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President: Mr. Leopoldo BENITES (Ecuador).

AGENDA ITEM 60

Principles of international co-operation in the detection, arrest, extradition and punishment of persons guilty of war, crimes and crimes against humanity (*concluded*)*

REPORT OF THE THIRD COMMITTEE (A/9326)

1. The PRESIDENT (*interpretation from Spanish*): I wish to draw the attention of delegations to the revised amendments [A/L.711/Rev.1] submitted by Saudi Arabia to the draft resolution recommended by the Third Committee in paragraph 10 of its report [A/9326].

2. The general debate on this item having been concluded, I shall now call on those representatives who wish to explain their votes before we proceed to vote. Statements may be made on the amendments and on the draft resolution as a whole.

3. Mr. COMMENAY (France) (*interpretation from French*): The French delegation will willingly vote in favour of the draft resolution relating to the principles of international co-operation in the detection, arrest, extradition and punishment of persons guilty of war crimes and crimes against humanity if the text remains as it appears in the report of the Third Committee. On the other hand, my delegation will be constrained, to its great regret, to vote against the draft resolution if the amendments submitted by the representative of Saudi Arabia are embodied in it. Those amendments appear to us in fact to be unacceptable for various reasons, both juridical and moral.

4. We cannot subscribe to the first amendment, which provides for a tribunal consisting of nationals of States not parties to the war in question. We believe in fact that nationals of a State not implicated in a conflict are not qualified to judge crimes committed in that conflict. The second amend-

ment provides that the right of asylum shall be denied to any person accused of war crimes or crimes against humanity where the charges against him have been confirmed by a neutral tribunal, and we cannot support that amendment either. The adjective "neutral" is in fact very ambiguous. What does neutrality mean in the present case? Is it a neutrality which would stem, *ipso facto*, from the nationality of the judges, the fact that they were not nationals of States implicated in the war? We believe, as I said earlier, that such persons are not qualified to judge crimes committed in that war. Is this a kind of moral neutrality, which would run the risk of amounting to indifference or detachment? Can one remain neutral about war crimes? Who is really neutral in a general war?

5. In fact, we would be acting against our own conscience if we were to adopt a text which, because of the ambiguity concerning the word "neutral", were to lead to the exoneration of war criminals. To us, and in our legislation, there is no statute of limitations regarding war crimes as defined by the Nürnberg Tribunal.

6. As for the right of asylum, we believe that it should be denied to any war criminal recognized as such by a qualified tribunal, even if it is a national tribunal.

7. For those reasons, the amendments proposed by Saudi Arabia are, I repeat, unacceptable to my delegation. Their motivation, as reflected in the considerations set forth when their sponsor presented them, is quite clear. They are extraneous to what we the French feel, like so many other peoples who even though they live under different political and social systems are at one in the face of the major and painful problems relating to war criminals.

8. Mr. GRAEFRATH (German Democratic Republic): The delegation of the German Democratic Republic in the Third Committee voted in favour of the draft resolution contained in paragraph 10 of document A/9326. This document has been submitted by the Commission on Human Rights, after thorough discussion, through the Economic and Social Council to the General Assembly. We are convinced that these principles reflect the rules of international law as they are valid today. They are a good basis to facilitate the co-operation of States in this field so important for the safeguarding of peace. Thus they may become the starting point for many concrete bilateral and multilateral agreements. Therefore, the delegation of the German Democratic Republic will also vote now in favour of the draft resolution as it has been approved by the Third Committee.

9. We understand the noble intentions and ideas which underlie the amendments in document A/L.711/Rev.1 and which do honour to their author. Quite obviously they do not proceed from the rules valid at present for the prosecu-

* Resumed from the 2185th meeting.

tion and punishment of war crimes and crimes against humanity. Their purpose is different, and they aim at profound changes of valid law. For that reason they do not supplement the present principles. My delegation cannot support any amendment which would result in weakening or limiting the statement of the principles formulated in the draft resolution or which is not in accordance with valid international law.

10. May I recall that the principle that war crimes and crimes against humanity shall be prosecuted and punished has been valid law for a long time. It existed even before Nürnberg. It was reaffirmed in the Statute of the Nürnberg Tribunal and applied by the Judgement of Nürnberg. It was confirmed as generally recognized international law in resolution 95 (I) of the General Assembly.

11. The attempt expressed in the first of the amendments in document A/L.711/Rev.1 to restrict the punishment of war criminals to tribunals filled with judges of States which have not participated or are not participating in the war contradicts valid international law. My observation applies to both the original and the revised amendments. This amendment constitutes an unreasonable limitation of penal jurisdiction based upon the territorial principle. The result of the amendments would be that no State would be permitted any longer to punish war crimes and crimes against humanity which had been committed on its own territory by foreigners. There is no State in the world which does not claim penal jurisdiction over crimes committed within its territory. The amendments would further question universal penal jurisdiction for the prosecution of war crimes and crimes against humanity as laid down in international customary law and in treaty law just at the moment when it is being introduced by treaty with regard to the crime of *apartheid* and crimes against diplomats.

12. In a world in which the prohibition of aggression contained in the ban on the use of force stipulated by the United Nations Charter can be enforced more and more, the abolition of universal penal jurisdiction for the prosecution of war crimes and crimes against humanity would have the effect of giving immediate aid to the aggressor or a racist régime like the *apartheid* régime.

13. Nearly all States Members of the United Nations are at the same time parties to the 1949 Geneva Conventions. In all four Geneva Conventions a great number of war crimes and crimes against humanity have been defined as grave breaches of the Conventions. All Member States have assumed the obligations to prosecute them, independently of the place of perpetration. All Member States have assumed the obligation, and I quote article 49 of the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, of August 12, 1949:

“... to enact any legislation necessary to provide effective penal sanctions for persons committing, or ordering to be committed, any of the grave breaches of the present Convention ...

“... to search for persons alleged to have committed, or to have ordered to be committed, such grave breaches, and shall bring such persons, regardless of their national-

ity, before its own courts. It may also, if it prefers, and in accordance with the provisions of its own legislation, hand such persons over for trial to another High Contracting Party concerned, provided such High Contracting Party has made out a *prima facie* case.”¹

This has been expressly agreed upon by nearly all States of the world as a binding obligation under international law. Thus the universal penal jurisdiction and the universal obligation concerning the penal prosecution of war crimes and crimes against humanity in really universal treaties have been formulated as a general principle of international law. There can be no doubt that this principle also applies to other war crimes and crimes against humanity which in their character are not different from the grave breaches of the Geneva Conventions but are just contained in other agreements. Therefore, the General Assembly should reaffirm the principles of the present draft resolution and reject the amendments in document A/L.711/Rev.1.

14. The creation of an international penal court is such a difficult and serious task that it cannot be solved by way of an oral amendment to an amendment. In the past it has kept many scientific and political bodies busy, and moreover this is not the first time that the question has been raised in the United Nations. This is a subject of its own and a question of the further development of international law, but not a question of the valid principles of the co-operation of States in the prosecution and punishment of war crimes and crimes against humanity which we are going to affirm.

15. The delegation of the German Democratic Republic also cannot accept the second of the amendments, since it contradicts valid international law. The decision on the granting or rejecting of the right of asylum belongs to a State acting within its sovereign rights; it cannot be subjected to a decision of a foreign court. It belongs to the competence of States to apply the right of asylum in accordance with the principles of peaceful co-operation among nations. In this context my delegation wishes to stress that the right of asylum is no institution for the protection of war criminals and persons who have committed crimes against humanity. That is clearly said in the Convention on the Prevention and Punishment of the Crime of Genocide [*resolution 260 A (III)*] and in the Declaration on Territorial Asylum [*resolution 2312 XXII*] to which the present draft resolution refers.

16. Finally, permit me to say that in the German Democratic Republic we know from experience that the strict prosecution and punishment of the war crimes and crimes against humanity organized and committed by German imperialists was an important element of the democratic transformation, the humanistic education, the extirpation of the racist and Nazi ideology. We never regarded the obligation to prosecute war criminals and persons who had committed crimes against humanity as a burden on the sovereignty of the German Democratic Republic, but considered it always as an important contribution of our State to the international safeguarding of peace.

17. Mrs. LYKOVA (Union of Soviet Socialist Republics) (*translation from Russian*): At the beginning of each session of the General Assembly most delegations turn their eyes to

¹ See United Nations, *Treaty Series*, vol. 75 (No. 970), p. 62.

the days when the United Nations was born and to the noble principles enshrined in its Charter.

18. There can be no doubt that all representatives see before them, majestic as an oak and cast in bronze like the monuments on the battlefields, the following words from the preamble to the United Nations Charter:

“We the peoples of the United Nations, determined to save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind”.

19. In this connexion, the United Nations from the very first days of its existence has constantly considered the question of international co-operation in the detection and punishment of persons guilty of war crimes and crimes against humanity as a component part of the larger problem of the maintenance of international peace and the security of peoples.

20. The United Nations during its existence has adopted a whole series of important documents in the area of the struggle against grave international crimes such as war crimes and crimes against humanity: the 1948 Convention on the Prevention and Punishment of the Crime of Genocide [*resolution 260 A (III)*], and the just-adopted International Convention on the Suppression and Punishment of the Crime of *Apartheid* [*resolution 3068 (XXVIII)*].

21. Recognizing the special importance of this question, the General Assembly has repeatedly condemned war crimes and crimes against humanity perpetrated as a result of aggressive wars and the policy of racism, colonialism, genocide and *apartheid*, and has appealed to States to prosecute persons guilty of such crimes.

22. The principles adopted by the Third Committee have the same aim.

23. We are convinced that the adoption of these principles by the General Assembly will be a significant contribution to the achievement of the main purpose of the United Nations Charter, namely, saving succeeding generations from the scourge of war. In this connexion the delegation of the Soviet Union will vote in favour of the draft resolution submitted by the Third Committee.

24. With reference to the amendments submitted by the representative of Saudi Arabia, the Soviet delegation would like to make a few comments on them.

25. First of all, it is quite obvious that the question raised in those amendments boils down to setting up a system of bodies with international criminal jurisdiction. There is no question that it is an extremely important but at the same time complex question, on whose solution the United Nations has worked in the past but heretofore has not obtained any positive results. It is sufficient to recall, in this connexion, that the question of an international criminal jurisdiction has long been considered in the International Law Commission and then by the General Assembly, which in 1957 adopted a special resolution, 1187 (XII), on this question, in which it decided to

“... defer consideration of the question of an international criminal jurisdiction until such time as the General Assembly takes up again the question of defining aggression and the question of a draft Code of Offences against the Peace and Security of Mankind”.

26. Furthermore, the amendments by the representative of Saudi Arabia provide for the establishment of internationally competent tribunals, or so-called “neutral” tribunals, to try persons guilty of war crimes and crimes against humanity. The question of the setting up of such tribunals must be carefully studied and discussed by sovereign States, since it affects a whole complex of difficult juridical and political problems. The procedure proposed for setting up such tribunals gives rise to the most serious doubts and objections. We cannot agree with granting the right to set up such tribunals to the President of the International Court of Justice, the Secretary-General of the United Nations and the President of the General Assembly, since, in the opinion of the USSR delegation, this must be left up to the States themselves. Moreover, those officials would hardly deem it possible to assume such responsibilities. It would contradict their functions as defined in the United Nations Charter and in the Statute of the International Court of Justice. It is obvious, therefore, that to decide on this complex and, I would even say, extremely delicate question without a thorough discussion does not seem possible at this stage.

27. In the opinion of the USSR delegation, the question of the prosecution in the courts of war criminals and persons guilty of crimes against humanity was settled satisfactorily and in keeping with the United Nations Charter by the very principles that are now under consideration. Those principles provide for a procedure of international co-operation among States in prosecuting criminals before the courts which is, in our opinion, in keeping with the present stage of development of intergovernmental relations.

28. We should also like to note that the proposals by the representative of Saudi Arabia were essentially considered during the twenty-third session of the General Assembly. In its resolution 2392 (XXIII), the General Assembly took the decision to consider the draft optional protocol which was submitted at such time as it resumed consideration of the question of international criminal jurisdiction; however, that question has not heretofore been considered.

29. On the basis of the foregoing, the Soviet delegation considers that the amendments submitted by the representative of Saudi Arabia are unacceptable in principle at this time.

30. The Soviet delegation is convinced that the draft principles elaborated by the Commission on Human Rights and adopted in that body by consensus, and then adopted by the Economic and Social Council and by the Third Committee by an overwhelming majority of votes by States Members of the United Nations, will be adopted also by the General Assembly in plenary meeting.

31. The PRESIDENT (*interpretation from Spanish*): Before I call on the next speaker in explanation of vote on the draft resolution and the amendments, I should like to inform the Assembly that the representative of Saudi Arabia

has asked me to announce that the word "neutral", which appears at the end of his proposed principle 6, should be deleted. The text of that paragraph would therefore read:

"6. The right of asylum shall be denied to a person accused of war crimes or crimes against humanity, where the charges against him have been confirmed by a tribunal."

32. Mr. PETRELLA (Argentina) (*interpretation from Spanish*): My delegation, aware of the humanitarian importance of the punishment of war criminals, wishes to express its sympathy with the general principles underlying the draft resolution adopted by the Third Committee. For reasons of a juridical nature, however, we shall be compelled to abstain in the vote on it.

33. First of all, the absence of an adequate definition of crimes against peace, war crimes and crimes against humanity may create considerable difficulties when attempts are made to implement the principles in specific cases, and also affects basic postulates of Argentine legislation.

34. Moreover, the text as drafted might be construed as demanding that States adopt retroactive legislation or exempt from the ordinary system of punishment those who are accused of such crimes. Both of these considerations are unacceptable under my country's legislation.

35. Finally, in connexion with principle 6, my delegation wishes to draw attention in particular to paragraph 3 of Article 1 of the Declaration on Territorial Asylum, in resolution 2312 (XXII), which stipulates: "It shall rest with the State granting asylum to evaluate the grounds for the grant of asylum". This is a practice that has been followed in inter-American law.

36. Mr. PONCE (Ecuador) (*interpretation from Spanish*): In this explanation of vote, we propose to refer only to one paragraph of the draft resolution, principle 6, and the amendment thereto.

37. In the Third Committee, when a separate vote was taken on various paragraphs of the draft resolution that is today recommended to the Assembly, my delegation abstained in the vote on principle 6 because we believed it involved a declaration on territorial asylum aimed at denying asylum to those persons deemed guilty of crimes against peace or crimes against humanity.

38. The institution of asylum has a Spanish heritage within the Latin American context and it has profound roots in community life and in lofty concepts of humanism. We are deeply concerned at the restrictive provisions in repeated draft resolutions regarding conventions of great importance for the life of peoples that have forged positive rules of international law, drawing their inspiration from a clear awareness of their common participation in the history of noble institutions. In this case the statement in principle 6 undermines the State's possibility of granting asylum. My delegation will abstain in the vote on this principle and wishes to place on record its reservation in this connexion.

39. My delegation will vote against the amendments, but once a decision is taken thereon we will vote in favour of the

draft resolution as a whole, placing on record the same reservation.

40. Mr. BAROODY (Saudi Arabia): I am speaking in explanation of my vote on the draft resolution to which I have submitted various amendments.

41. I must repeat that war is more than ever a collective responsibility. Furthermore, modern warfare by its nature inflames the emotions of States to such an extent that it breeds vengeance. Therefore, if there is no neutral tribunal, it stands to reason that vengeance will subjectively motivate the judges—as happened at Nürnberg, as well as in the Tokyo Tribunal. The Geneva Conventions or similar regulations were not respected either in the Second World War or in subsequent conflicts—to mention only two, the war in Korea and the war in Viet-Nam.

42. I request my colleagues not to be hasty. You might think that the draft resolution embodies only principles, which are not mandatory. But do not forget that those principles may one day become the basis of a convention which would be binding on all those who signed it.

43. In my last statement [2185th meeting] I did not refer to wars by proxy. In such wars who will try the abettor of alleged war crimes? Let my friends from the Soviet Union and the Byelorussian SSR answer me. Answer this question, Who will try the alleged criminal in wars by proxy? Do you want to follow the formalities, or the spirit of the law? In order not to exacerbate situations that obtain nowadays, I will not name countries that are waging war by proxy in Viet-Nam and Cambodia. Are those who feed the war machine, regardless of their ideology, saints? Are they innocent? Usually such wars are waged to maintain the balance of power and to serve national interests, but the result is that countries are devastated and millions of refugees are created and they die like flies.

44. Who will try the criminals in a war by proxy? You, representatives of the Soviet Union, please answer that question. How do you lay the responsibility on persons who have allegedly fed the war machine and who are neutral? You punish only the man who commits the crime, but not the one who abets him.

45. Those principles you have elaborated in the Economic and Social Council are not sacrosanct, as I have said time and again, because many voted by solidarity and without scrutinizing the text. Go ahead and vote by solidarity here today, and one day when you grow old—as I am old now—you will regret that you voted for such principles without sufficient examination. You want to try alleged war criminals and criminals against humanity without specifying how they could be tried fairly when emotions were not running too high.

46. Two of my colleagues, the lady from the Soviet Union and my good friend from the Byelorussian SSR, said that there are no provisions in the Charter whereby the President of the International Court of Justice can appoint judges. That is a moot point. The President can appoint arbitrators. So what if he appoints judges? That is why, to meet their objection that the Statute of the International Court of Justice does not provide for the President's appointing

judges, I added these words to my amendment: "or the judges may also be appointed by the Secretary-General of the United Nations and the President of the General Assembly after due consultations with appropriate parties, including those directly concerned". I did not leave anything to chance.

47. The mere fact that you want your own way will wreck any future convention that you may have it in mind to elaborate, because, after all, in law justice should always be tempered with mercy. We belong, hundreds of millions of us, to civilizations that are older than yours by thousands of years and that require us to respect the right of asylum and not to act arbitrarily as you want us to do in accordance with those principles you have elaborated in the draft resolution that is about to be submitted to the vote. Do you want the ethos of our people to be changed? How many times have I said from this rostrum that, in spite of the fact that the Crusaders were criminals, they were reprieved by Saladin. He did that when Richard the Lion-hearted fell into his grasp on two occasions. Not only is our enemy forgiven when he surrenders; we go out of our way to give him security; we protect him from anyone who would harm him, although he may have devastated our land and killed many of us. And here you come with your modern principles, wanting us to change the ethos of hundreds of millions of people. You are young in civilization. Do not go by technology and industrial development. That means nothing. Peace and progress without justice tempered with mercy are not worth anything in the world.

48. That is why I tried to amend those principles. Go by solidarity, my colleagues. None other than my colleague from France came here to urge that those principles should be enshrined—as if they were sacred writ. I know the reasons but I do not want to go into something that might really alienate us from one another, for indeed we need peace rather than more and more conflict among us here in the United Nations. I have not yet received an answer to the question that I have posed several times. Of course, the Soviet Union, a super-Power, has the right, like the United States, to keep mum. Von Paulus, who devastated Stalingrad, was not surrendered to the Nürnberg trials—and, I believe, rightly so. Many officers who inflicted a great deal of damage on the Soviet Union were not tried as war criminals—and remember that von Paulus was made a marshal on the battlefield by none other than Hitler. So did it suit their purpose, then, not to try von Paulus or surrender him to a tribunal? As I have said time and again, he who dropped the atomic bomb on Hiroshima and Nagasaki belonged to the victor nation. Was he brought to task by the United Nations? No—and perhaps rightly so, because war crimes are a collective responsibility, and only in rare cases should there be war crimes trials, lest, as I said, the verdict may generate hatred and vengeance and a chain reaction that will never end. The revanchists will breed other revanchists. There are no provisions in the principles embodied in this draft resolution that would apply to anyone who might take the law into his own hands.

49. I thought my colleague from Argentina would mention the Eichmann case. Under those principles what will prevent any nation that becomes victorious from kidnapping those whom it considers to be war criminals? Regard-

less of whether Eichmann was a criminal or was innocent, the State that kidnapped him did so with impunity. I recall that in the Security Council even Argentina, a State that we all admire, could say nothing, because of pressures—because they ganged up against Argentina to compel it to say nothing.

50. What about international law? International law is spoken of like a rubric, like a blanket. Do not think my amendments have not been studied judiciously. For years, since 1947, I have been dealing with this question of alleged war criminals, and I have made the position of my delegation very clear. How can anyone vote in favour of such principles that are not fair enough? Of course, anyone who does not vote for this draft resolution might be considered to be in favour of war criminals. That is why many here will abstain in the vote. I am sure we will find that abstentions will prevail, and those who vote in favour of it will be doing so through solidarity. For Heaven's sake, we have had enough injustices through votes by solidarity in the United Nations. Do we want to perpetuate voting by groups? I have tried time and again, having seen what happened in the League of Nations, which I observed *ex officio*, to point out that votes by solidarity are usually carried out at the expense of justice. "Scratch my back and I will scratch yours"—that is what solidarity is. If you cannot scratch your back, go to the wall and rub it. That is better than asking someone to scratch it for you and then being indebted to him.

51. Mr. President, I do not want to abuse your patience in an explanation of vote, which is not expected to be so lengthy, but this question is momentous and everyone here should really ponder what might happen if we voted without enough scrutiny. I have no right to talk about my amendments in an explanation of vote. I am not here submitting amendments to win or lose. I have made my point in the hope that some of you will have the courage not to abstain but, rather, to refute general principles which may perhaps be planted for propaganda, to say the least, or for some ulterior motive, to say the most.

52. Vote as you wish, but when you members of the younger generation grow older, you will remember that you were warned. And if a convention elaborated from those principles comes into being, you will say, "There was a lone voice that warned us"—and I hope that I am not warning you in vain.

53. The PRESIDENT (*interpretation from Spanish*): I call on the representative of France, who wishes to clarify certain points in his explanation of vote.

54. Mr. COMMENAY (France) (*interpretation from French*): I should like very briefly to clarify our position on the different amendments proposed to us. For reasons that I have already explained from this rostrum, the first amendment is unacceptable to us and we shall vote against it. We shall abstain from voting on the second amendment, which is equivocal. We consider that it is quite obvious that every State has the right to try its own nationals for war crimes or for crimes against humanity, but we do not believe that that is an exclusive right of that State which must be denied to others. Consequently, we shall abstain in the vote on the draft resolution as a whole if the Saudi Arabian amendments are adopted.

55. The PRESIDENT (*interpretation from Spanish*): We shall now vote on the amendments submitted by the delegation of Saudi Arabia in document A/L.711/Rev.1 to the draft resolution recommended by the Third Committee in paragraph 10 of its report [A/9326]. Separate votes have been requested on the new paragraphs 2 and 3 proposed in the first amendment. Recorded votes have been requested.

56. We shall vote first on the first part of the first amendment that seeks to add a new paragraph 2 to the draft resolution.

A recorded vote was taken.

In favour: Bahrain, Libyan Arab Republic, Qatar, Saudi Arabia, United Arab Emirates.

Against: Australia, Austria, Barbados, Belgium, Bulgaria, Byelorussian Soviet Socialist Republic, Canada, Cuba, Czechoslovakia, Dominican Republic, Ecuador, El Salvador, Equatorial Guinea, France, German Democratic Republic, Guatemala, Hungary, India, Iraq, Israel, Italy, Jordan, Luxembourg, Mongolia, Netherlands, New Zealand, Pakistan, Poland, Portugal, Romania, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America, Yugoslavia.

Abstaining: Afghanistan, Algeria, Argentina, Bhutan, Bolivia, Botswana, Brazil, Burma, Burundi, Cameroon, Central African Republic, Chad, Chile, Colombia, Congo, Costa Rica, Cyprus, Dahomey, Democratic Yemen, Denmark, Ethiopia, Fiji, Finland, Gabon, Gambia, Germany (Federal Republic of), Ghana, Greece, Guinea, Guyana, Haiti, Honduras, Iceland, Indonesia, Iran, Ireland, Ivory Coast, Japan, Kenya, Khmer Republic, Kuwait, Laos, Lebanon, Lesotho, Liberia, Madagascar, Malawi, Malaysia, Mali, Mauritania, Mexico, Morocco, Nepal, Nicaragua, Niger, Nigeria, Norway, Oman, Paraguay, Peru, Philippines, Rwanda, Sierra Leone, Singapore, Somalia, Spain, Sri Lanka, Sudan, Sweden, Thailand, Togo, Tunisia, Uganda, United Republic of Tanzania, Upper Volta, Uruguay, Venezuela, Zaire, Zambia.

The first part of the first amendment was rejected by 36 votes to 5, with 79 abstentions.

57. The PRESIDENT (*interpretation from Spanish*): We shall now vote on the second part of the first amendment that seeks to add a new paragraph 3 to the draft resolution.

A recorded vote was taken.

In favour: Afghanistan, Bahrain, Bolivia, Brazil, Canada, Indonesia, Libyan Arab Republic, Mexico, Morocco, Oman, Philippines, Qatar, Saudi Arabia, Somalia, Sri Lanka, Sudan, Turkey, United Arab Emirates, Venezuela.

Against: Ecuador, India, Israel, Netherlands, New Zealand, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Algeria, Argentina, Australia, Austria, Barbados, Belgium, Bhutan, Botswana, Bulgaria, Burma, Burundi, Byelorussian Soviet Socialist Republic, Came-

roon, Central African Republic, Chad, Chile, Colombia, Congo, Costa Rica, Cuba, Cyprus, Czechoslovakia, Dahomey, Democratic Yemen, Denmark, Dominican Republic, El Salvador, Equatorial Guinea, Ethiopia, Fiji, Finland, France, Gabon, Gambia, German Democratic Republic, Germany (Federal Republic of), Ghana, Greece, Guatemala, Guinea, Guyana, Haiti, Honduras, Hungary, Iceland, Iran, Iraq, Ireland, Italy, Ivory Coast, Japan, Jordan, Kenya, Khmer Republic, Kuwait, Laos, Lebanon, Lesotho, Liberia, Luxembourg, Madagascar, Malawi, Malaysia, Mali, Mauritania, Mongolia, Nepal, Nicaragua, Niger, Nigeria, Norway, Pakistan, Paraguay, Peru, Poland, Portugal, Romania, Rwanda, Sierra Leone, Singapore, Spain, Sweden, Thailand, Togo, Tunisia, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Tanzania, Upper Volta, Uruguay, Yugoslavia, Zaire, Zambia.

The second part of the first amendment was adopted by 19 votes to 7, with 94 abstentions.

58. The PRESIDENT (*interpretation from Spanish*): We shall now vote on the second amendment, which was revised by its sponsor by the deletion of the word "neutral" and which proposes a new text for principle 6 of the draft resolution.

A recorded vote was taken.

In favour: Bahrain, Brazil, Chad, Chile, Libyan Arab Republic, Philippines, Qatar, Saudi Arabia, United Arab Emirates.

Against: Australia, Barbados, Bulgaria, Byelorussian Soviet Socialist Republic, Cuba, Czechoslovakia, Ecuador, El Salvador, Equatorial Guinea, France, German Democratic Republic, Guatemala, Hungary, India, Israel, Italy, Luxembourg, Mongolia, Netherlands, New Zealand, Poland, Portugal, Romania, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America, Yugoslavia.

Abstaining: Afghanistan, Algeria, Argentina, Austria, Belgium, Bhutan, Bolivia, Botswana, Burma, Burundi, Cameroon, Canada, Central African Republic, Colombia, Congo, Costa Rica, Cyprus, Dahomey, Democratic Yemen, Denmark, Dominican Republic, Ethiopia, Fiji, Finland, Gabon, Gambia, Germany (Federal Republic of), Ghana, Greece, Guinea, Guyana, Haiti, Honduras, Iceland, Indonesia, Iran, Iraq, Ireland, Ivory Coast, Japan, Jordan, Kenya, Khmer Republic, Kuwait, Laos, Lebanon, Lesotho, Liberia, Madagascar, Malawi, Malaysia, Mali, Mauritania, Mexico, Morocco, Nepal, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Paraguay, Peru, Rwanda, Sierra Leone, Singapore, Somalia, Spain, Sri Lanka, Sudan, Sweden, Thailand, Togo, Tunisia, Uganda, United Republic of Tanzania, Upper Volta, Uruguay, Venezuela, Zaire, Zambia.

The second amendment was rejected by 29 votes to 9, with 82 abstentions.

59. The PRESIDENT (*interpretation from Spanish*): We shall now vote on the draft resolution recommended by the

Third Committee in paragraph 10 of its report [A/9326]. A separate vote has been requested on principle 4.

Principle 4 was adopted by 56 votes to none, with 66 abstentions.

60. The PRESIDENT (*interpretation from Spanish*): The General Assembly will now vote on the draft resolution as a whole, as amended. A recorded vote has been requested.

A recorded vote was taken.

In favour: Algeria, Australia, Austria, Barbados, Belgium, Bhutan, Botswana, Bulgaria, Burma, Burundi, Byelorussian Soviet Socialist Republic, Canada, Chad, Congo, Costa Rica, Cuba, Cyprus, Czechoslovakia, Dahomey, Democratic Yemen, Denmark, Ecuador, Egypt, Equatorial Guinea, Ethiopia, Fiji, Finland, France, Gabon, Gambia, German Democratic Republic, Germany (Federal Republic of), Ghana, Greece, Guinea, Guyana, Haiti, Honduras, Hungary, Iceland, India, Iran, Iraq, Ireland, Israel, Italy, Ivory Coast, Jordan, Kenya, Khmer Republic, Laos, Lebanon, Lesotho, Liberia, Libyan Arab Republic, Luxembourg, Madagascar, Malaysia, Mali, Mauritania, Mexico, Mongolia, Morocco, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Peru, Philippines, Poland, Romania, Rwanda, Sierra Leone, Singapore, Somalia, Sri Lanka, Sudan, Syrian Arab Republic, Thailand, Togo, Tunisia, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Upper Volta, Yemen, Yugoslavia, Zambia.

Against: None.

Abstaining: Afghanistan, Argentina, Bahrain, Bolivia, Brazil, Cameroon, Central African Republic, Chile, Colombia, Dominican Republic, El Salvador, Guatemala, Indonesia, Japan, Kuwait, Malawi, Oman, Pakistan, Paraguay, Portugal, Qatar, Saudi Arabia, Spain, Sweden, Turkey, United Arab Emirates, Uruguay, Venezuela, Zaire.

The draft resolution as a whole, as amended, was adopted by 94 votes to none, with 29 abstentions (resolution 3074 (XXVIII)).

AGENDA ITEM 21

Election of the United Nations High Commissioner for Refugees

61. The PRESIDENT (*interpretation from Spanish*): The General Assembly has before it a note by the Secretary-General [A/9346] proposing that the term of office of Prince Sadrudin Aga Khan as United Nations High Commissioner for Refugees be extended for a further period of five years from 1 January 1974 to 31 December 1978.

62. Mr. DIALLO (Niger) (*interpretation from French*): It is my very pleasant duty to express today, on behalf of the African group of States, the full support of the Organization of African Unity [OAU] for the proposal to extend the term of office of His Highness Prince Sadrudin Aga Khan as

United Nations High Commissioner for Refugees. Born in 1933, a graduate of Harvard University, Prince Sadrudin Aga Khan, by his humanitarian action on behalf of the inhabitants of the fourth world, that is to say the refugees, has given sufficient proof of his competence and dedication to the purposes of the United Nations. Beginning in 1959, His Highness Prince Sadrudin Aga Khan had already discharged a number of missions on behalf of the United Nations High Commissioner for Refugees, in particular on the occasion of the International Year for Refugees, in the course of which he was appointed Deputy High Commissioner for Refugees. He held that post until 1962, in which year he was himself appointed High Commissioner. In the course of that period he devoted his efforts to the new problems of refugees from Asia and Africa and played an active role in the work of the tripartite commission responsible for the supervision of the repatriation of 180,000 refugees from Algeria who returned at that time from Morocco and Tunisia.

63. In April 1971 the Secretary-General of the United Nations appointed him Principal Co-ordinator for International Assistance to Bengali Refugees.

64. I have already said, and would not wish to repeat myself, that Prince Sadrudin Aga Khan is an international personality who needs no introduction because of his continued efforts on behalf of refugees throughout the world, and in particular the special attention he has paid to the African refugees. We are happy to reiterate the confidence of the African countries in Prince Sadrudin Aga Khan. We are convinced that during his new term of office the United Nations High Commissioner for Refugees will spare no effort and devote himself even more to that cause which is so dear to him.

65. May I say then, on behalf of OAU, that we support the proposal to extend his term of office for a five year period.

66. The African group avails itself of this opportunity to address an earnest appeal to other groups, so that the General Assembly may extend by acclamation the term of office of Prince Sadrudin Aga Khan as United Nations High Commissioner for Refugees.

67. Mr. TARCICI (Yemen) (*interpretation from French*): It is a particular pleasure for my delegation to support warmly the re-election of Prince Sadrudin Aga Khan to another five-year term as United Nations High Commissioner for Refugees. Yemen is convinced that the invaluable services of a profoundly humanitarian nature rendered by Prince Sadrudin Aga Khan up to now to refugees—without any distinction as to race, creed or nationality—merit his re-election by acclamation, as proposed by the representative of Niger on behalf of the African group.

68. In my capacity as head of the Permanent Mission of Yemen in Geneva, where the High Commissioner's office is located, I should like on this occasion to add a personal note. Indeed, through my work with the international organizations in Geneva, I am in a good position to state to the General Assembly of the United Nations that all delegations in Geneva share our profound esteem for His Highness Prince Sadrudin Aga Khan. This sentiment stems from the

exemplary devotion and complete disinterestedness with which he carries out the humanitarian mission entrusted to him by the United Nations, a painful and difficult mission in which he has succeeded so well. That is why we, together with all who wish to alleviate the sorrows of mankind, hope that the High Commissioner will agree to continue to discharge the high mission which the General Assembly wishes to continue to entrust to him.

69. The PRESIDENT (*interpretation from Spanish*): May I take it that the General Assembly wishes to adopt by acclamation the recommendation of the Secretary-General that the term of office of Prince Sadruddin Aga Khan as United Nations High Commissioner for Refugees be extended for a further period of five years, from 1 January 1974 to 31 December 1978?

The recommendation was adopted by acclamation.

70. The PRESIDENT (*interpretation from Spanish*): I wish to take this opportunity to congratulate Prince Sadruddin Aga Khan on the confidence that the General Assembly has shown in him and to associate myself with the expressions of recognition and appreciation of his great merits. At the same time, I wish him the greatest success in the fulfilment of the noble and difficult task that is his.

71. Mr. GHOBASH (United Arab Emirates): The United Arab Emirates regards the work of the United Nations High Commissioner for Refugees with great respect. Such work is an act of great benevolence in a world which, though struggling courageously against division and prejudice, still suffers from many forms of conflict and injustice. Racial prejudice, religious narrow-mindedness and political conflicts drive hundreds of thousands of people every year from their native lands to seek refuge elsewhere. In order to save their lives or to avoid humiliation or oppression, they dare to go into exile, hoping to preserve the human dignity of those who might be victimized because of their convictions, their racial origin or their cultural identity. The work of Prince Sadruddin Aga Khan is in harmony with the ideals of the United Nations and the aspirations of mankind. It is a pleasure for us to note the great dedication and integrity with which the High Commissioner and his staff carry out their heavy and delicate responsibilities.

72. My country, which believes firmly in the value of the efforts of the international community aimed at abolishing causes of conflict and oppression, assures the High Commissioner of its co-operation in his humane activities, which centre on man and his dignity and transcend ideological, technical or cultural differences.

73. We whole-heartedly congratulate His Highness Prince Sadruddin Aga Khan on his re-election and we wish him great success in carrying out his responsibilities during his new term of office.

74. Mr. BADAWI (Egypt): It is with great satisfaction that my delegation has seen this Assembly approve unanimously the re-election of Prince Sadruddin Aga Khan as High Commissioner for Refugees for a further period from 1 January 1974. This unanimous re-election and approval

reflects the high importance that this Assembly attaches to the work of the Office of the High Commissioner. We are sure that this unanimous approval reflects as well the endorsement by the General Assembly of the effective way in which the High Commissioner, Prince Sadruddin Aga Khan, has been carrying out his mission. It is our deep conviction that Prince Sadruddin Aga Khan will draw from this support further encouragement to continue his untiring and ceaseless efforts with regard to the refugees under his mandate. The record of his efforts as well as his activities fully testifies to that. My delegation congratulates him and wishes him all success in his noble mission.

75. Mr. AKHUND (Pakistan): There can be no better example of a harmonious blend of the personal and the official than the character of the relationship between my Government and the United Nations High Commissioner for Refugees and his Office. In other forums my delegation has had occasion to draw attention to the personal role Prince Sadruddin Aga Khan has been playing in helping the parties to the Delhi Agreement of last August to implement the clauses relating to the repatriation of various categories of persons. I will not, therefore, repeat at length Pakistan's appreciation of his role in this matter. Suffice it to say that the delegation of Pakistan is gratified—more perhaps than most—at the re-election of Prince Sadruddin Aga Khan as the United Nations High Commissioner for Refugees. Prince Sadruddin has displayed in the performance of his tasks the necessary degree of political sensitivity tempered by the quality of impartiality. His devotion to lofty ideals is based on a compassionate concern for the human individual. That these qualities will continue to be available to the Office of the United Nations High Commissioner for Refugees for another five years is a surety for its continued effectiveness. The General Assembly has just given recognition to the dedicated work and the abilities of Prince Sadruddin by endorsing with one voice the extension of his term. My delegation joins whole-heartedly in applauding that decision.

76. Mr. MUSAFIRI WA MAHENGHA (Zaire) (*interpretation from French*): My country, Zaire, which welcomes an ever-growing number of Angolan and other refugees, wishes to express its sincere gratification at the highly deserved re-election of Prince Sadruddin Aga Khan to the post of United Nations High Commissioner for Refugees. In my delegation's view this re-election and the renewal by acclamation of the mandate of the High Commissioner is clear testimony to the absolute dedication of Prince Sadruddin Aga Khan to the cause of refugees throughout the world and shows how well Prince Sadruddin Aga Khan has discharged his duties.

77. My country will support Prince Sadruddin Aga Khan throughout his new term of office, which undoubtedly will be entirely devoted to the protection of refugees in Africa and elsewhere in the world.

78. Mr. SAYAR (Iran) (*interpretation from French*): On behalf of the Iranian delegation as well as the Iranian Government I should like to express here our most sincere congratulations to Prince Sadruddin Aga Khan on his re-election to the post of United Nations High Commissioner for Refugees for a new five-year period. This unanimous

re-election shows once again the confidence that the entire international community has in Prince Sadruddin Aga Khan. The work accomplished by the High Commissioner is of the most humanitarian type. It has been accomplished

with an unprecedented dedication and we wish him the greatest success in his future task.

The meeting rose at 12.30 p.m.