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SUMMARY RECORD OF THE 63rd MEETING

Chairman: Mr. SOBHY (Egypt)

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Distr. GENERAL  
A/C.3/34/SR.63  
6 December 1979

ORIGINAL: ENGLISH

The meeting was called to order at 10.45 a.m.

AGENDA ITEM 30: UNITED NATIONS DECADE FOR WOMEN: EQUALITY, DEVELOPMENT AND PEACE  
(continued) (A/C.3/34/L.42, A/C.3/34/L.48/Rev.1, A/C.3/34/L.53)

1. Mr. EDIS (United Kingdom), speaking in explanation of vote, said that his delegation wished to reserve its position with regard to the financial implications of draft resolution A/C.3/34/L.53 on preparations for the 1980 World Conference. In considering that question in the Fifth Committee, his delegation would take into account its views on the priority of the items referred to in paragraph 2, as well as on paragraph 3. His delegation had therefore abstained in the vote on paragraph 2, although it had voted in favour of the draft resolution as a whole.
2. With regard to draft resolution A/C.3/34/L.42, which had also been adopted the previous day, he wished to point out that the criterion applied by his country when considering suitability for posts was merit and not sex.
3. Mr. MELAMED (Israel) said that his delegation had voted against draft resolution A/C.3/34/L.48/Rev.1 because the amendment proposed by the representative of Iraq referred to a document that seized every opportunity to denounce Zionism and to stress the equation of Zionism with racism. That amendment substantiated the remarks he (Mr. Melamed) had made during the 60th meeting of the Committee concerning the World Conference of the United Nations Decade for Women. The statement made by the representative of Jordan the previous day in exercise of the right of reply could not change those facts.
4. Ms. FAWTHORPE (New Zealand) said that her delegation welcomed the fact that a number of amendments to improve the text of draft resolution A/C.3/34/L.48/Rev.1 had been accepted by its sponsors, thus making it possible for her delegation to abstain in the vote on it.
5. However, with regard to the question of elaborating a draft declaration such as that referred to in paragraph 3 of that draft resolution, her delegation still held the view that had obliged it to vote against General Assembly resolution 32/142 on women's participation in the strengthening of international peace and security and in the struggle against colonialism, racism, racial discrimination, foreign aggression and occupation and all forms of foreign domination. That view was that the limited time available to the Commission on the Status of Women and to the forthcoming World Conference should be devoted to the drafting of a strong and definitive programme of action to benefit women in their daily lives in all parts of the world, rather than to discussion of a specialized question relating to the status of women, which could prove divisive and time-consuming.
6. Mrs. MAIR (Secretary-General of the World Conference of the United Nations Decade for Women) said that the statements made in the Preparatory Committee of the World Conference of the United Nations Decade for Women had contained significant information concerning the policies and activities of Member States and had thus served to underline further the high priority that the United Nations and its Member States attached to the principles and purposes of the Decade, as

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well as to the vital function of the World Conference in advancing the objectives of the Decade. The decisions taken by the Preparatory Committee would greatly advance the whole process of the Decade, particularly the preparations for the Conference. In that connexion, the secretariat for the Conference attached particular significance to paragraphs 7 and 8 of draft resolution A/C.3/34/L.53, which made strong appeals to Member States that they should involve themselves in important ways in the preparation of the Conference and that they should take all necessary measures to mobilize public opinion in its support.

AGENDA ITEM 12: REPORT OF THE ECONOMIC AND SOCIAL COUNCIL (continued)  
(A/34/3 and Add.1, Add.2 and Corr.1, Add.5, Add.12, Add.16 to 26, Add.28, Add.34, Add.35, Add.39, A/34/289, 345, 357, 359 and Add.1, 385, 389 and Corr.1, 499, 535 and Add.1, 542, 583 and Add.1, 658 and Add.1, 697; A/C.3/34/5, A/C.3/34/10, A/C.3/34/11 and Add.1, A/C.3/34/12; A/C.3/34/L.34/Rev.1, L.40, L.55, L.56, L.58 to L.64, L.69, L.70, L.71, L.72)

7. Mr. HEINEMANN (Netherlands) announced that the sponsors of draft resolution A/C.3/34/L.69 on human rights in Chile wished to make a number of revisions. The beginning of the first preambular paragraph should read: "Noting that all Governments". The words "and 33/173 on disappeared persons" at the end of the second preambular paragraph should be deleted. The beginning of paragraph 7 should read: "Urges the Chilean authorities", and the words "and to punish those found guilty" should be added at the end of that paragraph. The beginning of paragraph 9 should read: "Urges further the Chilean authorities".

8. He also announced that the delegations of Algeria, Austria, Cuba, Mexico and Yugoslavia wished to join the sponsors of draft resolution A/C.3/34/L.69.

9. Mr. GONZÁLEZ de LEÓN (Mexico) announced that the sponsors of draft resolution A/C.3/34/L.70 on protection of human rights in Chile wished to withdraw that text because draft resolution A/C.3/34/L.69, as revised, covered most of their concerns.

10. Mr. PAPADEMIS (Secretary of the Committee), replying to a question raised by the representative of Argentina, said that the representative of the Netherlands had informed him, on behalf of the sponsors of draft resolution A/C.3/34/L.69, that the beginning of the first line of the last preambular paragraph of that draft resolution should read: "Calling the attention of the Commission on Human Rights".

11. Mrs. SEMICHI (Algeria) said that migrant workers, who were obliged to emigrate temporarily for social and historical reasons, were the victims of discrimination socially and in employment, and that such discrimination could even endanger their physical safety. It was for that reason that the question of migrant workers had been included in the agenda of the World Conference to Combat Racism and Racial Discrimination. The host country must guarantee migrant workers a greater degree of protection of their fundamental social rights. The rights and obligations of both worker and employer must be considered on a reciprocal basis, in the widest possible context.

(Mrs. Semichi, Algeria)

12. The Committee must take up the question of migrant workers once again in order to ensure that the efforts made during previous sessions were pursued. Her delegation therefore wished to introduce draft resolution A/C.3/34/L.55 on measures to improve the situation and ensure the human rights and dignity of all migrant workers. She also wished to announce that the Delegations of the Dominican Republic, Guatemala, Lesotho, Nicaragua and Trinidad and Tobago had joined the sponsors of that draft resolution.

13. The contribution that migrant workers made to the economic and social development of their host countries was so great that they could not be treated as nothing more than components of the labour market. Since the problems of migrant workers were as acute as ever, the sponsors of draft resolution A/C.3/34/L.55 believed that a renewed effort should be made, within the framework of the General Assembly, to increase public awareness of the question. All Member States and interested international organizations and bodies must undertake concerted action and adopt a comprehensive approach rather than a sectoral one. The sponsors of the draft resolution before the Committee hoped that it would be adopted without a vote.

14. Miss NUSSBAUMER (International Labour Organisation) said that she wished to update the views and comments submitted by the International Labour Organisation (ILO) that were reproduced on pages 20 to 22 of document A/34/535 on measures to improve the situation and ensure the human rights and dignity of all migrant workers.

15. In June of the current year the International Labour Conference had adopted a resolution that requested the Director-General of ILO to conduct a comparative study of laws, regulations and practices in countries employing migrant labour; urged Governments to give full effect to the Declaration of Principles and Programme of Action adopted by the World Employment Conference; and invited Governments to consider ratifying and implementing the Migration for Employment Convention (Revised), 1949 (No. 97) and the Migrant Workers (Supplementary Provisions) Convention 1975 (No. 143) and, pending their ratification, to ensure that the principles laid down in those Conventions were observed.

16. Another resolution adopted in June of the current year by the International Labour Conference called on Member States to provide more attractive alternatives to migration in the country of origin; to ensure that migrant workers enjoyed equality of opportunity and treatment, while discouraging the "brain drain" from the country of origin; and to conclude multilateral and bilateral agreements to solve the problems of migrant workers in host and home countries. Such agreements could cover the questions of housing, social services, reunification of families, acquired rights of returning migrants, employment-creating schemes and education schemes for migrant workers and their children.

17. The previous month a resolution on inter-European migration had been adopted during the ILO Third European Regional Conference. That resolution urged countries

(Miss Nussbaumer, ILO)

to apply ILO standards on non-discrimination and equality of opportunity and treatment for national and migrant workers and invited ILO to conduct a comparative study of laws, regulations and practices in countries employing migrant labour.

18. During the current month, the Governing Body of ILO had decided to include an additional item, on maintenance of migrants' rights and social security, in the agenda of the 1981 International Labour Conference. Migrant workers might lose benefits in the countries they had left and were sometimes unable to acquire rights in the new country. The question of payment of pensions abroad also needed consideration. The Governing Body of ILO had likewise considered ILO's contribution to the establishment of the new international economic order and its role in the restructured United Nations system. In the name of the whole workers' group, the Indian workers' delegate had stressed how vital it was to ensure elimination of any discriminatory action against migrant workers and how important it was that there should be a large number of ratifications of Convention No. 143.

19. Reports containing Member States' replies on implementation of the Convention and Recommendation adopted in 1949 concerning Migration for Employment and the Convention and Recommendation adopted in 1975 on Migration in Abusive Conditions would be submitted in February 1980 to ILO's Committee of Experts on the Application of Conventions and Recommendations, an independent body that would conduct an over-all study of those standards and of obstacles to their application. That Committee's findings would be reported to the International Labour Conference in June 1980 and the Conference would decide what additional standards were required or what other types of activities should be intensified.

20. The major objectives of ILO's policies were to ensure protection and equal treatment for migrants and to promote national, subregional and regional policies that took into account the economic and social requirements of countries. Although international labour standards should be of benefit to all workers and migrant workers should benefit from social services under the same conditions as nationals, their particular needs must also be taken into account.

21. Mrs. WARZAZI (Morocco), commenting on draft resolution A/C.3/34/L.55, said that her delegation had been pleased to note that, during the preceding three years, draft resolutions on the rights of migrant workers and their families had been submitted to the Third Committee on the basis of recommendations originally made by the Special Rapporteur dealing with the subject of the exploitation of labour through illicit and clandestine trafficking. She referred in particular to the recommendation made during the thirty-second session of the General Assembly to the effect that Governments of countries of origin should give the widest possible dissemination to information designed to provide migrant workers with the fullest possible knowledge of their rights and obligations, as well as to the recommendation that host countries and countries of origin should cooperate with a view to facilitating the reintegration of migrant workers into their countries of origin and the further recommendation that Governments of host countries should promote the normalization of the family life of migrant workers through family reunion.

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(Mrs. Warzazi, Morocco)

22. However, the Special Rapporteur had long maintained that the United Nations should be involved in the elaboration of future instruments concerning migrant workers so that all humanitarian aspects of the problem could be considered within the framework of a convention. ILO had already adopted measures on those aspects of the problem which were within its own competence. She therefore welcomed the proposal in draft resolution A/C.3/34/L.55 that the General Assembly should consider the elaboration of an international convention on the protection of the rights of all migrant workers and their families. The adoption of such a convention would complete the work done by the specialized agencies, in particular ILO and UNESCO. Bearing in mind the problems confronted by migrant workers as well as the contribution which they made to the economies of host countries, it was essential that they should be brought under the protection of an international instrument elaborated by the General Assembly. Such an instrument would require the co-operation of the Governments of both the host countries and the countries of origin.

23. Mr. EMKER (Sweden) said that, as had been made clear in document A/34/535, his Government had expressed certain doubts on the advisability of drawing up a United Nations convention on migrant workers at the present time. Those doubts were based on the fact that several international instruments concerning migrant workers and their families already existed and on the conviction that, within the United Nations family, ILO was the agency which was best suited to draw up and implement world-wide international instruments on the subject. The question was in fact currently being dealt with by ILO: all States members of the agency had been called upon to submit reports on the implementation in their countries of a number of major instruments concerning migrant workers' rights and that survey would be discussed by the ILO Conference in June 1980. Furthermore, the Governing Body of ILO had decided to include an item on migrant workers and social security in the agenda of the 1981 Conference.

24. He wished to make it clear that his Government was not opposed to the development of further international co-operation on migration or to the revision of international standards concerning migrant workers' rights. Indeed, Sweden had taken the initiative in the Council of Europe in convening a conference of ministers responsible for migration affairs which was scheduled to take place in May 1980 in Strasbourg. Furthermore, Sweden was the only receiving country which to date had ratified the Convention on the Legal Status of Migrant Workers, which had been drawn up by the same Organization.

25. In an effort to make a constructive contribution to future work on migrant workers' rights within the United Nations system as a whole, he wished to propose amendments to draft resolution A/C.3/34/L.55. The mandate of the working group proposed in paragraph 3 should be extended to cover a range of additional measures to improve the situation of migrant workers and their families, including, if found necessary at that stage, the elaboration of an appropriate instrument. Paragraphs 4 and 5 would require consequential rephrasing. In regard to paragraph 2, his delegation considered that all replies submitted by States members of international organizations concerning the elaboration of an international convention, not just replies favouring it, should be welcomed.

(Mr. Emker, Sweden)

26. His proposed amendments would therefore read:

"2. Welcomes the large number of replies submitted by Member States and international organizations concerning the elaboration of an international convention on the protection of the rights of all migrant workers and their families;

"3. Decides to create at its thirty-fifth session a Working Group open to all Member States to determine on the basis of a report to be submitted by the Secretary-General after consultations with the specialized agencies concerned the need for adopting additional measures to improve the situation of migrant workers and their families, and to elaborate, if necessary, an appropriate instrument;

"4. Requests the Secretary-General to give the Working Group all necessary support with a view to facilitating its task;

"5. Invites the international organizations concerned to participate in the work of the Working Group."

27. Mr. GONZALEZ de LEOI (Mexico) said that, as a sponsor of draft resolution A/C.3/34/L.55, his delegation was well aware of the contributions which ILO and UNESCO had made to the safeguarding of the rights of migrant workers. In ILO the problems of such workers had been examined from the standpoint of working conditions, which represented only one aspect of the fundamental rights of such workers. UNESCO covered other aspects, in particular cultural and educational rights but again the picture was not complete. It was the view of his delegation that the draft resolution represented the beginning of an international effort which would lead to the adoption of a convention. The effort was overdue because the phenomenon of migrant workers had assumed escalating importance during the twentieth century.

28. His delegation could not agree to the amendments of the representative of Sweden, as they would change the working group's terms of reference radically and, in particular, would deprive it of its mandate to hold international consultations.

29. Mrs. RUSSELL (Barbados) said that her delegation had co-sponsored draft resolution A/C.3/34/L.55 because the time had come when proper recognition must be given to the rights of migrant workers and their families. Her country had contributed many migrant workers to the United States and the United Kingdom. It therefore took a keen interest in safeguarding their rights, which must also however, be protected by host countries. In view of that twofold need, guidelines for the proper treatment of migrant workers must be elaborated.

30. Mr. HATELJAN (Yugoslavia) welcomed the increasing attention paid by the United Nations and by other international bodies, including in particular ILO, to the problems of migrant workers. Notwithstanding the efforts made at the multilateral, bilateral and national levels, the position of such workers was

(Mr. Mateljak, Yugoslavia)

still far from satisfactory. Millions of such workers, both legal and "illegal", together with members of their families, faced serious problems of inequality in employment and problems of discrimination in the political, social, cultural, educational and other fields. The long-term solution of the problems of migratory labour should, in the view of his Delegation, be sought within the framework of the establishment of the new international economic order, which would eventually eliminate the causes of migration. Urgent measures must, however, be taken in the meantime to secure full protection of the rights of migrant workers and their families, and a first step in that direction would be the elaboration of a comprehensive convention on the rights of migrant workers. In that connexion, his delegation fully endorsed the proposals contained in draft resolution A/C.3/34/L.55, which Yugoslavia had co-sponsored, for two reasons: firstly, the results of the implementation of the existing international instruments relating to the protection of migrant workers showed that those instruments were inadequate; secondly, consideration of the rights of migrant workers should not be limited to the protection of their labour rights but should also cover the human rights of such workers and their families. It was, therefore, quite natural that such a convention should be elaborated by the United Nations in close co-operation with ILO in order to avoid any duplication or conflict between existing international instruments and the new convention.

31. The amendments proposed by the representative of Sweden were totally unacceptable to his delegation, as they would change the substance of the draft resolution.

32. Mr. FAUNIS (France) said that it was clear that ILO standards for migrant workers must be broadened but that it was the responsibility of that agency to consider the prospects for such enlargement. Migrant workers currently enjoyed the protection of existing instruments relating to human rights. In France, for example, migrant workers enjoyed social security and the rights accorded them under the provisions of ILO instruments. Any violation of the human rights of migrant workers was tantamount to a violation of the Universal Declaration of Human Rights, which applied to all workers, not only to migrant workers. There were no human rights which belonged exclusively to any one particular group and compartmentalization must therefore be avoided. He accordingly hoped that delegations would find the Swedish amendment acceptable. His delegation did not feel that the convention proposed in draft resolution A/C.3/34/L.55 was necessary. In addition, paragraphs 3 and 4 of the draft resolution would derogate from ILO's existing mandate. He noted in that connexion that very few States had so far adhered to the Migrant Workers (Supplementary Provisions) Convention, 1975.

33. Mrs. KODIKARA (Philippines) said that her delegation had co-sponsored draft resolution A/C.3/34/L.55 because it fully agreed that there was a need for a convention, although it appreciated the benefits which had already been granted by most countries to migrant workers. Her delegation rejected the amendments proposed by Sweden because they would erode efforts to achieve an international convention.



34. Mr. TARASYUK (Ukrainian Soviet Socialist Republic) said that his delegation would vote for draft resolution A/C.3/34/L.55 because it recognized the contribution which the proposed working group could make the elaboration of the proposed international instrument.

35. Mrs. HOUNGAVOU (Benin) said that, since attaining independence, her Government had been attempting to stem the "brain drain" which had resulted from the specialization of work imposed by colonial countries. Bearing in mind that the imperialists wished to keep newly independent countries in a state of permanent under-development, her delegation was keenly aware of the need to improve the rights of migrant workers and had therefore co-sponsored the draft resolution. She shared the views of the representatives of Algeria, Barbados and Mexico. The resolution was moderate in scope and called only for a convention to cover the rights of all migrant workers. She hoped that it would be adopted without difficulties.

36. Mr. VOILLERE (Germany, Federal Republic of) said that the United Nations Declaration on the Elimination of All Forms of Racial Discrimination applied to the case of migrant workers and had contributed to the elimination of many of the disadvantages from which they had suffered. Human rights, however, pertained to all and were not for specific categories only. Special instruments should not, therefore, be drawn up for particular groups, for such action would imply that other groups should not enjoy the same rights. In the Federal Republic of Germany, migrant workers enjoyed the same social, but not political, rights as citizens. His delegation doubted whether a special international instrument was necessary and believed that the matter required further consideration. He therefore supported the amendments submitted by the representative of Sweden, as they would improve the draft resolution.

37. Mrs. CHATER (Tunisia) said that the problem of migrant workers had many aspects and its consideration required the collaboration of a number of international organizations, including ILO, UNESCO, and WHO, as well as the Commission on Human Rights and the Commission on Social Development. The General Assembly was, however, the best place for the elaboration of an international instrument which would cover all aspects of the case. She hoped that the representative of Sweden would not insist on his amendments.

38. Mr. OULD SID' AHMED VALL (Mauritania) said that his delegation welcomed the importance which members of the Committee had attached to the human rights of migrant workers and their families. It was essential that an international instrument should be elaborated and that it should define the rights of migrant workers and their families so that such rights could be implemented properly.

39. Mr. ALAKMAA (Yemen) said that his delegation supported draft resolution A/C.3/34/L.55 from the humanitarian point of view and objected to any amendments which might have the effect of weakening its impact. The delegation wished to become a sponsor of the draft resolution.

40. Mr. O'DONOVAN (Ireland) said that his delegation favoured an international instrument on the subject and had voted for the corresponding resolution during the previous session, as well as for Economic and Social Council resolution 1979/13. He felt that the Swedish amendments represented a move in the right direction and hoped that the sponsors of draft resolution A/C.3/34/L.55 would take them into account. The important point was that a working group should be established at the next session of the General Assembly. He would like to suggest that paragraph 3 of the draft resolution might be amended to read: "3. Decides to create at its thirty-fifth session a working group open to all Member States to elaborate an appropriate instrument on the basis of a report to be submitted by the Secretary-General after consultations with the specialized agencies concerned." If the sponsors of the draft resolution were prepared to accept his suggestion, he would submit it formally.

41. Mr. GÜRAKAN (Turkey) welcomed the fact that greater attention was now being devoted to the humanitarian and social aspects of the situation of migrant workers. Despite the fact that some progress has been made in the field, more urgent and concerted action was required at the international level. His delegation therefore supported draft resolution A/C.3/34/L.55 and urged the delegation of Sweden not to insist on its amendments.

42. Mr. KIPLAGAT (Kenya) said that the draft resolution should be seen in the context of two facts: firstly, the existing international instruments were inadequate, and secondly, the problem of migrant workers would grow worse in coming years. His delegation supported the draft resolution and urged the Swedish delegation not to insist on its amendments. He pointed out that the working group called for in the draft resolution was open to all Member States and would, in its work, take into account all of the existing international instruments and the work of the specialized agencies concerned. Furthermore, the draft resolution did not prejudice the results of the work of the working group.

43. Mrs. BENICHI (Algeria), speaking on behalf of the sponsors of draft resolution A/C.3/34/L.55, made an oral revision to paragraph 1 adding the words "and Add.1" following the words "document A/34/535". The Swedish amendments could not be accepted by the sponsors because they changed the spirit of the draft resolution. The amendment to paragraph 2 would leave the paragraph vague and did not stress the fact that it was favourable responses with regard to the elaboration of an international convention that the General Assembly welcomed. The amendment to paragraph 3 would restrict the work of the proposed working group which should itself determine its needs on the basis of existing international instruments. The amendment would also lead to duplication with the work already carried out in the preparation of document A/34/535 and Add.1, which contained replies from Member States and the international organizations concerned. Since the Irish suggestion did not substantially improve the Swedish amendments, it was also not acceptable.

44. The CHAIRMAN said that since the Swedish delegation insisted on its proposal the Committee would have to vote on the amendments and the draft resolution.

45. At the request of the representative of Mexico, recorded votes were taken on the oral amendments proposed by Sweden to draft resolution A/C.3/34/L.55.

Amendment to paragraph 2

In favour: Australia, Austria, Belgium, Canada, Denmark, Finland, France, Germany, Federal Republic of, Iceland, Ireland, Israel, Italy, Netherlands, New Zealand, Norway, Sweden, United Kingdom of Great Britain and Northern Ireland, United States of America

Against: Afghanistan, Algeria, Bahrain, Barbados, Benin, Bolivia, Bulgaria, Burundi, Byelorussian Soviet Socialist Republic, Cape Verde, Colombia, Cuba, Czechoslovakia, Democratic Yemen, Dominican Republic, Egypt, Ethiopia, German Democratic Republic, Guinea, Guinea-Bissau, Guyana, Hungary, Iran, Iraq, Jamaica, Jordan, Kenya, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Madagascar, Malawi, Mali, Mauritania, Mexico, Mongolia, Morocco, Mozambique, Oman, Pakistan, Philippines, Poland, Qatar, Romania, Rwanda, Sao Tome and Principe, Saudi Arabia, Senegal, Sudan, Swaziland, Syrian Arab Republic, Togo, Trinidad and Tobago, Tunisia, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Cameroon, Viet Nam, Yemen, Yugoslavia, Zaire.

Abstaining: Argentina, Bangladesh, Brazil, Burma, Chile, China, Congo, Costa Rica, Cyprus, Equatorial Guinea, Fiji, Gabon, Ghana, Greece, India, Indonesia, Ivory Coast, Japan, Malaysia, Maldives, Nepal, Nigeria, Peru, Portugal, Singapore, Spain, Sri Lanka, Suriname, Thailand, Uganda, United Republic of Tanzania, Uruguay, Venezuela, Zambia

46. The Swedish amendment to paragraph 2 of draft resolution A/C.3/34/L.55 was rejected by 53 votes to 10, with 34 abstentions.

Amendment to paragraph 3

In favour: Australia, Austria, Belgium, Canada, Denmark, Finland, France, Germany, Federal Republic of, Iceland, Ireland, Israel, Netherlands, New Zealand, Norway, Sweden, United Kingdom of Great Britain and Northern Ireland, United States of America

Against: Afghanistan, Algeria, Bahrain, Bangladesh, Barbados, Benin, Bolivia, Bulgaria, Burundi, Byelorussian Soviet Socialist Republic, Cape Verde, Colombia, Congo, Cuba, Cyprus, Czechoslovakia, Democratic Yemen, Dominican Republic, Egypt, Ethiopia, German Democratic Republic, Greece, Guinea, Guinea-Bissau, Hungary, India, Iran, Iraq, Jamaica, Jordan, Kenya, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Madagascar, Malawi, Mali, Mauritania, Mexico, Mongolia, Morocco, Mozambique, Oman, Pakistan, Philippines, Poland, Qatar, Romania, Rwanda, Sao Tome and Principe, Saudi Arabia, Senegal, Sudan, Syrian Arab Republic, Trinidad and Tobago, Tunisia, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Cameroon, Viet Nam, Yemen, Yugoslavia, Zaire.

Abstaining: Argentina, Botswana, Brazil, Burma, Chile, China, Costa Rica, Equatorial Guinea, Fiji, Gabon, Ghana, Guyana, Indonesia, Italy, Ivory Coast, Japan, Malaysia, Maldives, Nepal, Nigeria, Peru, Portugal, Singapore, Spain, Sri Lanka, Suriname, Swaziland, Thailand, Togo, Uganda, United Republic of Tanzania, Uruguay, Venezuela, Zambia

47. The Swedish amendment to paragraph 3 of draft resolution A/C.3/34/L.55 was rejected by 65 votes to 17, with 34 abstentions.

48. Mr. HILFER (Sweden) said that since his delegation's amendment to paragraph 3 had been rejected and the remaining amendments made no sense without it, there was no need to vote on them and he would withdraw them.

49. At the request of the representative of Mexico, a recorded vote was taken on draft resolution A/C.3/34/L.55 as orally revised by the representative of Algeria.

In favour: Afghanistan, Algeria, Argentina, Bahamas, Bahrain, Bangladesh, Barbados, Benin, Bolivia, Botswana, Brazil, Bulgaria, Burundi, Byelorussian Soviet Socialist Republic, Cape Verde, Chile, China, Colombia, Congo, Costa Rica, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Djibouti, Dominican Republic, Egypt, Equatorial Guinea, Ethiopia, Fiji, Gabon, German Democratic Republic, Ghana, Greece, Guinea, Guinea-Bissau, Guyana, Hungary, India, Indonesia, Iran, Iraq, Ireland, Italy, Ivory Coast, Jamaica, Japan, Jordan, Kenya, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mexico, Mongolia, Morocco, Mozambique, Nepal, Nigeria, Oman, Pakistan, Peru, Philippines, Poland, Portugal, Qatar, Romania, Rwanda, Sao Tome and Principe, Saudi Arabia, Senegal, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Cameroon, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia

Against: None

Abstaining: Australia, Austria, Belgium, Burma, Canada, Denmark, Finland, France, Germany, Federal Republic of, Iceland, Israel, Netherlands, New Zealand, Norway, Sweden, United Kingdom of Great Britain and Northern Ireland, United States of America

50. Draft resolution A/C.3/34/L.55, as orally revised by the representative of Algeria, was adopted by 101 votes to none, with 17 abstentions.

51. Mr. HEINEMANN (Netherlands), speaking in explanation of vote, said that his delegation had been obliged to abstain in the vote on draft resolution A/C.3/34/L.55, as orally revised, because it felt it was not in the interests of migrant workers for the General Assembly to prepare yet another international instrument on the protection of their rights when the International Labour Organisation, which was the competent body, had already undertaken to review existing conventions and report on the subject. He pointed out that the policies and measures adopted by his Government to improve the situation of migrant workers and effectively protect their rights were well-known.

52. Mr. O'DONOVAN (Ireland) said that his delegation had voted for the draft resolution because it was in sympathy with the over-all aims of the draft. His delegation was concerned, however, at the inflexibility shown by the sponsors of the draft resolution with regard to the amendments proposed by Sweden, which, in its view, were reasonable. He pointed out that paragraph 2 of Economic and Social Council resolution 1979/13 on measures to improve the situation and ensure the human rights and dignity of all migrant workers called upon certain specialized agencies, in particular the International Labour Organisation, and other interested United Nations bodies to submit to the Council at its first regular session in 1980 a report on the results of co-operation in the area of protection of the rights of migrant workers. Before the General Assembly took definite action on the subject, it might be better to await that report. His delegation's vote in favour of the draft resolution did not mean that his country intended to ratify any specific conventions or other recommendations concerning migrant workers adopted by the International Labour Organisation and referred to in the draft resolution.

53. Mr. HYAMS (United States of America) said that his delegation had abstained in the vote on the draft resolution, feeling that the International Labour Organisation was the appropriate body to deal with the matter. Furthermore, his country was conducting bilateral negotiations with the country which supplied the majority of the migrant workers entering the United States. Lastly, his delegation did not agree with the thrust of the seventh preambular paragraph of the draft, which attempted to make of the relationship between worker and employer something more than a contractual relationship.

54. Mr. EDIS (United Kingdom) said that his delegation had abstained in the vote on the draft resolution because it was not convinced that the problem required the preparation of a new international convention or that a working group on the subject needed to be established. The most appropriate way to deal with the

(Mr. Edis, United Kingdom)

problem was through discussions at the regional level and in the International Labour Organisation. The draft resolution would lead to duplication and possibly conflicts with efforts in other more appropriate forums and with existing international instruments on the subject. His delegation regretted that the Committee had been obliged to put the draft to the vote, which showed that there was no agreement and hence that the exercise was rather an empty one.

55. Ms. NUÑEZ (Venezuela) said that her delegation had voted in favour of the draft resolution. She added that, as a receiving country, Venezuela accorded the same rights to migrant workers as to nationals.

56. Ms. RICHTER (Argentina) said that her delegation had voted in favour of the draft resolution because it felt that the process of codification referred to in that text would draw attention to and improve the conditions of migrant workers.

57. Ms. RASI (Finland) said that her delegation had abstained on the draft resolution because the subject was under study by the International Labour Organisation, in particular in connexion with the review of its Convention 143, on which a report would be submitted to the General Conference of the Organization in 1980. It might perhaps be better to promote ratification of the International Labour Organisation conventions on the subject, rather than seek to prepare a new international instrument. For that reason, her delegation had supported the Swedish amendments, which took into account her delegation's concerns.

58. Mrs. WARZAZI (Morocco) welcomed the adoption of the draft resolution and looked forward to working with the delegation of the United States in the working group, where, she hoped, more would be accomplished on the problem than had been possible within the International Labour Organisation.

59. Mr. VERKERCKE (Belgium) said that his delegation had abstained in the vote on the draft resolution. It was not opposed to the preparation of an international convention but simply felt that that procedure was less useful than promoting the ratification and implementation of existing conventions of the International Labour Organisation, which was the competent body in the field and whose work the General Assembly should not seek to duplicate.

60. Mr. BERGTHUN (Norway) said that his delegation had abstained in the vote on the draft resolution because it felt that the procedure proposed in the draft resolution to prepare a convention was not the most appropriate one. For that reason, it had supported the Swedish amendments. The over-all objectives of the draft resolution were, however, acceptable to his delegation.

61. Mr. HOLLWAY (Australia) said that his delegation had voted for the Swedish amendments and had abstained in the vote on the draft resolution. It felt that a more cautious approach should be taken to the need for a new international instrument, although his delegation did not exclude the possibility that such a convention might become necessary in the future.

62. Ms. FAWTHORPE (New Zealand) said that her delegation had abstained in the vote on the draft resolution, although it had supported most resolutions on the subject in the past, in particular, Economic and Social Council resolution 1979/13. Her delegation doubted whether it was wise for the General Assembly to begin drafting a new international instrument on the subject at the current stage. It felt, furthermore, that the Swedish amendments would have improved international co-operation in the field.

63. Mr. WIESNER (Austria) said that his delegation had abstained in the vote on the draft resolution, as it preferred to await the outcome of work being done on the subject by the International Labour Organisation. It was not wise for the General Assembly to duplicate the work of competent bodies in the United Nations system.

64. Mrs. de REYES (Colombia) said that her delegation had voted for the draft resolution because it felt that work towards preparing an international convention would improve co-operation among Member States.

65. Mr. DYRLUND (Denmark) said that his delegation had abstained in the vote on the draft resolution; it had however, supported the Swedish amendments, which, in its view, represented a balanced approach to the problem. The General Assembly should not act before the International Labour Organisation, which was the competent body, had the opportunity to consider the report being prepared with regard to its Convention 143 on migrant workers.

66. Mr. GAUDREAU (Canada) said that his delegation had abstained in the vote on draft resolution A/C.3/34/L.55 because it did not reflect the primary role of the International Labour Organisation, which was the competent body in the field, in working out norms applicable to migrant workers. He regretted that the Committee had not found it possible to accept the Swedish amendments.

The meeting rose at 1.10 p.m.