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SUMMARY RECORD OF THE 71st MEETING

Chairman: Mr. GARVALOV (Bulgaria)

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AGENDA ITEM 77: ALTERNATIVE APPROACHES AND WAYS AND MEANS WITHIN THE UNITED NATIONS SYSTEM FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS: REPORTS OF THE SECRETARY-GENERAL (continued)

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The meeting was called to order at 6.15 p.m.

AGENDA ITEM 77: ALTERNATIVE APPROACHES AND WAYS AND MEANS WITHIN THE UNITED NATIONS SYSTEM FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS: REPORTS OF THE SECRETARY-GENERAL (continued) (A/C.3/35/L.53/Rev.1, L.58, L.59/Rev.2 and L.89)

Draft resolution A/C.3/35/L.53/Rev.1

1. The CHAIRMAN invited the Committee to vote on the amendment submitted by the Moroccan delegation, as amended by the Argentine delegation.
2. Miss RICHTER (Argentina) said that she was aware only of the French version of the proposed Moroccan amendment to the fifth preambular paragraph of draft resolution A/C.3/35/L.53/Rev.1, which read: "Recognizing that the efforts of States and of the United Nations to promote political, economic, social and cultural rights should proceed at an equal pace with the establishment of the new international economic order in order to ensure the full enjoyment of those rights". She proposed that the words "should proceed at an equal pace with" should be replaced by "necessitate".
3. Mrs. WARZAZI (Morocco) said that her delegation rejected the subamendment proposed by the Argentine delegation.
4. Mrs. SEMICHI (Algeria) said she could not accept the amendment proposed by the Moroccan delegation because it changed the spirit of the fifth paragraph. She was more inclined to accept the subamendment proposed by the Argentine delegation, which was closer to the original text.
5. Mr. MUCORLOR (Liberia) supported the amendment proposed by the Moroccan delegation.
6. Mr. MATELJAK (Yugoslavia) urged the Moroccan delegation to withdraw its amendment and the Argentine delegation to withdraw its subamendment. The original text had been drafted following long and arduous negotiations, and it would be a pity to have to reopen those negotiations.
7. Mr. DYRLUND (Denmark) said that having participated in the long negotiations referred to by the representative of Yugoslavia, he endorsed the view expressed by the latter.
8. Mr. RANGASHARI (India) said he could not accept the amendment proposed by the Moroccan delegation. The text of the fifth preambular paragraph of the draft resolution presented no difficulties and had been drafted following several days of discussion. To reopen the debate at the current stage would amount to a waste of the Committee's time. He therefore urged the Argentine and Moroccan delegations not to press their amendments to the proposed text.

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9. The CHAIRMAN invited the Committee to vote on the Argentine subamendment to the amendment proposed by Morocco to the fifth preambular paragraph of draft resolution A/C.3/35/L.53/Rev.1.
10. The subamendment proposed by Argentina was adopted by 58 votes to 32, with 29 abstentions.
11. The CHAIRMAN invited the Committee to vote on the amendment to the fifth preambular paragraph proposed by Morocco, as amended by Argentina.
12. The amendment proposed by Morocco, as amended by the Argentine subamendment, was adopted by 61 votes to 23, with 40 abstentions.
13. Mrs. WARZAZI (Morocco) requested a separate vote on the words "with appreciation" in the twelfth preambular paragraph of draft resolution A/C.3/35/L.53/Rev.1.
14. The words "with appreciation" in the twelfth preambular paragraph of draft resolution A/C.3/35/L.53/Rev.1 were retained by 74 votes to 11, with 36 abstentions.
15. The CHAIRMAN invited the Committee to vote on the amendment to operative paragraph 3 proposed by Morocco.
16. The amendment proposed by Morocco was rejected by 46 votes to 21, with 48 abstentions.
17. At the request of the representative of Cuba, a recorded vote was taken on draft resolution A/C.3/35/L.53/Rev.1, as amended.

In favour: Afghanistan, Algeria, Angola, Argentina, Bahrain, Bangladesh, Barbados, Benin, Bhutan, Bolivia, Brazil, Bulgaria, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Congo, Costa Rica, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Fiji, Gabon, Gambia, German Democratic Republic, Ghana, Grenada, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, India, Indonesia, Iran, Iraq, Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Mongolia, Mozambique, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Peru, Philippines, Poland, Qatar, Romania, Rwanda, Sao Tome and Principe, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Cameroon, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia.

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Against: United States of America.

Abstaining: Australia, Austria, Belgium, Canada, Denmark, Finland, France, Germany, Federal Republic of, Greece, Guatemala, Iceland, Ireland, Israel, Italy, Japan, Luxembourg, Malawi, Morocco, Netherlands, New Zealand, Norway, Portugal, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland.

18. Draft resolution A/C.3/35/L.53/Rev.1, as amended, was adopted by 110 votes to 1, with 25 abstentions.

19. Mrs. RASI (Finland), speaking in explanation of vote on behalf of the five Nordic countries, said they had abstained after considering draft resolution A/C.3/35/L.53/Rev.1 in the light of General Assembly resolution 32/130, which had affirmed the indivisibility and interdependence of all human rights and fundamental freedoms. That resolution was all the more important because it formed the basis for the examination of alternative approaches and ways and means in the Commission on Human Rights and provided the framework for further action in that field.

20. The draft resolution contained elements which did not enjoy broad international support and which thus had no place in a resolution of such importance. Moreover, the Nordic countries considered that the participation of workers in management, referred to in the eighth preambular paragraph, could not be regarded as a human right but was, rather, a question of social policy. With respect to the full realization of human rights and fundamental freedoms, which paragraph 3 made dependent on the establishment of the new international economic order, the Nordic countries firmly believed that the realization of those rights was an unconditional responsibility of all States Members of the United Nations. They did not accept the view that human rights and fundamental freedoms could only be promoted in particular circumstances.

21. In view of the fact that there was no universally accepted definition of the right to development, and that the Commission on Human Rights was considering that question, the Nordic countries considered that the General Assembly should not prejudge the Commission's conclusions.

22. The Nordic delegations considered that the Commission on Human Rights and the international community should concentrate on ensuring the enjoyment of human rights. It would therefore be appropriate to strengthen human rights machinery and the Nordic countries would support the establishment of a post of United Nations High Commissioner for Human Rights.

23. Mr. ANCIZAR LOPEZ (Colombia) said his delegation had voted in favour of draft resolution A/C.3/35/L.53/Rev.1, but had reservations concerning the fifth preambular paragraph and paragraph 3, the wording of which was unsatisfactory. The establishment of the new international economic order and the enjoyment of civil, political, economic, social and cultural rights seemed to be highly interdependent and, it should be emphasized, were linked to man's very nature.

24. Mrs. TALLAWY (Egypt) said her delegation, which had voted in favour of draft resolution A/C.3/35/L.53/Rev.1, considered that the agenda of the seminar referred to in paragraph 6 should be drawn up in such a way as to ensure a balanced study of the effects of the new international economic order on the one hand, and of peace and friendly relations on the other. That consideration should also apply to the study contemplated in paragraph 7.

25. As a developing country, Egypt considered that no distinction should be drawn between economic rights and human rights and fundamental freedoms. Developing countries would continue to face economic difficulties until the establishment of a just new international order prevented the economic problems of developed countries from affecting the developing countries.

26. She regretted that her country had not been invited to participate in the Seminar held in Geneva from 30 June to 11 July, and trusted that such an omission would not occur again.

27. Mrs. ATKINS (United States of America) said that her delegation had had to vote against draft resolution A/C.3/35/L.53/Rev.1 because it did not agree that the human rights activities of the United Nations should be reoriented as it suggested. It had been the consistent position of the United States that civil and political rights should be given the same attention as economic, social and cultural rights, as they were in the Universal Declaration of Human Rights. In particular, a new international economic order was not a prerequisite for the promotion and protection of human rights by Governments. The United States Government was pleased that the General Assembly, the Commission on Human Rights and the United Nations as a whole continued to work for the enjoyment of all recognized human rights, and would give such efforts its support.

28. It would also be difficult for her delegation to accept paragraph 7, which requested the Secretary-General to expand the study that would be prepared in implementation of paragraph 12 of General Assembly resolution 34/46. The list of situations set forth in earlier resolutions referred to in that paragraph was biased and incomplete. It affirmed the right of every nation to exercise full sovereignty over its wealth and natural resources but failed to mention the role played by international law in that respect, as recognized in the International Covenants on Human Rights, including, in particular, the obligation to compensate victims of expropriations promptly and adequately. Among the abuses of persons omitted from the list were genocide, disappearances, torture and restrictions on freedom of expression.

29. Her delegation recognized, on the other hand, that the study by the Secretary-General should cover such questions of current importance as aggression against, and threats to, national sovereignty; moreover, it took issue with efforts to discredit systems that were committed to maintaining free and effective trade unions, although they might not guarantee participation of workers in management.

30. Mr. KLEIN (Austria) said his delegation had abstained from voting on draft resolution A/C.3/35/L.53/Rev.1 because that draft did not fully reflect the

(Mr. Klein, Austria)

principles set forth in General Assembly resolution 32/130, to which his delegation subscribed. It believed, furthermore, that it was for the Commission on Human Rights, and not the General Assembly, to take initiatives in the field of human rights.

31. Mrs. de PADUA (Portugal) said that her delegation recognized the principle of the interdependence and indivisibility of civil, political, economic, social and cultural rights. It believed that development encompassed both spiritual and material elements and that progress made in any one of the fields covered by the International Covenants on Human Rights should go hand in hand with improvements in the others. Since her delegation believed that draft resolution A/C.3/35/L.53/Rev.1 did not strike such a balance, it had abstained from voting on that draft.

32. Miss FANTHORPE (New Zealand) observed that, in sponsoring resolution 32/130 which the General Assembly had adopted in 1977, her delegation had shown that it wished to encourage and help all Member States to contribute actively to the efforts the United Nations was making to promote and safeguard human rights. Although it had also supported a number of resolutions adopted subsequently in that connexion, it had noted with concern a tendency to endeavour to give economic, social and cultural rights priority over civil and political rights. For its part, her delegation believed that all human rights should be promoted, without distinction. Although the wording of draft resolution A/C.3/35/L.53/Rev.1 had been improved as a result of the amendments that the sponsors had agreed to make to it, her delegation, having compared that text very carefully with the resolutions it had supported in the past, had been obliged to abstain from voting on that draft.

33. Her delegation could not accept the amended version of the fifth preambular paragraph just adopted, which made the establishment of the new international economic order a prerequisite for enjoyment of civil and political rights.

34. Her Government was unable to support recognition by the General Assembly of the right to development as a human right; although it was in favour of the concept of the right to development, her country wished to recall that that concept was not yet recognized internationally and that a number of United Nations bodies, including the Commission on Human Rights, were still trying to define it.

35. With regard to the eighth preambular paragraph, participation of workers in management was contrary to the domestic policies of her country, which was therefore unable to subscribe to that concept.

36. It was to be hoped that the debate in the Commission on Human Rights and in the Committee would make it possible to reach a consensus on that extremely important question without delay.

37. Miss VOURAKIS (Greece) said that her delegation had abstained from voting on draft resolution A/C.3/35/L.53/Rev.1 because it was unable to accept concepts, such

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(Miss Vourakis, Greece)

as the concept of the right to development, that were not universally recognized. It believed, moreover, that respect for, and the safeguarding and promotion of, human rights were the primary responsibility of States Members of the United Nations, under the Charter and the Universal Declaration of Human Rights, and should not be made subject to conditions.

Draft resolution A/C.3/35/L.58

38. Miss VARGAS (Costa Rica) announced that the sponsors of the draft had accepted the amendments proposed in document A/C.3/35/L.89, in the hope that their text, as amended, could be adopted without a vote.

39. The CHAIRMAN suggested that draft resolution A/C.3/35/L.58, as amended, should be adopted without a vote.

40. It was so decided.

41. Draft resolution A/C.3/35/L.58, as amended, was adopted.

42. Mr. MORENO-SALCEDO (Philippines) said his delegation would have voted against draft resolution A/C.3/35/L.58, as amended, if it had been put to the vote.

43. Mr. GAGLIARDI (Brazil) said his delegation considered the draft resolution just adopted superfluous.

44. Mr. JHA (Nepal) said his delegation would have abstained if draft resolution A/C.3/35/L.58 had been put to the vote.

45. Mr. EDIS (United Kingdom) said his delegation would have preferred the original wording of draft resolution A/C.3/35/L.58 to have been retained, but it nevertheless appreciated the efforts made by the sponsors of the amendments in document A/C.3/35/L.89, which had enabled the Committee to adopt the draft resolution by consensus. It was to be hoped that the Commission on Human Rights would consider the proposal concerning the establishment of a post of High Commissioner for Human Rights carefully; it would transmit its views on that question, through the Economic and Social Council, to the General Assembly at its thirty-sixth session, so that the General Assembly could finally take a decision in that regard.

46. Mr. RANGASHARI (India) said his delegation had not opposed adoption of draft resolution A/C.3/35/L.58 without a vote, because the amendments in document A/C.3/35/L.89, which it had sponsored, made the draft resolution a strictly procedural text; however, it maintained its position on the proposal concerning the establishment of a post of High Commissioner for Human Rights.

47. Mr. VANACHINDA (Thailand) said his delegation would have abstained if draft resolution A/C.3/35/L.58 had been put to the vote.

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48. Mrs. OLIVEIRA (Gabon) said that, in view of the position it had always taken with regard to the proposal concerning the establishment of a post of High Commissioner for Human Rights, her delegation would have abstained if draft resolution A/C.3/35/L.53 had been put to the vote.

Draft resolution A/C.3/35/L.59/Rev.2

49. Mr. SPINELLI (Italy) said the revised text introduced by his delegation was the result of arduous consultations that had led to deletion of the first preambular paragraph in order to take into account the concerns of delegations that had voted against General Assembly resolution 33/176, as well as to replacement of the sole operative paragraph by two paragraphs, the first of which dealt explicitly with the establishment of bodies entrusted with fact-finding missions.

50. The CHAIRMAN announced that there had been a request that a separate vote should be taken on paragraph 1.

51. Paragraph 1 was adopted by 58 votes to 1, with 58 abstentions.

52. Mrs. EL-ALI (Syrian Arab Republic) said her delegation had actually wished to abstain.

53. Draft resolution A/C.3/35/L.59/Rev.2 was adopted without a vote.

54. Mrs. TALLAWY (Egypt) said her delegation had abstained from voting on paragraph 1 because it considered the establishment of a permanent body that could become a kind of tribunal undesirable. When it took up that question at its thirty-seventh session, the Commission on Human Rights should therefore take into account the fact that the proposal that bodies entrusted with fact-finding missions should be established had been adopted with the reservation that each fact-finding mission should be subject to a decision adopted by the Commission on Human Rights or the United Nations General Assembly.

The meeting rose at 7.45 p.m.