Abstaining: Argentina, Australia, Barbados, Central African Republic, Costa Rica, Fiji, Greece, Honduras, Ireland, Lesotho, Malawi, Nepal,⁶ Portugal, United Kingdom of Great Britain and Northern Ireland, Uruguay, Venezuela.

The draft resolution, as amended, was adopted by 103 votes to 1, with 16 abstentions (resolution 2862 (XXVI)).

251. The PRESIDENT: I shall now call on those representatives who wish to explain their votes after the vote.

252. Mr. YANGO (Philippines): My delegation voted in favour of the amendment proposed by Somalia to the draft resolution contained in document A/8625. We are well aware that our vote could not imply any legal or juridical consequences affecting the membership of the Republic of South Africa in the United Nations or the exercise of the privileges of such membership; rather our vote should be interpreted as an expression of our strong, sustained and uncompromising condemnation of the policies of *apartheid* officially pursued by the Government of South Africa. We have taken this position in the light of the well-known active participation of the Philippines in the Special Committee on the Policies of *Apartheid* of the Government of the Republic of South Africa. Our vote thus becomes a continuing protest against such policies of *apartheid*.

253. We also consider this vote as being in line with the opinion expressed by the President of the General Assembly at its twenty-fifth session, when a similar amendment was proposed to the report of the Credentials Committee in connexion with the credentials of the representatives of the Government of South Africa.

⁶ The delegation of Nepal subsequently informed the Secretariat that it wished to have its vote recorded as having been in favour of the draft resolution.

254. Mr. NAKAGAWA (Japan): I should like to explain briefly the position of my delegation with regard to the amendment to the draft resolution recommended by the Credentials Committee, which has just been adopted. My delegation had the fullest sympathy with the thinking underlying this proposal. Japan has consistently been, and will continue to be, strongly opposed to the policy of *apartheid*. However, my delegation has some doubt about the competence of the General Assembly to reject in effect the credentials of representatives if those credentials meet the requirements of rule 27 of the rules of procedure of the General Assembly. Furthermore, to do so might risk calling into question prerogatives conferred upon the Security Council as well as the General Assembly by Article 5 of the Charter.

255. For this reason, although very much in sympathy with the feeling of the sponsors of the proposed amendment, my delegation abstained from voting on it, but voted in favour of the draft resolution itself as amended.

256. Mr. MOLINA (Costa Rica) (*interpretation from Spanish*): The delegation of Costa Rica wishes to place on record the reasons why it voted against the amendment submitted by the delegation of Somalia and abstained from voting on the draft resolution on the credentials of representatives to the twenty-sixth session of the General Assembly.

257. As my delegation understands it, the draft resolution in no way prejudices the conduct of the Government of South Africa.

258. Costa Rica maintains a clear attitude of condemnation against the racist activities of the Government of South Africa, which we regard as unacceptable and improper in the civilized relationships that should exist between men. But, in connexion with this aspect we believe that the provisions of the rules of procedure of the General Assembly and of the Charter of the United Nations itself are abundantly clear and should be binding on the members of this Assembly.

259. We voted against the amendment submitted by the delegation of Somalia because we believe that rule 27, in conjunction with the last paragraph of rule 28 of the General Assembly's rules of procedure, clearly states that the credentials of representatives attending the General Assembly "shall be issued either by the Head of the State or Government or by the Minister for Foreign Affairs", and that the relevant Committee "shall examine the credentials of representatives and report without delay".

260. Moreover, Article 18 of the Charter states that "Each member of the General Assembly shall have one vote". Thus, the Charter itself, in its Article 18, indicates the legal procedure for depriving of the exercise of the right to vote any Member which commits the violations spelt out in Article 5 of the Charter, which clearly states that it is in the Security Council that the issue must be raised, so that the Council may take a decision and make a recommendation to the General Assembly to suspend the exercise of the inherent rights and privileges of membership by any Member which has violated the Charter of the United Nations.

261. For all these reasons, the delegation of Costa Rica felt that the General Assembly was not empowered to deprive any Member of the exercise of one of the rights inherent in membership by a simple resolution, without having a recommendation to that effect from the Security Council, in accordance with the Articles to which I have already referred.

262. Mr. BENNETT (United States of America): The United States voted against the amendment proposed by Somalia and we regret its adoption because it has introduced political considerations into what is primarily and what should be a procedural matter. At the same time, we have voted in favour of the resolution as a whole because it does involve the credentials of some 130 delegations. We have thereby indicated our approval of those credentials.

263. Mr. EILAN (Israel): For the last decade and before, Israel has consistently supported every resolution adopted by the General Assembly on the question of human rights in Africa. In doing so my delegation has merely given expression to the attitude of public opinion in Israel where opposition to racial discrimination is axiomatic. Like so many other delegations which have consistently opposed *apartheid* in the Assembly but have cast their votes against the amendment proposed by Somalia, Israel also could not support the proposal regarding the credentials of the South African delegation for two main reasons.

264. First, we cannot support the proposition that when the credentials of a delegation have been found by the Credentials Committee to be in good and proper order, the General Assembly can by a simple vote reverse that finding. Secondly, like so many other delegations which have in the Assembly consistently opposed racial discrimination, Israel feels that by depriving South Africa of the right to participate in our deliberations not only would we be acting against a democratic principle on which the United Nations is founded, but we would also be destroying the hope, however tenuous and remote, that the very presence of South African delegations in the United Nations will one day offer the opportunity to bring about a change of heart.

265. I shall have to refer briefly to the statement made by the representative of Syria. Israel will not be drawn into a debate in which we would be forced to explain away ridiculous charges known to be totally unfounded. In the view of the delegation of Israel, the statement of the representative of Syria as far as it purported to relate to my delegation was completely out of order and uncalled for. The credentials of the delegation of Israel were duly issued and submitted in full conformity with the rules of procedure, as has been reported by the Credentials Committee. We therefore categorically reject those statements and the right of the representative to have made them. In his statement, the representative of Syria has confirmed the farce of Syria's membership of the Security Council by rejecting the very basis of Security Council resolution 242 (1967), which calls for an agreement between the Government—I repeat “the Government”—of Israel and the Government of Syria. Few of us in this hall have any doubt as to precisely which Government we represent. The representative of Syria, however, cannot be in this happy position since he represents a country in which there have been no fewer than 11 coups d'état in 20 years, a fact

which should surely have made him pause to reflect on his own status before casting aspersions on the credentials of other representatives.

266. I feel that I should also state beforehand that if my intervention is followed by a flood of rights of reply, Israel will not be drawn into debate which is extraneous to the matter under discussion.

267. Mr. CREMIN (Ireland): My delegation voted on this occasion as at the twenty-fifth session, for the reasons then stated [*1905th meeting*], as indeed is recalled in paragraph 14 of the report of the Credentials Committee. We sympathize with the sentiments of those who propose the amendment of the draft resolution put forward by that Committee. However, we hold that the question involved is solely that of complying with rule 27 of the rules of procedure. Consequently we voted against the amendment and we abstained in the vote on the draft resolution as amended.

268. It is hardly necessary to stress, even if I do so, that our voting implies in no way whatever approval of the policies of *apartheid* of the Government of South Africa. The Government and people of Ireland are unalterably opposed to those policies.

AGENDA ITEM 100

Co-operation between the United Nations and the Organization of African Unity: holding of meetings of the Security Council in an African capital (*concluded*)*

269. The PRESIDENT: The General Assembly will now vote on draft resolution A/L.653. The administrative and financial implications of the draft resolution appear in the report of the Fifth Committee contained in document A/8631.

The draft resolution was adopted by 113 votes to 2 (resolution 2863 (XXVI)).

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

271. Mr. SCHAUFLE (United States of America): In voting in favour of draft resolution A/L.653, the United States of America did so in the belief that the main thrust of the draft resolution was to continue to foster the already close ties between the United Nations and the Organization of African Unity in areas of mutual interest to both organizations. When the item concerning co-operation between the United Nations and the Organization of African Unity was first introduced in the General Assembly, the United States welcomed the move as one which would prove to be fruitful. In this connexion we note that paragraph 4 of the resolution invites the specialized agencies and particularly the United Nations Development Programme to continue their co-operation with the Organization of African Unity. We also note that an agreement between the Organization of African Unity and the United Nations Development Programme is soon to be reached. Such an agreement would aid continued economic develop-

* Resumed from the 2025th meeting.

ment to a continent which is collectively seeking better conditions for its populations.

272. With regard to paragraph 2 of the resolution, the United States notes that the Security Council is invited to consider the request of the Organization of African Unity to meet in Africa. The United States is on record as favouring in principle occasional meetings of United Nations bodies outside New York. However, before any consideration can be given to this request it will be necessary for members of the Security Council to have a detailed study of the financial implications of such a meeting as well as a study of the practical arrangements that would be available, particularly with regard to the vital need for rapid and secure communications.

273. In addition, the United States believes that any timing for such a meeting must take into account the possibility of other urgent questions being brought before the Council. The Council should be able to tackle these problems without undue difficulty with respect to time and location.

274. Mr. JAMIESON (United Kingdom): My delegation has voted in favour of the resolution which has just been adopted, as it is in favour of co-operation between the United Nations and regional organizations, and hopes for constructive results from such co-operation.

275. With regard to paragraph 2, my delegation is glad to note that the sponsors of draft resolution A/L.653 phrased this paragraph with the utmost care so that it merely refers the suggestion to the Security Council for consideration and does not seek to prejudge the outcome of that consideration. That is as it should be and I feel it only fair to add that, in the view of my delegation, the suggestion raises serious problems. There are difficulties of principle, and in addition there are problems of an administrative, practical and financial nature affecting not only members of the Security Council but all Members of the United Nations. I do not propose to go into these here, but the Security Council will have to consider the suggestion with extreme care.

276. Mr. VON HIRSCHBERG (South Africa): South Africa is directly affected by the proposed invitation to the Security Council to hold meetings in an African capital, since the intention is that matters concerning South Africa, among others, should be discussed at those meetings.

277. As we have demonstrated by our vote, we are opposed to that proposal. A meeting of the Council in an African capital will undoubtedly result in Council members being subjected to influences and pressures aimed at securing their agreement to measures considered to be appropriate by those hostile to South Africa and its policies. One must conclude that this is the objective of the advocates of the proposal when one bears in mind that the Security Council has consistently resisted the adoption of extreme measures against South Africa on the basis of its views of the merits of the case presented to it. Whether or not this is what is behind the proposal, it remains inevitable that the merits of the case would be obscured by extraneous pressures and influences if it should be considered in an African capital.

278. The Assembly should ask itself whether it is proper for issues to be considered by such an important organ of the United Nations as the Security Council—

279. The PRESIDENT: I call on the representative of Guinea, who has asked to speak on a point of order.

280. Mr. DIALLO (Guinea) (*interpretation from French*): The Guinean delegation rises to a point of order because it would like to know, first of all, who is speaking and in whose name. We have just adopted a decision under agenda item 3 which rejects the credentials of the representative of South Africa, and now I hear you call upon the representative of South Africa. So who is standing on my right? If he is the man whose credentials have just been rejected he has no right to speak. I repeat categorically that he does not have the right to speak here.

281. The PRESIDENT: The representative of South Africa may continue his explanation of vote.

282. Mr. VON HIRSCHBERG (South Africa): The Assembly should therefore ask itself whether it is proper for issues to be considered by such an important organ of the United Nations as the Security Council in circumstances in which those issues will be debated less on their merits than on the basis of predominating extraneous considerations.

283. Unless members of the Council make a deliberate and conscious effort to resist these extraneous influences, we do not believe that they can possibly consider these issues with the objectivity and fairness expected of them.

284. It stands to reason, moreover, that the closer the selected African capital to the areas which are the subject of attention, the greater the extraneous influences to which Council members will be subjected, and the more difficult their task of maintaining their sense of objectivity and fairness. Our opposition to the proposal is based solely on principle. We would be opposed to meetings of the Security Council at any location where one party's position would be favoured at the expense of another by a meeting at that location—whether it be in the Middle East, the Indian subcontinent, or any area which has occupied the attention of the Council in one way or another.

285. It is incumbent upon the Council to avoid any action which may display a predisposition on its part to favour one party as against another in a matter at issue before it. And such a predisposition would undoubtedly be established if it were to decide to meet in the territory of one of those parties in order to consider the particular matter at issue. The General Assembly should therefore reject attempts to cause it, by means—

286. The PRESIDENT: I call on the representative of Egypt, who has asked to speak on a point of order.

287. Mr. TEYMOUR (Egypt) (*interpretation from French*): Mr. President, you have just heard the explanation stated most clearly by the representative of Guinea. I do not believe that you should now allow the representative who is speaking to continue to speak on an item on which there were 113 votes in favour and only 2 against—those cast by two representatives of minority régimes—with no abstentions.

288. The PRESIDENT: Will the representative of South Africa continue his statement, please.

289. Mr. VON HIRSCHBERG (South Africa): The General Assembly should therefore reject attempts to cause it, by means of resolutions addressed to the Security Council, to sway the Council from its duty of strict regard for absolute objectivity and fairness. By adopting the resolution, the Assembly has set a precedent which will serve as an encouragement to other States or groups of States also to seek to have meetings of the Council held in a centre of their choice as a means of bringing pressure to bear on the Council, and thus of advancing their cause.

290. Because our opposition is based on principle, I shall not refer to the financial implications of this proposal, except to say that it strikes us as singularly inappropriate that the General Assembly should be called upon to adopt a resolution which might involve the United Nations in expenditure of considerable amounts of money at a time when the Organization is in dire financial straits and there is a crying need for funds for so many other deserving causes.

291. Finally, I must place on record that my delegation has reserved its position with regard to the consideration by the United Nations of matters which we consider as falling exclusively within our domestic jurisdiction. We maintain this reservation in respect also of Security Council consideration of these matters, wherever and whenever the Council might meet to consider them.

292. The PRESIDENT: I have been asked for my views on the effect of the adoption of the amendment which has been proposed to the draft resolution recommended by the Credentials Committee. The amendment is essentially similar to the one which was moved at the last session of the General Assembly.

293. On that occasion the Assembly had before it a statement by the Legal Counsel on the scope of "credentials" in rule 27 of the rules of procedure of the General Assembly.⁷ It concluded that, if the formal requirements of rule 27 were met, and if there is no question of rival claimants, rejection by the Assembly of credentials meeting the formal requirements would have the effect of suspending a Member State from the exercise of rights and privileges of membership in a manner not foreseen by the Charter. Such suspension, it was pointed out, could only be carried out through application of all the procedures laid down in Article 5 of the Charter. To seek to achieve the same result merely through the rejection of credentials, and when there are no rival claimants, would be contrary to the Charter.

294. The President of the General Assembly at the twenty-fifth session, when asked for his views on the amendment in question, on 11 November 1970, stated:

"... I reach the conclusion that a vote in favour of the amendment would mean, on the part of this Assembly, a very strong condemnation of the policies pursued by the

Government of South Africa. It would also constitute a warning to that Government as solemn as any such warning could be. But that, apart from that, the amendment as it is worded at present would not seem to me to mean that the South African delegation is unseated or cannot continue to sit in this Assembly; if adopted it will not affect the rights and privileges of membership of South Africa. That is my understanding." [1901st meeting, para. 286.]

295. I agree with the views put forward in the precedents I have just cited. Adoption of the amendment signifies the very strong feeling of the members of this Assembly regarding the policies pursued by the Government of South Africa, and represents a very strong warning to that Government. However, it cannot have the legal effect of depriving the representatives of South Africa of their rights and privileges of membership in the General Assembly. Such a suspension could only be legally brought about in the present circumstances if the procedures of Article 5 of the Charter had been complied with.

296. I call upon the representative of Guinea on a point of order.

297. Mr. DIALLO (Guinea) (*interpretation from French*): Unfortunately I am not a student of law, but there are some things which offend common sense. First of all, I must express most profound reservations on the part of my delegation with respect to the interpretation you, Mr. President, have just given. According to rule 29,

"Any representative to whose admission a Member has made objection shall be seated provisionally with the same rights as other representatives, until the Credentials Committee has reported and the General Assembly has given its decision."

298. My copy of the rules of procedure is in French, but I believe that the words "seated provisionally" will be found in all other language versions.

299. We are dealing with a provisional delegate until we have passed judgement. We have passed judgement and he is no longer a delegate. Now, according to the position which has been taken, he is not deprived of his right to be a Member of the United Nations. But his credentials have not been accepted by this Assembly and during this session it is not for him to speak once we have decided, in full sovereignty, that his rights should not be recognized.

300. For that reason, the Guinean delegation protests vigorously against the presence of this representative, who represents nothing at all and who has taken the liberty of speaking to this Assembly despite its adoption of a resolution by an overwhelming majority.

301. I want it to appear in the verbatim record that we protest most energetically, and completely repugn the present interpretation.

302. The PRESIDENT: The comments of the representative of Guinea will be included in the verbatim record.

⁷ See *Official Records of the General Assembly, Twenty-fifth Session, Annexes*, agenda item 3, document A/8160.

AGENDA ITEM 11

Report of the Security Council (*concluded*)*

303. The PRESIDENT: The Assembly has before it draft resolution A/L.654/Rev.1 which incorporates the amendment submitted by Tunisia in document A/L.664.

304. I shall now call upon representatives who wish to speak in explanation of their votes before the vote.

305. Mr. SAFRONCHUK (Union of Soviet Socialist Republics) (*translation from Russian*): The Soviet delegation would like to state briefly its views on the revised draft resolution submitted by the delegations of Belgium, Burundi and Tunisia [A/L.654/Rev.1]. That draft contains a request to the Secretary-General of the United Nations to present in his report to the General Assembly at its twenty-seventh session, due consideration having been given to the views of interested Governments, suggestions concerning ways and means of enhancing the effectiveness of the Security Council.

306. In other words, the new text raises an important political question affecting the activities of one of the fundamental organs of the United Nations, which, under the Charter, bears the main responsibility for maintaining international peace and security.

307. As far as the substance of this question is concerned, we should like to point out that the Soviet Union has constantly advocated and still advocates enhancing the authority and effectiveness of the United Nations Security Council as a whole. That has been the purpose of many proposals submitted by the Soviet Union for consideration by the United Nations.

308. In this connexion we might mention, for example, the Declaration on the Strengthening of International Security, adopted at the twenty-fifth session of the General Assembly on the initiative of the Soviet Union. The purpose of one of the basic provisions of that Declaration is to enhance the effectiveness of the Security Council. The Soviet Union bases its attitude to this matter on the idea that the Security Council must act in strict accordance with the United Nations Charter. For it is the Charter which defines the ways and means by which the Security Council may effectively fulfil its function of maintaining international peace and security.

309. Our task is to make the fullest use of the possibilities for effective action by the Security Council contained in the Charter. This requires the goodwill of States and their readiness to co-operate in solving international problems. That, in the opinion of the Soviet delegation, is the key to enhancing the effectiveness of the Council.

310. It must be pointed out, however, that frequent attempts have been made in the past, under the guise of improving the effectiveness of the Security Council, to revise the Charter and its fundamental provisions, including those which define the manner in which the Security Council functions.

311. The Soviet delegation has consistently opposed any attempts to revise the Charter, believing that the 26 years of the Organization's existence have shown convincingly that the Charter is fully in accordance with the aims and purposes of the United Nations.

312. That position of the Soviet Union still retains its full force and significance.

313. That is the general attitude of the Soviet Union to the question of enhancing the effectiveness of the Security Council.

314. I should now like to say a few words about the revised draft resolution which, as members will undoubtedly have noticed, includes an amendment submitted previously by the delegation of Tunisia. It is on that amendment that we have the most serious reservations.

315. First of all, we cannot agree that the Secretary-General should submit any suggestions concerning ways of enhancing the effectiveness of the Security Council. It should be emphasized that the Secretary-General, by virtue of his position as defined by the Charter, may not make any suggestions relating to Security Council procedure. That is not within his competence as head of the United Nations Secretariat.

316. The Security Council is not a subdivision of the United Nations Secretariat but one of the principal organs of the United Nations and, as such, the Council itself, and only the Council, defines its own methods of work and procedure in strict accordance with the Charter and the provisional rules of procedure.

317. As for the question of the views of States—this is mentioned in the revised draft—concerning ways and means of enhancing the effectiveness of the Security Council, as we are all aware, all Governments had the opportunity—and many made use of it—to state their views on this matter in their replies to the Secretary-General's questionnaire on the occasion of the twenty-fifth anniversary of the United Nations, and on the matter of the implementation of the Declaration on the Strengthening of International Security. Those replies were published in the appropriate official documents of the General Assembly.

318. In view of this, the Soviet delegation is of the opinion that there is no need for any supplementary clarification of the views of States on this matter.

319. Finally, the proposal of the delegation of Tunisia could be used by some delegations in further attempts to revise the basic provisions of the United Nations Charter; our delegation can in no way agree to that.

320. On the basis of the foregoing, we cannot agree with the proposed revised draft resolution on this matter which contains the amendment previously submitted by the delegation of Tunisia, and we shall vote against it.

321. The PRESIDENT: The Assembly will now vote on the revised draft resolution contained in document A/L.654/Rev.1.

The revised draft resolution was adopted by 76 votes to 10, with 24 abstentions (resolution 2864 (XXVI)).

* Resumed from the 2024th meeting.

322. The PRESIDENT: I shall now call on those representatives who wish to explain their votes after the vote.

323. Mr. DRISS (Tunisia) (*interpretation from French*): As you noticed, Mr. President, I did not wish to speak before the vote. Quite frankly, I wished to avoid what would have been a very lengthy debate. But now that the draft resolution has been voted upon, I should like to express my thanks to all those who have voted for it, especially the delegations of Burundi and Belgium, which were its sponsors.

324. Having said that, I would add that some delegations feel that the General Assembly cannot deal with Security Council matters. I should like to quote Article 10 of the Charter:

“The General Assembly may discuss any questions or any matters within the scope of the present Charter or relating to the powers and functions of any organs provided for in the present Charter, and, except as provided for in Article 12, may make recommendations to the Members of the United Nations or to the Security Council or to both on any such questions or matters.”

Article 12 merely states that:

“While the Security Council is exercising in respect of any dispute or situation the functions assigned to it in the present Charter . . .”

Thus, the General Assembly is empowered to discuss Security Council problems.

325. After we had submitted our amendment certain delegations came to us and proposed that we should add the words “in accordance with the principles and provisions of the United Nations Charter”. We agreed, because all our activities here are governed by the Charter and its provisions. But in this connexion I should like to say that among the provisions of the Charter we find Article 108, which states that amendments to the Charter

“...shall come into force for all Members of the United Nations when they have been adopted by a vote of two thirds of the Members of the General Assembly and ratified in accordance with their respective constitutional processes by two thirds of the Members of the United Nations, including all the permanent members of the Security Council”.

326. So the Charter does not refuse to consider amendments, but it implies that such amendments can come into force only if they are adopted by two thirds of the Members and ratified by the great Powers, which have the power of veto.

327. Here, of course, we find ourselves in a vicious circle, for we complain about the veto—and who does not complain about it except those who exercise it? Thus we find ourselves in a vicious circle. We complain about the veto, but cannot change the situation unless the great Powers agree to eliminate the veto. However, I believe that it is high time for those who do not have the right of veto to raise their voices and say that they are unhappy with the

situation. We are not happy with the exercise of the right of veto, which prevented our stopping a war on the day it broke out. There are open vetoes, as I said in the Security Council, and there are covert vetoes. And the time has come for us to consider this problem and to try, first of all, through exchanges of views, reflection and proposals, to improve the methods and effectiveness of the Council. There are many ways to achieve this.

328. If the medium-sized and small countries were alive to the situation, they could do much more than they are doing—at least to offset these forces which prevent us from moving forward and which are leading the United Nations to the verge of bankruptcy. I am not thinking of financial bankruptcy, but of moral bankruptcy. That is even more serious because to us, the small countries, our only guarantee is the United Nations. We have no weapons, no Phantom jets, no atomic bombs. Our only guarantee is the moral force of the United Nations. This is the situation of all the small and medium-sized countries. The time has come to try to change the balance of power and to do this through our co-operation and our will.

329. The representative of the Soviet Union said that this was a serious matter. Of course, it is a serious matter, but world peace is also a serious matter; the United Nations is also a serious matter; the future of us all is equally a serious matter. So you see, we are concerned and we wish to say so.

330. Mr. NAKAGAWA (Japan): My delegation voted in favour of draft resolution A/L.654/Rev.1 submitted by Belgium, Burundi and Tunisia. We did so on the understanding that the suggestions to be made by the Secretary-General for enhancing the effectiveness of the Security Council in accordance with the principles and provisions of the Charter of the United Nations may include a suggestion for revision of the Charter for this very purpose. The representative of Tunisia, one of the sponsors of the resolution, has just now confirmed this understanding in his explanation of vote.

331. In this connexion it should be recalled that during the twenty-fifth session of the Assembly, resolution 2697 (XXV) was adopted, on the need to consider suggestions regarding the review of the Charter of the United Nations. This item will be on the agenda of the next session of the General Assembly and it is our conviction that the necessity for such a review will receive the sympathetic consideration of the Members of the United Nations.

332. We therefore wish to remind the members of the Assembly that the adoption of draft resolution A/L.654/Rev.1 should not prejudice, but on the contrary should reinforce, the study on the question of the review of the Charter.

333. Mr. DELEAU (France) (*interpretation from French*): My delegation voted in favour of the draft resolution which has just been adopted. We did this not without hesitation, however, because it seems that the wording of paragraph 2 is somewhat imprecise. It seems to us, indeed, for well-known reasons, which were just explained a few moments ago by the representative of the Soviet Union, that this paragraph should be understood to mean the following: the

role of the Secretary-General will be to inquire from Governments as to their views and suggestions on the question before us and then to submit these in his report to the General Assembly. The end of paragraph 2, which reads "in accordance with the principles and provisions of the

Charter of the United Nations", means, as we see it, that the suggestions can be formulated only along the lines of the principles and provisions of the Charter.

The meeting rose at 7.35 p.m.

