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*President:* Mr. Edvard HAMBRO (Norway).

**AGENDA ITEM 47**

**Respect for human rights in armed conflicts: report of the Secretary-General**

**REPORT OF THE THIRD COMMITTEE (A/8178)**

1. Mrs. GUNAWARDANA (Belgium), Rapporteur of the Third Committee (*interpretation from French*): On the occasion of the International Year for Human Rights in 1968, the Teheran Conference<sup>1</sup> took the initiative of requesting the United Nations General Assembly to study the question of respect for human rights in armed conflicts. That is the subject of item 47 of the agenda.

2. It is a subject which may seem rather odd when one reads the first sentence of the United Nations Charter: "We the peoples of the United Nations determined to save succeeding generations from the scourge of war . . .".

3. The Charter was adopted on 26 June 1945. Since that time there has been a whole new generation. Unfortunately, for many people and for many parts of the world, war is still a cruel and present reality.

4. Should we, simply because we have been unable so far to attain the objective which the sponsors of the Charter laid down on the basis of their ideal of human fraternity, confine ourselves to deploring the persistence of the conflicts which disgrace the world?

5. That would be an empty attitude based both on pride and on impotence. There is no doubt that it would be better to tackle the present situation realistically, however regrettable it may be, in an attempt to make it more humane. That is what the members of the Third

Committee tried to do and, although in the course of the debate they were not able to avoid reference to particular conflicts, none the less they did reaffirm the necessary universality of respect for human rights and fundamental freedoms.

6. Five draft resolutions were adopted by the Third Committee on the question of respect for human rights in armed conflicts; they appear in paragraph 36 of its report [A/8178]. All those texts refer to the 1925 Protocol<sup>2</sup> and the Geneva Conventions of 1949, whose importance and value were stressed by the Committee, which expressed the wish that they should be widely implemented.

7. It seemed necessary, nevertheless, to adapt the protections defined by those texts and by other texts—such as the Hague Conventions and Declarations of 1899 and 1907—to the new conditions created by the development of modern warfare and conflicts.

8. Certain particular categories of potential victims are dealt with in the first four draft resolutions, namely journalists engaged on dangerous missions, freedom fighters, civilian populations and prisoners of war. The fifth draft resolution deals with co-operation between the United Nations and the Conference of governmental experts to be convened by the Red Cross in 1971 to reaffirm and develop international humanitarian law applicable to armed conflict.

9. I have the honour to request you, Mr. President, to be good enough to submit to the General Assembly for adoption these five draft resolutions.

10. Mr. ALARCON (Cuba) (*interpretation from Spanish*): First of all, we wish to congratulate the Rapporteur on the quality of the report that she has presented to us. In our view, the report reflects objectively and accurately the content of the discussions which took place in the Third Committee on item 47. It reflects objectively, accurately and properly the main tendencies in the views expressed by the different delegations in the debate. It justifies what we shall be speaking about later on in this statement, and forms the basis for our views on this subject now before the Assembly.

11. I feel obliged to make a comment about paragraph 14 of the report. In regard to the forces of the National Liberation Front of South Viet-Nam, the term "forces of the Viet-Cong" is used. It is really deplorable that in a document of the United Nations a practice followed

<sup>2</sup> Protocol for the Prohibition of the Use in War of Asphyxiating Poisonous or Other Gases and of Bacteriological Methods of Warfare, signed at Geneva on 17 June 1925.

<sup>1</sup> International Conference on Human Rights, held from 22 April to 13 May 1968.

by the American press and authorities is copied in describing in a pejorative way the liberation movement of the Viet-Nameese people. It is known that there is no institution or organization called the Viet-Cong in any part of Indo-China. The organization referred to here by that name is known officially as the National Liberation Front. This is deplorable because the practice of using terms in a pejorative sense in referring to the liberation forces of the Viet-Nameese people is a technique employed by the Washington Government to educate its soldiers in the genocidal policy pursued in Indo-China. They are taught to despise, to treat and to describe disparagingly and in a discriminatory manner the people fighting for their liberation in Viet-Nam. They are taught to consider these people as their inferiors so that, subsequently, they can be taught to commit all kinds of crimes and atrocities against them, such as those of which international public opinion is aware.

12. I have no doubt that the fact that this phrase has slipped into the report is not the responsibility of the Rapporteur because this is not the first time that attitudes of this kind on the part of the Secretariat or some of its members have been evident. My delegation has had other occasions to note this in the past.

13. We should like to put on record our rejection of this formula which, if employed by the United States delegation as is possible, would have had to be put in quotation marks in the report since the international community does not share this attitude of contempt and discrimination which the Yankees have towards the Viet-Nameese people.

14. Having said that, I repeat that my delegation believes that the rest of the document is a good report which deserves our congratulations.

15. As I said before, it reflects what actually occurred in the Third Committee. Paragraph 14, to which I have referred, begins by saying: “. . . reference was made by some delegations to the treatment accorded to combatants . . . who were captured in the course of hostile engagements in Indo-China . . .”. It is true that some delegations, especially one—the United States delegation—introduced into the work of the Third Committee on this subject of a humanitarian nature a draft resolution which had absolutely nothing to do with the subject now being considered by the Assembly. It had no humanitarian objective and was simply a propaganda manoeuvre designed for internal consumption by the people of this country, the site of the headquarters of the United Nations, designed to serve certain political interests of the Washington Government.

16. Paragraph 15 states, with a great deal of truth, the following:

“Many other delegations, however, claimed that, far from qualifying as prisoners of war under the relevant Convention, members of the United States armed forces captured in Viet-Nam were aggressors who should be punished for their acts. Those delegations asserted that the policies and practices of the United States Government and its allies in the war in Indo-China brazenly contravened existing

humanitarian norms. Their actions constituted grave violations of existing humanitarian instruments, including the 1907 Hague Regulations annexed to the Convention concerning the Laws and Customs of War on Land, the 1925 Geneva Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases and of Bacteriological Methods of Warfare, the Geneva Convention Relative to the Treatment of Prisoners of War, and the Geneva Convention relative to the Protection of Civilian Persons in Time of War, both of 1949. The delegations concerned stressed that the international community should castigate what they deemed to be the aggressive war waged by the United States against the peoples of Indo-China. They contended that the most effective way to put an end to the violations of human rights occurring in the armed conflict taking place in Viet-Nam would be for the United States to withdraw, totally and unconditionally, all its forces from the area, allowing its people to solve their problems without foreign intervention.”

17. Indeed, as is pointed out in the report, there were many delegations that rejected the attempt of the United States delegation to divert the attention of the Third Committee to a problem which had no relation to the subject being discussed by the Committee, a problem which is based on no humanitarian principle but is just a political manoeuvre designed to justify the aggressive war waged by the United States against the Viet-Nameese people, to justify the behaviour of precisely those who have violated and are violating every day humanitarian principles and the human rights of the people of Viet-Nam and the people of Indo-China as a whole. This United States manoeuvre appears in the report as draft resolution IV, on which my delegation would like to make some additional comments.

18. First, this draft resolution would change the course followed by the General Assembly in the past with regard to the problem of respect for human rights in armed conflicts. This course is reflected in resolution 2597 (XXIV), adopted last year by the General Assembly, which points out that the primary interest of the international community, the fundamental concern of this Assembly which is now preoccupied with respect for human rights in armed conflicts, relates to two subjects: victims of aggression and combatants for national liberation. This point, introduced by some Afro-Asian delegations, was supported by a majority of the Assembly and enshrined in the operative paragraph 1 of resolution 2597 (XXIV).

19. Now, in the United States draft an attempt is being made to put aggressors and victims of aggression on an equal footing. An attempt is made to put on the same footing those who are fighting for their freedom against foreign aggression and those who go overseas to curb freedom and subjugate other peoples. That is why this United States draft resolution is not directed solely against the Viet-Nameese and the people of Indo-China. Its effect, if it were approved by the Assembly, would be felt also by other peoples of Africa, Asia and Latin America. The adoption of a draft resolution

like this could be used in the future against national freedom fighters in southern Africa, in the Middle East and in any other part of the world.

20. It should be pointed out that the text which appears in draft resolution IV contradicts not only documents approved in previous years by this Assembly, but some other proposals which the Third Committee is recommending in the same report presented to us today. Indeed, draft resolution II, for example, reaffirms solemnly that, in order effectively to guarantee human rights, all States should devote their efforts to averting the unleashing of aggressive wars and armed conflicts that violate the Charter of the United Nations and the provisions of the Declaration on Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations. It condemns the actions of countries which, in flagrant violation of the Charter, continue to conduct aggressive wars and defy the generally accepted principles of the Geneva Protocol of 1925 and the Geneva Conventions of 1949. It affirms that participants in resistance movements and freedom fighters against alien domination and foreign occupation should be treated in accordance with the Hague Convention of 1907 and the Geneva Conventions of 1949. As the General Assembly has done in the past, it condemns air bombardments of civil populations and the use of asphyxiating, poisonous or other gases and of all analogous liquids, materials and devices.

21. Similarly, in draft resolution III, which sets forth general principles, it is clearly pointed out that in all armed conflicts a distinction must be made between civilian populations and combatants and that at all costs civilians should not become victims of those conflicts.

22. However, draft resolution IV, which has been widely cited by the United States authorities and the press of this country as an instrument to justify the extension of its aggressive war against the Viet-Nameese people, seeks an objective opposite to that of the texts to which we have just referred. It seeks to defend those who have brought death to tens of thousands of civilians by bombing their villages and their towns. It seeks international justification for those who have used napalm, poison gas, anti-personnel bombs, phosphorous and all the other means employed by the immense United States arsenal thousands of miles away from their own national territory in what Bertrand Russell has called this great exercise in barbarity constituted by the North American aggression against the Viet-Nameese people. This text, whose language and intent are speciously humanitarian, seeks to violate humanitarian principles which hitherto have been an important part of the work of the United Nations and to use them to deny a people the most sacred of rights, the right of self-determination, the right to decide its own destiny without foreign interference; it seeks to justify precisely the most monstrous massacre of history, being carried out by these persons which the draft resolution coolly tries to represent as prisoners of war.

23. Whereas the other draft resolutions deal with one or other aspect of human rights in armed conflicts,

draft resolution IV cannot be considered from any point of view as being in conformity with the other elements making up this subject, but rather, on the contrary, as a denial in itself of the subject in question and of the humanitarian principles which should be applied in all armed conflicts. My delegation wishes to stress that the form in which this draft resolution was presented, by trying to dress it up in supposedly humanitarian language, may possibly have confused some delegations. My delegation hopes that now, in the plenary Assembly, those delegations will fully understand the purport and effect of this United States draft resolution on war criminals, and that they will react, consequently, by rejecting a document which is based on criteria and opinions which have long since been rejected by the international community.

24. We appeal particularly to the delegations of the non-aligned countries whose Heads of State met in Lusaka from 8 to 10 September 1970 in a Conference which brought together 50 countries of Africa, Asia and Latin America, and adopted a declaration on the situation in Indo-China clearly hostile to this draft resolution of the United States since, in that document of the Lusaka Conference, the Heads of State of the non-aligned countries said first of all that the continuation and escalation of the war in Indo-China was due to the presence of armed forces of the United States in that area and, in drawing conclusions as to what in humanitarian terms had been caused by this war, referred uniquely and exclusively to the "untold suffering, loss of human life and property to the peoples of the region". It did not occur to anyone in Lusaka to think about the so-called human rights of those who spread napalm and drop bombs on schools and hospitals in Indo-China, of those who have organized the system of torture of the so-called "tiger cages" throughout South Viet-Nam. But they thought of the only thing that you can think about when you are speaking of human rights in connexion with Indo-China, namely, the people of Indo-China, the victims of aggression and massacres perpetrated by the United States army.

25. If this Assembly is to continue in a spirit of loyalty to the humanitarian objectives and humanitarian aspirations of the international community to which it has been loyal in the past, it can only reject flatly the draft resolution of the United States delegation, the approval of which would only help the Ambassador of the United States to run to the third floor of this building to tell the journalists that the United States Government is profoundly grateful to this Assembly for acting in its favour as he did when the draft resolution was approved by the Third Committee. This Assembly is not an accomplice to the Yankee crimes against the Viet-Nameese people. This Assembly has not stained its hands with the crimes committed and organized by the Yankees in South Viet-Nam and against the People of the Democratic Republic of Viet-Nam.

26. This Assembly should react to this manoeuvre of the North American Government in the only fashion which is fitting if we are to be faithful to resolutions

and previous declarations, that is, by a categorical and decisive rejection of this draft resolution.

27. I shall conclude my statement by reminding the Assembly that there are many authors, including North American authors, who have described the indescribable horrors, as the Heads of State of the non-aligned countries called them, committed by the Yankees against the Viet-Nameese people. Those horrors have for some time now far outstripped the crimes committed by the Nazis during the Second World War. However, there is one difference that this Assembly should note in appropriate fashion—that, as was also said by Lord Russell: “At least Hitler never claimed to be a humanitarian.”

28. Mr. YAZID (Algeria) (*interpretation from French*): Today the General Assembly is seized of a certain number of recommendations submitted by the Third Committee concerning the so-called question of respect for human rights in time of armed conflict.

29. My delegation will vote against the draft resolution in the plenary Assembly, as it did in the Committee, since this is a draft which stems from the United States initiative. Our position is taken in the light of the following principles and considerations.

30. First of all, is a draft resolution submitted in the political context of United States manoeuvres designed to tie the content of the resolution to the situation in Viet-Nam, and this at a time when United States policy is characterized by an escalation in the aggression against the Viet-Nameese people, the blockage by the United States of negotiations in Paris and the carrying out of air raids and aerial bombings of the territory of the Democratic Republic of Viet-Nam.

31. Secondly, the draft resolution ignores the right of parties to international conventions to make reservations to certain provisions of those conventions. However, it is well known that many countries, including the Democratic Republic of Viet-Nam, have constantly emphasized that certain documents to which reference is made in the United States draft resolution can in no case be applied to imperialist war criminals.

32. Thirdly, a draft resolution on human rights in time of conflict cannot be valid if it passes over in silence the crimes committed in time of war against an innocent civilian population, and particularly the people of Viet-Nam.

33. Having said this, we consider that the General Assembly would have done something much more positive if it had agreed to discuss frankly the war crimes committed in Viet-Nam, instead of lending itself to the United States manoeuvre which had nothing humanitarian about it except the title and which was intended to be exploited for internal political considerations. We are convinced that we need merely to refer to the United States press and to the records of certain trials which are under way in the United States, to see on which side people are violating international conventions. The Government of the Democratic

Republic of Viet-Nam has always carried out a humanitarian policy towards the pilots and other United States military personnel held by the Viet-Nameese patriots. We are convinced that when peace is restored in Viet-Nam the United States prisoners who will be released will testify to the fact that the Viet-Nameese patriots of both North and South were moved by lofty humanitarian ideals and that they adhered to those ideals, even in the treatment of their enemies.

34. When at the Teheran Conference there emerged a majority who wanted to have the General Assembly discuss the problems of human rights in territories occupied in time of armed conflict, the general view was that our community of nations should look into the fate of civilian victims of aggression who were subjected to the most brutal and barbarous methods of war without the international community of nations reacting. We would have been ready to accept a frank and honest debate on the situation in Indo-China and on the respect for human rights in this country that is the victim of United States imperialist aggression.

35. It is unfortunate that in the Third Committee the representatives allowed themselves to become involved in a discussion of allegedly abstract problems without reference to any particular situation, whereas it was quite clear—and one need only look at the comments made in the United States press and on television by the very person who presented the problem to the Third Committee—to realize that the United States delegation was referring to the situation in Viet-Nam. And at the end of the debate in the Committee, when questions of human rights in time of armed conflict were discussed in the most academic fashion, efforts were made to underline a certain number of principles, with which we agree, without thereby considering either the substance of the problem or the position of countries which, like the Democratic Republic of Viet-Nam consider that when a country is the victim of aggression or the victim of military operations typical of war crimes, that country is entitled to apply the reservations it has made in writing with respect to the Conventions cited in our texts.

36. Algeria says “No” to any operation designed to serve as food for a United States campaign against the Viet-Nameese patriots, and we wish for only one thing, namely, to see a larger number of countries, particularly countries of Africa, Latin America and Asia, express their solidarity with the victims of war crimes by saying “No” to the draft resolution inspired by the United States delegation and motivated by United States domestic political considerations.

37. The PRESIDENT (*interpretation from French*): Before I call on the next speaker, I should like to make some purely formal announcements.

38. First of all, I did not invoke rule 68 of the rules of procedure in connexion with this item since four speakers had already asked for the floor. I thought that the members of the Assembly would like to hear these speakers. In future, however, I shall apply rule 68 strictly and shall ask the Assembly to vote before

giving the floor to representatives for a general debate in plenary.

39. I should like also to mention another point, which has nothing to do with the present debate. Belgium did not have an opportunity to vote on draft resolution D contained in the report of the Special Political Committee on agenda item 35 [A/8204/Add.1] that we dealt with yesterday [1921st meeting]. It wishes me to state for the verbatim record that had it been able to vote it would have voted in favour of that text.

40. Finally, I should like to remind representatives that the list of speakers on the next item will be closed at 5 o'clock this afternoon.

41. Mr. SZARKA (Hungary): The vote of the Hungarian delegation on the draft resolutions submitted to us in paragraph 36 of the report [A/8178] will be in harmony with our votes in the Third Committee.

42. I feel obliged, however, to emphasize here again that my delegation will vote against draft resolution IV in the report, that concerning the question of the treatment of prisoners of war.

43. As my delegation stated more than once during the debate of the item in the Third Committee, we are a party to the Geneva Protocol of 1925 and the Geneva Conventions of 1949 and, as such, we feel strong responsibility towards those instruments without discrimination among them. We also feel strongly that in the present historic and political circumstances the emphasis put by the delegation of the United States on one of those instruments, and especially the singling out of three particular paragraphs of one of the Geneva protocols, serves nothing else but mere propaganda purposes. Moreover, the attempt to include those paragraphs of the third Geneva Convention of 1949 in a resolution of the United Nations General Assembly intentionally again turns this Organization into an instrument in the hands of the aggressor to be used for its own interest.

44. During the general debate on agenda item 47 in the Third Committee, and also in their explanations of vote on this particular draft resolution, many delegations, some of which even voted in favour of the draft, expressed their concern over the narrow interpretation of the relevant Geneva Convention in some of the paragraphs. My delegation fully shares the concern of those Members and would appeal to the General Assembly to reject those ideas in the draft resolution which approach selectively and tendentiously the Geneva Conventions of 1949. Such ideas appear clearly in the seventh and eighth preambular paragraphs and in paragraphs 1 and 4 of draft resolution IV.

45. It is obvious that those provisions are contained in the relevant instruments. It is more than obvious that the action of pointing them out emphatically in a resolution of the United Nations was initiated by the Government and delegation of the United States as part of a calculated campaign directed against the Democratic Republic of Viet-Nam. My delegation was

one of the many that tried to show to members of the Third Committee the real face of the American aggression in Viet-Nam and to compare the sufferings of the Viet-Nameese people, women and children, elderly and young, killed and wounded by the million by the invasion forces of the United States and its allies, with the alleged discomfort of some families of American soldiers taken prisoner.

46. We understand that the Government of the United States must resort to such propaganda campaigns in its attempt to counter-balance the deep dissatisfaction with and condemnation of the Viet-Nam war by a large majority of international and United States public opinion. But such propaganda campaigns do not succeed, just as all biased resolutions cannot succeed, in diverting the attention of peoples within and outside the United States from the cruelty of war and the endless suffering of war's innocent victims.

47. Real consolation for those people is to be found in the many letters and articles written by soldiers and civilians who have witnessed the cruelty and the vanity of the war and demand that an end be put to it. Real comfort for the families of prisoners and all other families would consist in heeding the demand of world public opinion and terminating the American aggression in Viet-Nam.

48. We mentioned earlier the hypocritical nature of the United States proposal concerning the treatment of prisoners. It is hypocritical not only because it demands humane treatment for American captives while the troops of the United States and its allies in Viet-Nam have killed and continue to kill at random innocent civilians and to torture and murder prisoners, but also because the accusations against the Democratic Republic of Viet-Nam concerning its treatment of captured American soldiers are simply not true.

49. One has only to refer to the most recent reports in various press organs, from the French *Le Monde* to the American *The New York Times*, to realize that captured Americans are humanely treated—regular mail service has been given to them and even an increased volume of Christmas parcels has been allowed to be sent to captives in the Democratic Republic of Viet-Nam.

50. All those facts emphasize that the draft resolution, especially the selective reference to certain paragraphs of the relevant Geneva Convention of 1949, does not serve the interest of the United Nations and is designed to help only the forces of aggression. I need hardly remind representatives that immediately after the voting on that draft in the Third Committee a certain aggressor took advantage of the selfish provisions of the pertinent paragraphs.

51. In the interest of justice and with a feeling of real humanitarian responsibility towards the victims of war and armed aggression we ought to reject the proposals of the United States in the draft resolution as unfounded, biased and tendentiously directed against the real interest of the United Nations.

52. When we vote we should not forget the tens of thousands of innocent children, women—wives and mothers—and heads of families whose pictures cannot be shown and never can be taken, unlike the case of those who have killed them and in whose interest the United States delegation wants to use the General Assembly as a cover.

53. Mr. FAKHREDDINE (Sudan): I have asked to speak to explain the stand of the Democratic Republic of the Sudan on draft resolution IV.

54. My delegation was far from convinced of the humane motivation of this proposal, purporting to have universal application with regard to human rights in armed conflicts. Yet, in consideration of the principles of human rights that the proposal recalls and reaffirms, and because it purports to show concern for the victims of aggression and colonial oppression, we had decided at one point that the proposal might be given the benefit of the doubt.

55. However, it has now become clear to us that the principles of human rights invoked by the draft resolution are just a façade. It has become clear to us that the whole purpose of this draft resolution is to highlight and dramatize a campaign that the United States has undertaken in order to malign the Government of the Democratic Republic of Viet-Nam. Those of us who have followed articles in the American press and reports of special forces and commando acts in the territory of the Democratic Republic of Viet-Nam cannot have any doubt of the real purpose of this proposal.

56. My Government will not lend itself to supporting in any way this campaign against a friendly Government and a heroic people. We shall therefore vote against this draft resolution, which is sponsored by the United States.

57. Mr. FARAH (Somalia): During the course of the discussion in the Third Committee on the draft resolutions contained in the report my delegation pointed out that while they would appear on the surface to be directed solely towards the alleviation of human suffering and the protection of human rights in armed conflicts there was evidence that behind a number of the draft resolutions there were political undercurrents. Draft resolution IV, now before the Assembly, is a good example.

58. Because of that fact my delegation abstained from the vote on that draft resolution. After the vote, the political motives of the promoters of the draft resolution became crystal clear. United States officials, together with the United States press, proclaimed loudly that the draft resolution was designed to deal with the question of American prisoners in Viet-Nam. The position of the Democratic Republic of Viet-Nam was unfairly represented and unjustifiably maligned.

59. It is most unfortunate that a General Assembly resolution dealing purely with humane matters should have been used to promote the political interests of a particular State Member of this Organization.

60. Since events have shown that the draft resolution was primarily inspired by political reasons rather than humane considerations my Government will change the position it took on the draft resolution in the Third Committee and will now vote against it.

61. Mr. ČALOVSKI (Yugoslavia): Before the Assembly proceeds to the vote, I should like to explain my delegation's vote on draft resolution IV.

62. In the Third Committee my delegation protested against the manner in which this draft resolution and some other draft resolutions had been forced to the vote. We underlined that this draft resolution and some other draft resolutions were not the result of the Committee's deliberations. We noted that a long time before the Committee had even started the debate on the item "Respect for human rights in armed conflicts: report of the Secretary-General" the big Powers had launched their draft resolutions in the Committee.

63. The proposer of this particular resolution in the Committee constantly maintained that its preoccupations were purely humanitarian and that this draft resolution was of a universal character. In the explanations of their votes almost all delegations underlined that in casting their votes they were guided by humanitarian reasons. However, judging by the way this draft resolution was exploited immediately after its adoption by the Third Committee, particularly by its proposer, it becomes quite clear to everybody that this was a draft resolution on Viet-Nam.

64. Since the motives of this proposer of this draft resolution have completely changed and are of a character of which we do not approve, my delegation will change its vote and it will vote against draft resolution IV.

65. Mrs. BULTRIKOVA (Union of Soviet Socialist Republics) (*translated from Russian*): Mr. President, I should like to explain the vote of the Soviet delegation. The Soviet delegation has already had an opportunity to state the position of the Soviet Union with regard to the so-called United States draft resolution on prisoners of war. Here, in plenary meeting, we should like once again to draw attention to the action of the United States delegation and the American press, which have attempted to conceal their aggression and crimes against the Viet-Nameese people and to deceive world public opinion.

66. American propaganda has widely publicized the adoption in the Third Committee of the United States draft resolution, which has nothing to do with the humanitarian motives referred to by its sponsors, but clearly pursues improper political aims and places the aggressor State on the same footing as the victim of aggression. It is absolutely clear that this is a political manoeuvre designed to mislead United States and world public opinion. It is characteristic, in this connexion, that American propaganda accuses those delegations which voted against the aforementioned United States draft resolution, and even those which abstained in the vote.

67. Consider one of the leading articles in *The New York Times* of 3 December 1970. According to this article, the 16 votes against the draft resolution and the 34 abstentions were of no account. Malicious and cynical arguments are advanced to the effect that those 50 States were "turning their backs on human decency". The article also contains a direct attempt to shift all the blame from the guilty to the innocent.

68. But, see how the Americans themselves view United States aggression in Viet-Nam. "The United States is waging wide-scale chemical and biological warfare in Viet-Nam directed towards the annihilation of the population and the destruction of plant and animal life in that country", said Professor John Nielands of the University of California at Berkeley the same day, when he took part in an inquiry into military crimes by the United States in Viet-Nam carried out here by an anti-war organization. Nielands pointed out that since 1965 the United States military had made greatly increased use of gases in South Viet-Nam and in particular of the deadly CS gas. Every year the American aggressors use approximately 6 million pounds of this gas. It is a regular practice to disseminate it from helicopters, each helicopter carrying a supply of 2,400 pounds of the gas.

69. It not infrequently occurs that the peaceful South Viet-Nameese inhabitants, attempting to hide in huts, bunkers or other such shelters during attacks by the United States military forces and the soldiers of the Saigon puppet army, as Neilands said, find themselves in real "gas chambers". Having no chance of escape, they are killed by the CS gas which, as Professor Nielands pointed out, is considered in Viet-Nam to be the standard weapon for increasing the number of casualties.

70. Professor Nielands observed that the United States troops in Viet-Nam were using a whole arsenal of herbicides and defoliants, in particular chemical substances known as "Orange", "White" and "Blue", which not only destroy plant life but also harm living organisms.

71. As a result of the massive destruction of crops, in particular the rice plantations in the Mekong River valley which is the main granary of the country, South Viet-Nam, which until 1965 exported rice, has in recent years been obliged to buy it from other countries, he noted. Incalculable damage, said Nielands, was being inflicted also on livestock in the country, particularly on herbivorous animals, many species of which were dying out as a result of the poisoning of the environment.

72. The Government of the United States of America, however, continued to rely on such barbarous methods of warfare, said Nielands.

73. There is a clear division of labour—United States diplomats make statements in the United Nations about American prisoners of war in Viet-Nam, although, as everyone knows, they are not prisoners of war but interventionists caught carrying the weapons with which they invaded the territory of another country.

74. The American military, under the guise of rescuing prisoners of war, is now carrying out new and barbarous raids on populated points in the Democratic Republic of Viet-Nam and is thereby causing further casualties and suffering among the Viet-Nameese people.

75. The Government of the Democratic Republic of Viet-Nam has repeatedly declared its humanitarian attitude towards the American military personnel in its territory despite the serious crimes committed by the American military on Viet-Nameese soil. This is confirmed by reports from various press agencies. Reference might be made, for example, to the detailed report on the question in the newspaper *L'Humanité* of 5 November 1970.

76. The way to a settlement of the problems relating to Indo-China is clear: it is through the cessation of military intervention by the United States of America and the withdrawal of the aggressor's troops and by ensuring that the Viet-Nameese people are enabled to decide their own affairs. This is the crux of the proposals of the revolutionary provisional government of the Republic of South Viet-Nam and of the Democratic Republic of Viet-Nam—proposals which the Soviet Union and many other countries in the world fully support.

77. The just cause of the people of fighting Viet-Nam will prevail. The attempts of the imperialists are doomed to failure. They serve only to make the Viet-Nameese people many times more energetic in their struggle with the aggressors. The bloody crimes of the aggressors and their hirelings—be it the war against the people of Viet-Nam, the piratical raid on democratic Guinea, or acts of terrorism against the liberation forces in other parts of the world—all lead to a still further strengthening of anti-imperialist solidarity among the popular masses throughout the world.

78. The General Assembly should not adopt a course of concealing and justifying such actions, which are in flagrant violation of the elementary rules of international law and the provisions of the Charter of the United Nations.

79. For the reasons explained, the Soviet delegation is emphatically opposed to the adoption of the draft resolution aimed at using the United Nations as a cover for aggression in Viet-Nam, and will vote against it.

80. For reasons explained earlier, we would ask for a separate vote on the sixth preambular paragraph—in which the aggressor and the victim of aggression are placed on an equal footing—and on operative paragraph 1, and we will vote against them.

81. We should like to make a few remarks also on the report of the Third Committee on the question of respect for human rights in armed conflicts which has been submitted to the General Assembly. In particular, there are certain inaccuracies and one-sided interpretations in paragraphs 14 and 23. On the whole, the Committee's report, in our view, does not fully reflect the character of the debate on this question.

82. The PRESIDENT: I call on the representative of the United States of America, who has asked to speak on a point of order.

83. Mr. FINGER (United States of America): In the course of so-called explanations of vote, certain delegations have made allegations which are completely contrary to the truth concerning the text of this draft resolution. It has been stated that draft resolution IV, of which, by the way, in the Third Committee there were 12 sponsors including three African countries, would somehow cancel out other resolutions which deal with the victims of armed aggression and colonial oppression. That is completely contrary to fact.

84. First of all, nothing in the text of this draft resolution cancels out any resolution adopted by this session of the General Assembly or previous sessions of the General Assembly.

85. Secondly, in paragraph 3 of this draft resolution we read:

“Requests the Secretary-General to exert all efforts to obtain humane treatment for prisoners of war, especially for the victims of armed aggression and colonial suppression;”. The statement that this would be used against the freedom fighters of southern Africa is obviously completely untrue.

86. Moreover, paragraph 5, which was added at the suggestion of the three African sponsors of this draft resolution reads as follows:

“Urges that combatants in all armed conflicts not covered by article 4 of the Geneva Convention of 1949 be accorded the same humane treatment defined by the principles of international law applied to prisoners of war;”.

That paragraph was clearly intended—and was so understood by all the sponsors, including the three African sponsors in the Third Committee—to cover the cases of those who might be taken prisoner in undeclared wars.

87. It is important in a humanitarian context not to permit wars to be characterized by one side or the other in a partisan fashion. Any country can call the combatants of any other country terrorists. It may call the most vicious criminals “freedom fighters”, as was the case in 1956 in a well-known instance where the term “freedom fighters” originated. Therefore, it is important that we adhere strictly to the Geneva Convention and to its terms and provisions.

88. Thirdly, it has been alleged that this draft resolution has a political character. That political character has been introduced precisely by those who have taken the floor to speak against the draft resolution. At no time during the debate in the Third Committee did the sponsors of the draft resolution make any attempt to judge the merits of one side or another in the case of any armed conflict.

89. In January 1966 the United States attempted to have the appropriate organ of the United Nations—the Security Council—deal with the Viet-Nam issue, with the political aspects and the security aspects. That is the appropriate place. Unfortunately, that effort was blocked by some of the very countries which are now opposing this draft resolution which is purely humanitarian.

90. We have heard here disgraceful distortions. The purpose of this draft resolution as can be seen in every single article, is to call for compliance with a Geneva Convention which was overwhelmingly supported by more than 100 Governments, including the Government of North Viet-Nam and the Governments of some of those which have attacked the draft resolution. It is they who have tried to make this a political issue and not the sponsors of the draft resolution. Any attempt to read into this text things that are not there obviously has a malicious motive, which I think is quite clear from the types of statements made by certain countries which have explained their votes.

91. The purpose of this draft resolution is to ensure humanitarian treatment to any prisoner of war; to anyone captured in armed conflict; not to any specific group; not to those who may wear red, blue, or black uniforms, but to any prisoner of war. To deny that is to deny a humanitarian purpose. To invoke vicious political arguments to deny it is even worse.

92. We therefore urge all members of this Assembly to support this completely humanitarian draft resolution in the spirit in which it was put forward by the 12 sponsors and to reject any attempt to make this a political issue.

93. The PRESIDENT: It seems to me that the statement we have just heard was not on a point of order but in exercise of the right of reply. However, I did not interrupt the representative of the United States because I feel that in their explanations of vote several representatives went far beyond what an explanation of vote should be. I did not interrupt them either because experience has shown that more time is lost by trying to do that than by letting the speakers continue. The question of the proper use of the explanation of vote and of the right of reply is obviously one of the important points to be discussed by the Committee of Thirty-One,<sup>3</sup> which will deal with the structure and procedures of the General Assembly.

94. I shall now call on the remaining representatives who wish to explain their vote.

95. Mr. IDZUMBUIR (Democratic Republic of the Congo) (*interpretation from French*): The importance of the question we have before us for consideration now and the interest which the international community attaches to this item are a reflection of the extreme timeliness of this issue in present international relations which, unfortunately, are characterized by a growing

<sup>3</sup> Special Committee on the Rationalization of the Procedures and Organization of the General Assembly.

number of increasingly more destructive armed conflicts.

96. We have heard here the motives of one side questioned by the other, Governments speaking against other Governments, forgetting that the point that we should be dealing with here is the position of individuals, soldiers and other persons who do not bear arms and who do not participate or have ceased to participate in armed conflicts. These defenceless human beings should be given completely humanitarian treatment.

97. On this occasion, however, I cannot pass over in silence the interest that the world attaches to this question. Mothers, wives, parents, children are today the anguished victims who are listening to our deliberations with a glimmering of hope. These victims, regardless of which side they are on, who are imbued today by the same upsurge of hope of seeing a modicum of humanitarian treatment applied to the conditions of their families should be invited to be more active in wiping out war and in promoting peace.

98. It is in this spirit that my delegation will vote in favour of the draft resolutions in paragraph 36 of the report now before us.

99. I should like to indicate, however, that my delegation had certain reservations on draft resolution II, but we have decided to support it because it is the only draft which explicitly applies the conditions and provisions of the Geneva Conventions of 1949 to the fighters of the liberation movements in the Territories still under foreign domination, the colonial Territories. While we accept the humanitarian aspect of this draft, my delegation would like to state that its attitude could never be interpreted as of necessity implying approval of all the political interpretations which the sponsors have tried to inject into it—in particular, in paragraph 4.

100. Mr. AL-EYD (Iraq): During the deliberations in the Third Committee, my delegation abstained in the voting on the American draft resolution. Our position, like that of many other delegations, was to give the American draft resolution the benefit of the doubt. Unfortunately, American propaganda has exploited the humanitarian concern of the Third Committee. We were surprised and shocked at the wide publicity and dubious interpretation given by the American officials and by the American press to the action of the Third Committee. We did not have such an interpretation in mind. We resent any attempt to equate the aggressors and the victims of aggression.

101. My Government has always condemned the aggressive war waged by American imperialism in Viet-Nam against the peaceful people of that country.

102. For these reasons, we have no choice but to change our vote and to vote against the draft resolution submitted by the delegation of the United States and others.

103. Mr. ALARCON (Cuba) (*interpretation from Spanish*): My delegation will vote against draft resolution IV because it has undertaken to make clear, not here—for here they come and address the Assembly in allegedly humanitarian language—but outside this forum, in press communiqués of the United States Mission and by the Ambassador of the United States himself, and throughout the length and breadth of the press of the United States. This is a draft with a clear political motive. This purpose is none other than to serve the interests of extending and widening the United States war of aggression in Viet-Nam—in other words, the continuation of North American crimes against the people of Viet-Nam, the continuation of the flouting of the most elementary humanitarian principles and the most elementary national rights of the people of Viet-Nam.

104. For these reasons, my delegation will vote against the text, and we hope that this will be the attitude taken by all the delegations of those countries which are interested in preserving their independence and freedom.

105. The dramatic last minute appeals by the United States cannot, I believe, convince anyone. The explanation was very obvious. When Mr. Finger came to this tribune, there had not been one single speaker in the Assembly before he took the floor who had come forward to justify or defend the United States draft resolution in defence of the Yankee war criminals.

106. Mr. YAZID (Algeria) (*interpretation from French*): My delegation will vote against the draft resolution inspired by the United States delegation because this is a politically motivated draft resolution; we have proof of this in the statements made in Washington by Senator Clairborne Pell, who submitted this question to the Third Committee and who, in Washington, appeared before the television and press and explained that the draft resolution fell within the framework of action concerning the situation in Viet-Nam.

107. The United States delegation knows full well that if the draft resolution had been motivated by purely humanitarian considerations it would have met with a favourable response among the delegations that will vote against it, including the Algerian delegation. When problems are put in purely humanitarian terms we are very open to persuasion, and we have demonstrated this by receiving Colonel Borman, the envoy of President Nixon, in our country although we do not maintain diplomatic relations. However the content of this draft resolution, as I have said, is political and this was confirmed by the statements of Senator Claiborne Pell, the United States representative to the twenty-fifth session of the Assembly and by its representative in the Third Committee.

108. The PRESIDENT (*interpretation from French*): I now invite Members to turn to the draft resolutions recommended by the Third Committee in paragraph 36 of its report [A/8178].

109. I call on the representative of the Ukrainian Soviet Socialist Republic on a point of order.

*[The President continued in Russian.]*

110. Mr. KRAVETS (Ukrainian Soviet Socialist Republic) (*translated from Russian*): Mr. President, we understand that you intend to put draft resolution I to the vote. Before we proceed to vote on this draft resolution, the delegation of the Ukrainian SSR would like to request a separate vote on a number of paragraphs and provisions in this draft resolution.

111. We request a separate vote on the seventh and eighth preambular paragraphs.

112. We request a separate vote on the following words at the end of paragraph 3: "in so far as they are applicable, in particular, to war correspondents who accompany armed forces but are not actually a part of them".

113. In operative paragraph 4, we request a separate vote on the words: "the possibility of preparing a draft international agreement . . . and providing, *inter alia*, for the creation of a universally recognized and guaranteed identification document".

114. In operative paragraph 5, we request a separate vote on the words: "in order that a draft international agreement may be adopted as soon as possible by the General Assembly or by some other appropriate international body".

115. We request a separate vote on operative paragraph 6.

116. The request for separate votes is made because, unless the delegation of the Ukrainian SSR makes its views known through a vote on these points, it will be unable either to support draft resolution I as a whole or even to abstain in the vote.

117. The PRESIDENT: The representative of the Ukrainian Soviet Socialist Republic has asked for separate votes on certain parts of draft resolution I. It appears that there are no objections to such votes being taken.

118. A request has been made for recorded votes.

*[The President continued in French.]*

119. I now put to the vote the seventh and eighth preambular paragraphs of draft resolution I.

*A recorded vote was taken.*

*In favour:* Afghanistan, Argentina, Australia, Austria, Barbados, Belgium, Brazil, Burma, Cambodia, Cameroon, Canada, Chad, China, Colombia, Congo (Democratic Republic of), Costa Rica, Cyprus, Dahomey, Denmark, Dominican Republic, El Salvador, Ethiopia, Finland, France, Gabon, Gambia, Greece, Guatemala, Guyana, Haiti, Honduras, India,

Indonesia, Iran, Ireland, Israel, Italy, Ivory Coast, Jamaica, Japan, Lesotho, Liberia, Luxembourg, Madagascar, Malaysia, Mauritius, Mexico, Morocco, Nepal, Netherlands, New Zealand, Nicaragua, Norway, Panama, Paraguay, Peru, Philippines, Portugal, Rwanda, Senegal, Singapore, Spain, Swaziland, Sweden, Thailand, Togo, Tunisia, Turkey, United States of America, Upper Volta, Uruguay, Venezuela.

*Against:* Bulgaria, Byelorussian Soviet Socialist Republic, Cuba, Czechoslovakia, Hungary, Mongolia, Nigeria, Poland, Romania, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics.

*Abstaining:* Algeria, Botswana, Burundi, Central African Republic, Chile, Ecuador, Ghana, Guinea, Iceland, Iraq, Jordan, Kenya, Kuwait, Libya, Malawi, Mali, Mauritania, People's Republic of the Congo, Saudi Arabia, Sierra Leone, Somalia, Southern Yemen, Sudan, Syria, Uganda, United Arab Republic, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Yemen, Yugoslavia, Zambia.

*The seventh and eighth preambular paragraphs were adopted by 72 votes to 11, with 31 abstentions.*

120. The PRESIDENT (*interpretation from French*): I now put to the vote the phrase at the end of paragraph 3 reading as follows: "in so far as they are applicable, in particular, to war correspondents who accompany armed forces but are not actually a part of them".

*A recorded vote was taken.*

*In favour:* Afghanistan, Argentina, Australia, Austria, Barbados, Belgium, Brazil, Burma, Cambodia, Cameroon, Canada, Chad, Chile, China, Colombia, Congo (Democratic Republic of), Costa Rica, Cyprus, Dahomey, Denmark, Dominican Republic, Ecuador, El Salvador, Ethiopia, Finland, France, Gabon, Guatemala, Haiti, Honduras, India, Indonesia, Iran, Ireland, Israel, Italy, Ivory Coast, Jamaica, Japan, Kenya, Lesotho, Liberia, Libya, Luxembourg, Madagascar, Malaysia, Mauritius, Mexico, Morocco, Nepal, Netherlands, New Zealand, Nicaragua, Norway, Pakistan, Panama, Paraguay, Peru, Philippines, Portugal, Rwanda, Senegal, Singapore, Spain, Swaziland, Sweden, Thailand, Togo, Tunisia, Turkey, United Arab Republic, United Kingdom of Great Britain and Northern Ireland, United States of America, Upper Volta, Uruguay, Venezuela.

*Against:* Bulgaria, Byelorussian Soviet Socialist Republic, Cuba, Czechoslovakia, Hungary, Mongolia, Nigeria, Poland, Romania, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics.

*Abstaining:* Algeria, Botswana, Burundi, Central African Republic, Gambia, Ghana, Greece, Guinea, Guyana, Iceland, Iraq, Jordan, Kuwait, Malawi, Mali, People's Republic of the Congo, Saudi Arabia, Sierra Leone, Somalia, Southern Yemen, Sudan, Syria, Uganda, United Republic of Tanzania, Yemen, Yugoslavia, Zambia.

*The phrase was adopted by 76 votes to 11, with 27 abstentions.*

121. The PRESIDENT (*interpretation from French*): We shall now vote on the phrase at the end of paragraph 4, reading as follows: "and providing, *inter alia*, for the creation of a universally recognized and guaranteed identification document".

*A recorded vote was taken.*

*In favour:* Afghanistan, Argentina, Australia, Austria, Barbados, Belgium, Brazil, Burma, Cambodia, Cameroon, Canada, China, Colombia, Congo (Democratic Republic of) Costa Rica, Cyprus, Dahomey, Denmark, Dominican Republic, El Salvador, Ethiopia, Finland, France, Gabon, Guatemala, Haiti, Honduras, India, Indonesia, Iran, Ireland, Italy, Jamaica, Japan, Jordan, Lesotho, Liberia, Luxembourg, Madagascar, Malaysia, Mauritius, Mexico, Nepal, Netherlands, New Zealand, Nicaragua, Norway, Pakistan, Panama, Paraguay, Peru, Philippines, Portugal, Rwanda, Senegal, Singapore, Spain, Swaziland, Sweden, Thailand, Togo, Tunisia, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America, Upper Volta, Uruguay, Venezuela.

*Against:* Bulgaria, Byelorussian Soviet Socialist Republic, Cuba, Czechoslovakia, Hungary, Mongolia, Nigeria, People's Republic of the Congo, Poland, Romania, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics.

*Abstaining:* Algeria, Botswana, Burundi, Central African Republic, Chad, Chile, Ecuador, Gambia, Ghana, Greece, Guinea, Guyana, Iceland, Iraq, Israel, Ivory Coast, Kenya, Kuwait, Libya, Malawi, Mali, Mauritania, Morocco, Saudi Arabia, Sierra Leone, Somalia, Southern Yemen, Sudan, Syria, Uganda, United Arab Republic, United Republic of Tanzania, Yemen, Yugoslavia, Zambia.

*The phrase was adopted by 68 votes to 12, with 35 abstentions.*

122. The PRESIDENT (*interpretation from French*): I now put to the vote the following phrase in paragraph 5: "in order that a draft international agreement may be adopted as soon as possible by the General Assembly or by some other appropriate international body".

*A recorded vote was taken.*

*In favour:* Afghanistan, Argentina, Australia, Austria, Barbados, Belgium, Brazil, Burma, Cambodia, Cameroon, Canada, Chad, China, Colombia, Costa Rica, Dahomey, Denmark, Dominican Republic, El Salvador, Finland, France, Gabon, Guatemala, Haiti, Honduras, India, Indonesia, Iran, Ireland, Israel, Italy, Ivory Coast, Jamaica, Japan, Lebanon, Lesotho, Liberia, Luxembourg, Madagascar, Malaysia, Mauritius, Mexico, New Zealand, Nicaragua, Norway, Pakistan, Panama, Paraguay, Peru, Philippines, Portugal, Senegal, Singapore, Spain, Swaziland, Sweden, Thailand, Togo, Tunisia, Turkey, United States of America, Upper Volta, Uruguay, Venezuela.

*Against:* Bulgaria, Byelorussian Soviet Socialist Republic, Cuba, Czechoslovakia, Hungary, Mongolia, Nigeria, Poland, Romania, Southern Yemen, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics.

*Abstaining:* Algeria, Botswana, Burundi, Central African Republic, Chile, Cyprus, Ecuador, Ethiopia, Gambia, Ghana, Greece, Guinea, Guyana, Iceland, Iraq, Jordan, Kenya, Kuwait, Libya, Malawi, Mali, Mauritania, Morocco, Netherlands, People's Republic of the Congo, Rwanda, Saudi Arabia, Sierra Leone, Somalia, Sudan, Syria, Uganda, United Arab Republic, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Yemen, Yugoslavia, Zambia.

*The phrase was adopted by 64 votes to 12, with 38 abstentions.*

123. The PRESIDENT (*interpretation from French*): We shall now vote on paragraph 6.

*A recorded vote was taken.*

*In favour:* Afghanistan, Argentina, Australia, Austria, Barbados, Belgium, Brazil, Burma, Cambodia, Cameroon, Canada, Central African Republic, Chad, Chile, China, Colombia, Congo (Democratic Republic of), Costa Rica, Dahomey, Denmark, Dominican Republic, Ecuador, El Salvador, Ethiopia, Finland, France, Gabon, Guatemala, Guyana, Haiti, Honduras, India, Indonesia, Iran, Ireland, Israel, Italy, Ivory Coast, Jamaica, Japan, Kenya, Lebanon, Lesotho, Liberia, Luxembourg, Madagascar, Malaysia, Mauritius, Mexico, Morocco, Nepal, Netherlands, New Zealand, Nicaragua, Norway, Pakistan, Panama, Paraguay, Peru, Philippines, Portugal, Rwanda, Senegal, Singapore, Spain, Swaziland, Sweden, Thailand, Togo, Tunisia, Turkey, Uganda, United Arab Republic, United Kingdom of Great Britain and Northern Ireland, United States of America, Upper Volta, Uruguay, Venezuela, Yugoslavia.

*Against:* Bulgaria, Byelorussian Soviet Socialist Republic, Czechoslovakia, Hungary, Mongolia, Poland, Romania, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics.

*Abstaining:* Algeria, Botswana, Burundi, Cyprus, Gambia, Ghana, Greece, Guinea, Iceland, Iraq, Jordan, Kuwait, Libya, Malawi, Mali, Mauritania, Nigeria, People's Republic of the Congo, Saudi Arabia, Sierra Leone, Somalia, Southern Yemen, Sudan, Syria, United Republic of Tanzania, Yemen, Zambia.

*Paragraph 6 was adopted by 79 votes to 9, with 27 abstentions.*

124. The PRESIDENT (*interpretation from French*): We shall now proceed to the vote on draft resolution I as a whole. A recorded vote has been requested.

*A recorded vote was taken.*

*In favour:* Afghanistan, Argentina, Australia, Austria, Barbados, Belgium, Brazil, Burma, Cambodia, Cameroon, Canada, Chad, Chile, China, Colombia, Congo (Democratic Republic of), Costa Rica, Cyprus, Dahomey, Denmark, Dominican Republic, Ecuador, El Salvador, Ethiopia, Finland, France, Gabon, Greece, Guatemala, Haiti, Honduras, India, Indonesia, Iran, Ireland, Israel, Italy, Ivory Coast, Jamaica, Japan, Jordan, Kenya, Lebanon, Lesotho, Liberia, Libya, Luxembourg, Madagascar, Malaysia, Mali, Mauritania, Mauritius, Mexico, Morocco, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Norway, Pakistan, Panama, Paraguay, Peru, Philippines, Portugal, Rwanda, Senegal, Sierra Leone, Singapore, Spain, Swaziland, Sweden, Thailand, Togo, Tunisia, Turkey, United Arab Republic, United Kingdom of Great Britain and Northern Ireland, United States of America, Upper Volta, Uruguay, Venezuela, Yemen, Yugoslavia.

*Against:* None.

*Abstaining:* Algeria, Botswana, Bulgaria, Burundi, Byelorussian Soviet Socialist Republic, Central African Republic, Cuba, Czechoslovakia, Gambia, Ghana, Guinea, Guyana, Hungary, Iceland, Iraq, Kuwait, Malawi, Mongolia, Nigeria, People's Republic of Congo, Poland, Romania, Saudi Arabia, Somalia, Southern, Yemen, Sudan, Syria, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Tanzania, Zambia.

*Draft resolution I as a whole was adopted by 85 votes to none, with 32 abstentions (resolution 2673 (XXV)).*

125. The PRESIDENT (*interpretation from French*): We shall now vote on draft resolution II. A separate vote has been requested on paragraph 4. If there are no objections, a separate vote will be taken on paragraph 4.

*Paragraph 4 was adopted by 78 votes to 10, with 28 abstentions.*

126. A recorded vote has been requested on draft resolution II as a whole.

*A recorded vote was taken.*

*In favour:* Afghanistan, Algeria, Barbados, Bulgaria, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Chad, Chile, China, Congo (Democratic Republic of), Cuba, Cyprus, Czechoslovakia, Dahomey, Ecuador, Ethiopia, Gabon, Gambia, Ghana, Greece, Guinea, Hungary, India, Indonesia, Iran, Iraq, Ivory Coast, Jamaica, Japan,<sup>4</sup> Jordan, Kenya, Kuwait, Lebanon, Liberia, Libya, Madagascar, Malaysia, Mali, Mauritania, Mauritius, Mongolia, Morocco, Nepal, Nicaragua, Niger, Nigeria, Pakistan, Panama, People's Republic of Congo, Peru, Philippines, Poland, Romania, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Southern Yemen, Sudan,

Swaziland, Syria, Togo, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, United Republic of Tanzania, upper Volta, Yemen, Yugoslavia, Zambia.

*Against:* Brazil,<sup>4</sup> Portugal.

*Abstaining:* Argentina, Australia, Austria, Belgium, Cambodia, Canada, Central African Republic, Colombia, Costa Rica, Denmark, Dominican Republic, El Salvador, Finland, France, Guatemala, Guyana, Haiti, Honduras, Iceland, Ireland, Israel, Italy, Lesotho, Luxembourg, Malawi, Netherlands, New Zealand, Norway, Paraguay, Spain, Sweden, Thailand, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela.

*Draft resolution II as a whole was adopted by 77 votes to 2, with 36 abstentions. (resolution 2674 (XXV)).*

127. The PRESIDENT (*interpretation from French*): We shall now vote on draft resolution III.

*Draft resolution III was adopted by 109 votes to none, with 8 abstentions (resolution 2675 (XXV)).*

128. We shall now proceed to resolution IV. A separate vote has been requested on the seventh preambular paragraph.

*The seventh preambular paragraph was adopted by 71 votes to 20, with 23 abstentions.*

129. A separate vote has been requested on paragraph 1.

*Paragraph 1 was adopted by 67 votes to 26, with 21 abstentions.*

130. A recorded vote has been requested on draft resolution IV as a whole, which I now put to the vote.

*A recorded vote was taken.*

*In favour:* Afghanistan, Argentina, Australia, Austria, Barbados, Belgium, Brazil, Cambodia, Cameroon, Canada, China, Colombia, Congo (Democratic Republic), Costa Rica, Cyprus, Dahomey, Denmark, Dominican Republic, El Salvador, Ethiopia, Finland, Gabon, Ghana, Greece, Guatemala, Haiti, Honduras, Iceland, India, Iran, Ireland, Israel, Italy, Ivory Coast, Jamaica, Japan, Lesotho, Liberia, Luxembourg, Madagascar, Malawi, Malaysia, Mauritius, Mexico, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Norway, Pakistan, Panama, Paraguay, Peru, Philippines, Rwanda, Singapore, Spain, Swaziland, Sweden, Thailand, Togo, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela.

*Against:* Albania, Algeria, Bulgaria, Byelorussian Soviet Socialist Republic, Cuba, Czechoslovakia, Guinea, Hungary, Iraq, Libya, Mali, Mauritania, Mon-

<sup>4</sup> The delegations of Brazil and Japan subsequently informed the Secretariat that they wished to be recorded as having abstained.

golia, Nigeria, People's Republic of Congo, Poland, Romania, Saudi Arabia, Somalia, Southern Yemen, Sudan, Syria, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Tanzania, Upper Volta, Yemen, Yugoslavia, Zambia.

*Abstaining:* Botswana, Burma, Burundi, Central African Republic, Chad, Chile, France, Gambia, Guyana, Indonesia, Jordan, Kenya, Kuwait, Lebanon, Morocco, Portugal, Senegal, Sierra Leone, Tunisia, United Arab Republic.

*Draft resolution IV as a whole was adopted by 67 votes to 30, with 20 abstentions (resolution 2676 (XXV)).*

131. The PRESIDENT (*interpretation from French*): We shall now proceed to vote on draft resolution V.

*Draft resolution V was adopted by 111 votes to none, with 4 abstentions (resolution 2677 (XXV)).*

132. I shall now call on those delegations that have asked to explain their vote after the vote.

133. Miss EDMONDS (United States of America): The General Assembly can take pride for the most part in the resolutions on human rights in armed conflicts just adopted. Those resolutions reflect considered views of the delegations and should serve as important steps forward in mankind's effort to ameliorate suffering caused by armed conflict. While we hope for the end of conflict and we have dedicated our maximum efforts in this body towards that end, we must be mindful of the need to extend humanitarian principles in those unfortunate situations where conflict occurs.

134. The Secretary-General has submitted two brilliant reports which have guided our deliberations and which will provide excellent background for further consideration of protection of human rights in armed conflicts, not only in this United Nations body, but elsewhere.

135. The resolutions which we have adopted are not narrowly conceived. They cover a wide scope of protection for persons who are victims of armed conflict, civilians, prisoners, journalists.

136. We have adopted a procedure whereby the reports of the Secretary-General and the deliberations of this body will be made available to the Conference of Government Experts to be convened by the International Committee of the Red Cross next Spring. We will await the results of that conference with interest.

137. The United Nations has taken important measures today to further the creation of new norms for the protection of human rights in armed conflicts. It has also unequivocally reaffirmed the obligations of all Governments to abide by the existing conventions to which they are parties. These obligations have been expressly stated in three of the resolutions which have been adopted.

138. We sincerely regret that some parties have not lived up to their obligations, as my delegation stated during the discussions, but we hope that with the adoption of these resolutions all countries and nations will be dramatically reminded that as they are parties to the Geneva Conventions they should assume their solemn obligations for strict compliance with their provisions. Strict compliance with these rules is imperative if mankind is to make further progress towards alleviating human suffering caused by armed conflict.

139. I cannot leave this rostrum without adding one more sentence with regard to our explanation of vote in terms of the statements which have been made by Mr. Yost—I will repeat his statements, no matter what others might say—the United States is profoundly gratified that the Social Committee of the General Assembly, in its consideration of the question of respect for human rights in armed conflicts, has overwhelmingly approved this broadly-sponsored resolution on prisoners of war. It makes clear the very real concern of the world community for the humanitarian treatment of all who find themselves in captivity anywhere during times of conflict. It reaffirms the fundamental principle that prisoners of war are entitled to certain basic protection, care, communication with their families and repatriation. For those who wish to twist Mr. Yost's statements, these statements are already in the record for posterity.

140. Mr. MANI (India): We wish to explain our delegation's vote on draft resolution IV. We voted in support of the draft resolution because we believe intensely in the humanitarian principle and affirmation of the preamble of the United Nations Charter that faith in the dignity and worth of the human person are indivisible in whatever situation a human person may unfortunately find himself in any international armed conflict. Every prisoner of war, whenever he lays down his arms and surrenders, deserves humane treatment and protection. This, in our view, is the phenomenon of man.

141. That is why we felt satisfied with paragraph 3 of the draft resolution which requests exertion on the part of the Secretary-General to obtain human treatment for prisoners of war, especially for the victims of armed aggression and colonial suppression. This paragraph is the *clef de voûte* of the whole resolution, and reflects our confidence in the Secretary-General in the discharge of his duties and his devotion to duty in circumstances in which human compassion to a prisoner of war should transcend all other barriers and reflect the Universal Declaration on Human Rights, which was reaffirmed by 53 countries at the Third Conference of Heads of State on Government of Non-Aligned Countries held at Lusaka, from 8 to 10 September 1970, in the third preambular paragraph of the resolution on Indo-China.

142. Furthermore, all measures relating to the treatment of prisoners of war, in the considered view of my delegation, ought to be channelled through the International Committee of the Red Cross, to the exclusion of other actions. The forthcoming Conference of

Government Experts, to be held at Geneva from 24 May to 12 June 1971 under the aegis of the International Committee of the Red Cross, will no doubt endeavour to find a practical solution on the basis of logic, love, sympathy and human rights, noble characteristics of man that constitute also the core of all the religions of the world.

143. Mr. DUCCI (Chile) (*interpretation from Spanish*): My delegation would like very briefly to explain its vote on draft resolution IV, a draft resolution which was originally introduced in the Third Committee by 12 countries.

144. In voting in the Committee, my delegation fundamentally took into account the text of the draft resolution itself which, apart from any other considerations, was designed, we then thought, to alleviate the condition of prisoners of war and ensure effective respect for their human rights. However, owing primarily to the trend taken by the debate on the draft resolution to which I refer and the coverage given, particularly in the press, about its adoption by the Third Committee, coverage which links this text to the various wars of aggression that are now being waged throughout the world, my delegation was unable to support the text. Because of the foregoing reasons the Chilean delegation abstained on the draft resolution.

145. Mr. PAPADEMAS (Cyprus): The delegation of Cyprus, consistent with the way in which it voted in the Third Committee, voted in favour of draft resolution IV. The motivation behind the casting of a favourable vote for this draft resolution was based solely on principle. If some delegations, during the course of the debate in the Third Committee and in the plenary meeting of the General Assembly, turned this debate on respect for human rights in armed conflicts into a political one, that was not the intention of my delegation. We did not participate in that kind of debate, and our motive was based solely on principle. As early as September 1961 at the Conference of Heads of State on Government of Non-Aligned Countries, held at Belgrade from 1 to 6 September 1961, the President of my country stated that we, as a non-aligned country, do not and must not align with blocs, political of military, but we are strongly aligned on principles. It was on the basis of those principles that we voted in favour of this humanitarian resolution which calls for the humane treatment of prisoners of war in any armed conflict.

146. Miss TEDAM (Ghana): The vote of my delegation on this item was based on one consideration alone, that of humanitarianism. We have not allowed ourselves to be influenced by any political considerations which may be inferred or read into any of the resolutions. We have therefore maintained the vote we cast in the Third Committee, regardless of the propaganda element which seems to have been introduced into some of the resolutions. We reiterate that our support for the various resolutions was based on humanitarian grounds, and we reject any propaganda value that may be attached to the adoption of any particular resolution.

147. Mr. BARROS (Brazil) (*interpretation from French*): I wish to state, with apologies, that I pressed the wrong button and recorded by mistake a negative vote on draft resolution II. I would be very grateful if my abstention could be recorded, in confirmation of the vote cast by the Brazilian delegation on this draft resolution in the Third Committee.

### AGENDA ITEM 23

#### **Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples: report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples (*continued*)\***

148. Mr. ROHÁL-ILKIV (Czechoslovakia) (*translated from Russian*): The General Assembly has on its agenda the important item concerning the report of the Special Committee on the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples [A/8023/Rev.1].

149. The collapse of the colonial system after the Second World War and the ensuing activity of the liberation movement of peoples of colonial and dependent territories significantly altered the political map of the world. In just the last ten years, 26 former colonies with a total population of over 50 million have achieved, after a long and exhausting struggle, their right to self-determination and independence. The balance of forces in the international arena has shifted further to the side of progress and peace.

150. Thanks to the combined efforts of countries of the socialist system and the overwhelming majority of African and Asian States, the United Nations has also played a definite role in speeding up the abolition of the colonial order.

151. The Declaration proclaimed by the General Assembly on 14 December 1960 [*resolution 1514 (XV)*], on the initiative of the USSR, has gone down in history as one of the epoch-making documents adopted by the Organization during the past 25 years.

152. Developing the basic ideas stated in the Declaration on the Granting of Independence to Colonial Countries and Peoples, the United Nations this year, on the occasion of its twenty-fifth anniversary, declared that the further continuation of colonialism is a crime and recognized the legitimacy of the struggle of colonial peoples for their freedom by all means available to them. The Organization went on to condemn in strong terms the actions and designs of the coalition of racist régimes in South Africa and Southern Rhodesia and the Portuguese colonial régime, to denounce the military, economic, financial and other types of aid received by them from their imperialist allies in the NATO military bloc, and to appeal to Member States, specialized agencies and organizations associated with the United Nations to extend moral and necessary material assistance to peoples struggling

\* Resumed from the 1920th meeting.

to attain their right to self-determination and independence, including peoples in liberated areas.

153. The United Nations on the basis of hundreds of cases brought to its attention, condemned the activities of monopoly capital in colonial and dependent Territories and called upon the imperialist Powers to remove their military bases and equipment from these areas. The General Assembly, went on to condemn the recruitment and military training of mercenaries and their deployment against the national liberation movement, and called on all Member States to adopt legislative measures which would bring this shameful practice to an immediate end. The struggle against the coalition of racist régimes in southern Africa should also find support in the Security Council resolutions concerning the embargo on arms deliveries to the racist Government of South Africa, sanctions against the illegal régime of Ian Smith in Southern Rhodesia and the cessation of military assistance to the Portuguese colonial régime.

154. The adoption on 12 October 1970, on the occasion of the tenth anniversary of the Declaration on the Granting of Independence to Colonial Countries and Peoples, of the programme of action [*resolution 2621 (XXV)*] designed to hasten the full implementation of that declaration was the logical culmination of these efforts. The Czechoslovak delegation had an opportunity to express its views on that document during the discussion on it in the plenary meeting of the General Assembly [*1862nd meeting*]. The programme of action which was adopted does not, of course, exhaust the means available to the United Nations in this sphere, but the Czechoslovak delegation considers that the immediate implementation of the programme will undoubtedly be a contribution to our work. In our view it would be useful if the draft resolution being prepared on the item under consideration referred explicitly to the necessity for systematic control over the implementation of the provisions of the programme in the context of the full implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, on which the Special Committee submits an annual report to the General Assembly.

155. In assessing the ten years of United Nations activity in the struggle against colonialism, we cannot fail to mention the work of the Special Committee, established pursuant to General Assembly resolution 1514 (XV). If the United Nations has achieved positive results in this field, much of the credit is due to the Committee of Twenty-Four, which was instructed to follow systematically the implementation of that resolution and was given the right to submit concrete proposals and make observations on the progress and results of its application.

156. The Czechoslovak delegation notes that the Special Committee has through its activities become the central working organ of the United Nations on questions of decolonization. If we now say that this organ could have achieved still greater results in its work, that shortcoming could again be attributed to the administering Powers and their allies, which have continually impeded the Committee's work, inhibiting all

our discussions and preventing the implementation of the decisions adopted. One has only to look at the progress of discussions this year in the Special Committee. Consequently, it would clearly be useful if the Special Committee, in preparing concrete plans for its further activity, were to give more thought to ways of making its work even more effective and if, in its regular reports, it were to present a concrete review of how Member States are giving effect to the decisions taken.

157. We approve of the Special Committee's work and agree in principle with the conclusions, recommendations and proposals set forth in its report; but we are far from satisfied with the existing situation with respect to the implementation of the 1960 Declaration.

158. In this connexion, I should like to recall the words of the Secretary-General who, in his recent statement in connexion with the commemoration of the tenth anniversary of the Declaration on the Granting of Independence to Colonial Countries and Peoples [*1866th meeting*], stated that the fact that there remained 28 million people who were still deprived of their inalienable right to self-determination and independence could leave no room for complacency, for the perpetuation of that situation was not only an anachronism but also a serious obstacle to the promotion of world peace and international co-operation.

159. This year's report of the Special Committee again shows us that the remaining colonial Powers continue to sabotage the implementation of the Declaration. On various pretexts they are impeding the granting of independence to colonial peoples and are even increasing their oppression of the peoples of these countries. The colonial Powers are not only failing to implement but are flagrantly violating the terms of General Assembly resolution 1514 (XV) and other related United Nations decisions. Beginning with the serious situation prevailing in Southern Rhodesia, Namibia, Angola, Mozambique and Guinea (Bissau), and ending with the Territories of the Pacific and Indian oceans, the Caribbean, Oman and other regions —everywhere we see that the peoples are striving to attain their right to self-determination and independence.

160. The report of the *ad hoc* group set up by the Committee of Twenty-Four to establish direct contact with the representatives of national liberation movements [*A/8086, annex II*], and the statements made by petitioners during the present session of the Fourth Committee, have again convinced us of the unshakable will of the people of these Territories to struggle resolutely for complete freedom from colonial oppression.

161. The colonial Powers, in their desire to strengthen their rule over the indigenous populations and reinforce their dominant political, economic and strategic positions, are using every available means to suppress the growing national liberation movement in the remaining colonial Territories. In doing so, they do not confine themselves to suppressing resistance among the

peoples of the colonial countries, but are transforming the colonial Territories which border on young sovereign States into bases of neo-colonialist expansion, subversion and ideological infiltration. A particularly flagrant case in this connexion is the recent attack by Portuguese naval landing forces and units of mercenaries, supported by international imperialism, against the independent Republic of Guinea. The report of the Security Council special mission to the Republic of Guinea established under resolution 289 (1970)<sup>5</sup> provides irrefutable evidence that the colonialists do not shrink even from direct acts of aggression against independent States.

162. At the beginning of my statement I referred to positive results achieved by the United Nations in connexion with the international recognition of the legitimacy of the struggle of peoples of colonial Territories

<sup>5</sup> *Official Records of the Security Council, Twenty-fifth Year, Special Supplement No. 2.*

for self-determination and independence using all means available to them, and the fact that the United Nations has declared the further continuation of colonialism to be a crime. The Czechoslovak delegation believes that the United Nations could greatly facilitate the achievement of the goal of total liquidation of the remnants of the colonial order if it were to mobilize world public opinion for this purpose, provide effective material assistance to the struggling peoples and prevent the further consolidation of existing racist and colonial régimes.

163. First and foremost, however, it should direct its efforts towards ensuring the implementation of the provisions of the Declaration on the Granting of Independence to Colonial Countries and Peoples and other related decisions of the Security Council and the General Assembly. The Czechoslovak Socialist Republic is ready to support any action by the United Nations to further that aim.

*The meeting rose at 1.5 p.m.*