



SUMMARY RECORD OF THE 59th MEETING

Chairman: Mr. O'DONOVAN (Ireland)

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

AGENDA ITEM 83: OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES
(continued)

- (a) REPORT OF THE HIGH COMMISSIONER (A/C.3/36/L.58/Rev.1)
- (b) INTERNATIONAL CONFERENCE ON ASSISTANCE TO REFUGEES IN AFRICA. REPORT OF THE SECRETARY-GENERAL (A/C.3/36/L.56/Rev.1)

1. Mr. HOUEIROU (Benin) said it was an honour to introduce draft resolution A/C.3/36/L.56/Rev.1 concerning assistance to refugees in Africa. The text had been prepared following consultations in the African Group and had incorporated some amendments proposed by donor countries. On behalf of the African Group he requested its adoption by consensus.

2. The CHAIRMAN said that, if there were no objections, he would take it that the Committee wished to adopt draft resolution A/C.3/36/L.56/Rev.1 without a vote.

3. It was so decided.

AGENDA ITEM 83: UNITED NATIONS DECADE FOR WOMEN: EQUALITY, DEVELOPMENT AND PEACE (continued) (A/C.3/36/L.53)

- (a) WORLD CONFERENCE OF THE UNITED NATIONS DECADE FOR WOMEN: REPORT OF THE SECRETARY-GENERAL (A/C.3/36/L.47 and L.57)
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4. Mr. SCHLEICHEL (German Democratic Republic) said that the sponsors of draft declaration A/C.3/36/L.48/Rev.1 had agreed to accept the amendments proposed by the Moroccan delegation in document A/C.3/36/L.76.

5. Mr. ASAMTEE (Ghana) said that he supported the draft declaration but had some doubts regarding the ideological aspects of the text and the difficulty of reaching a consensus.

6. One possible solution to the difficulties facing the Committee would be to refer the draft declaration to the Commission on the Status of Women. On the other hand, it seemed more appropriate to request the General Assembly to establish a

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(Mr. Asante, Ghana)

small joint committee consisting of representatives of the Third Committee and Sixth Committee to prepare a final version of the draft declaration which would be acceptable to the majority of delegations.

7. His proposal was based on annex II, part 1, paragraph 1 (d) of the rules of procedure of the General Assembly which provided "That, when a Committee considers the legal aspects of a question important, the Committee should refer it for legal advice to the Sixth Committee or propose that the question should be considered by a joint Committee of itself and the Sixth Committee." The legal aspects of the draft declaration in question were sufficiently important for it to be considered by a committee such as the one proposed.

8. Mr. SCHLEGEL (German Democratic Republic) reminded delegations that, in resolution 35/429, the General Assembly had decided to request the Secretary-General to seek the views of the Governments of Member States on draft declaration A/C.3/36/L.48/Rev.1 and to consider it with a view to adopting it at its thirty-sixth session. The work of the ten sponsors of the draft, which also included many ideas and proposals submitted by other delegations and the comments of the Secretary-General and of 25 States Members of the United Nations, could not be treated with disdain.

9. Some delegations were opposed to the draft declaration and wished nothing else but to postpone its adoption indefinitely. The sponsors of the draft declaration had amply demonstrated their goodwill by introducing amendments for rendering it more acceptable and he considered that it should be put to the vote.

10. Mr. FAREED (Pakistan) disagreed with the representative of the German Democratic Republic that Member States had had sufficient time to present their comments on the draft resolution in document A/C.3/36/L.48/Rev.1 and to adopt a decision on it. The number of delegations which had expressed their views, even including the co-sponsors, was less than 50 per cent of all Member States. The declaration was highly important and, while his delegation supported it in principle, it was equally important for the majority of delegations to be consulted so that the declaration would receive the support it deserved. The delegation of the German Democratic Republic had shown a spirit of co-operation and had accepted many of the proposed amendments but had not accepted some of them in the form presented. The nuances and spirit of those amendments had not, therefore, been fully reflected in the draft declaration and some aspects should be changed.

11. Given the purpose of the declaration, the title and scope of the text would have to be expanded in order to cover all areas in which the participation of women was very important. For example, the title could include the participation of women in the struggle against armed intervention against sovereign States, genocide, the systematic denial of human rights and totalitarianism.

12. The sixth preambular paragraph should mention the struggle against totalitarianism, régimes imposed from outside, the threat or the use of force, etc.

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(Mr. Fareed, Pakistan)

The seventh preambular paragraph should start with the words "Taking into account" instead of "Convinced" and the word "indispensable" in its penultimate line should be deleted. Article 3 of part I should include concepts relating to the imposition of régimes against the will of peoples and foreign military presence and intervention, because the declaration should also cover the social consequences of such situations which included the root causes of the man-made disasters that resulted in mass flows of refugees, especially of women. The declaration could not concentrate on some aspects and ignore others which deserved attention. In article 4, the words "repression, imprisonment, and inhuman or degrading treatment of women" should be added after "All forms of oppression" in the first paragraph; it should be borne in mind that that treatment was not meted out to women because of their advocacy of international peace but rather for other reasons, such as their political opinions or religious beliefs. In article 5, the reference to "the sovereign right of every State to establish an economic order of its own choice" should also include the social and political order. In the fourth paragraph of part II, other concepts such as totalitarianism, zionism, the use of force and the threat thereof, genocide, religious intolerance, etc. should be added after the word "colonialism".

13. Furthermore, when States were called upon to adopt specific measures, they should be asked to guarantee their citizens freedom of expression, of thought, of conscience, of communication, of movement and so on. In the last paragraph of section II reference should be made to the principles of non-intervention in the internal affairs of States, of renunciation of the use or threat of force and of eliminating aggression and economic, political or other forms of domination. Governments should also be asked to give women effective legal safeguards to ensure their right to participate in peaceful political demonstrations.

14. His delegation felt that the time was not ripe for voting on the draft declaration and that delegations should try to prepare a more comprehensive version which could be adopted by consensus.

15. The CHAIRMAN said that he hoped that delegations would conclude their consideration of the remaining draft resolutions on agenda item 88 during the week - not later than Thursday morning, 26 November, when the Committee would have a room, with voting machines at its disposal.

16. Mrs. BING THAN (Viet Nam) said that at the conferences held in Mexico, Baghdad, Copenhagen and Havana the ideas that peace and national independence were prerequisites for the elimination of all forms of discrimination against women and that every effort had to be made to strengthen international peace and security had taken shape. Since draft resolution A/C.3/36/L.48/Rev.1 reflected those ideas, her delegation believed that no one should oppose its adoption.

17. All women needed peace for the welfare of their families and for the intellectual and physical development of their children. It was therefore natural that the legitimate aspirations expressed in the declaration should have the Committee's unanimous support, even though its wording did not fully accord with

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(Mrs. Bing Than, Viet Nam)

the priorities of every single State. The concepts of equality, development and peace were indivisible and interdependent, and the draft resolution was designed to safeguard international peace and security.

18. As to whether particular stress should be placed on the possible role of women, it was her view that the desire of women to protect their children against any danger was an innate instinct not only of human beings but of all living creatures so that stressing their role in the struggle to consolidate peace was not incongruous but extremely relevant.

19. In the light of those considerations, her delegation appealed to the spirit of co-operation of all delegations. Peace was a common good, not the monopoly of East or West. It would be unfortunate and illogical for the Committee to defer a decision on the draft declaration.

20. Mr. CHAN (Singapore) said that he was obliged to the sponsors of draft resolution A/C.3/36/L.48/Rev.1 for having included some of his delegation's amendments in it. It was unfortunate that lack of time and other constraints had prevented them from taking the amendments submitted by all delegations into account. His delegation therefore felt that the consultations on the document had not been as extensive as they should have been. It would be better if the draft declaration were adopted by consensus.

21. Mr. TARASYUK (Ukrainian Soviet Socialist Republic) said that a year had elapsed since the draft declaration had been considered at the previous session and delegations had had enough time to submit their amendments and comments on the text. Its sponsors had taken many of the observations and amendments into account and had shown patience and a spirit of co-operation. One group of States, however, had proposed amendments to mask its opposition to the declaration. Other delegations had managed to submit amendments which were not directly related to the basic ideas of the draft resolution and could have been submitted in a separate document.

22. The delegation of Pakistan had asked that the title of the draft declaration should be amplified. That did not seem appropriate, because the title was already very long and there was no need to incorporate in it all the ideas which appeared in the text.

23. His delegation supported the proposal of the German Democratic Republic to put the draft resolution to the vote immediately and asked the delegation of Pakistan to submit its amendments in writing so that the sponsors could give them due consideration.

24. Mr. VONGSALY (Lao People's Democratic Republic) said that during the consideration of the draft declaration in document A/C.3/36/L.48/Rev.1 all the sponsors had shown flexibility by accepting a number of amendments in order to make it generally acceptable, whereas the counter-proposals were designed solely to defer consideration of the draft declaration, which was contrary to General

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(Mr. Vongsaly, Lao People's Democratic Republic)

Assembly decision 35/429. His delegation felt that the time had come to take a decision on the matter at the current session and therefore proposed that draft resolution A/C.3/36/L.48/Rev.1 should be put to the vote.

25. Miss WELLS (Australia) said she had had some difficulty with the wording of draft declaration A/C.3/36/L.48/Rev.1 and with the manner in which negotiations on it were being conducted. She herself was agreeable to its adoption by consensus and believed that there was consensus on the basic principle, embodied in the draft declaration, which the representative of Viet Nam had emphasized. If that was not the case, it might well be argued that political factors that militated against the preservation of peace were being invoked. She foresaw no difficulty with Ghana's proposal that a joint meeting of the Third Committee and the Sixth Committee should be held, but her delegation was open to other suggestions.

26. Mrs. IDER (Mongolia) said that she had listened carefully to Ghana's proposal, but that her delegation had serious doubts about it. The proposal cast doubt on the Third Committee's ability to prepare important international instruments, even though it had in fact had proved itself fully capable of preparing international instruments as important as the International Covenants on human rights and the International Convention on the Elimination of All Forms of Racial Discrimination. Her delegation therefore did not support Ghana's proposal.

27. On the other hand, even though efforts should be made to have the draft declaration adopted by consensus, many international instruments prepared by the United Nations had not been adopted by consensus. Some years later, however, the very countries which had originally expressed reservations about or voted against those instruments had expressed support for their provisions. As the vast majority of delegations favoured putting the draft declaration to a vote, her delegation supported the proposal of the representative of the German Democratic Republic.

28. Mr. GARVALOV (Bulgaria) said that the draft declaration related to an important aspect of the current international situation, namely the struggle to strengthen international peace and security. There was a need therefore to speak frankly. Some delegations wanted the Third Committee to adopt a text which had political implications and others did not. That was the crux of the matter. In addition, Governments had had ample time to state their views on the draft declaration.

29. It had been established beyond a doubt that the Third Committee could adopt international instruments in the field of human rights. The General Assembly had adopted texts that had been prepared or approved by the Third Committee. One such example was the Convention on the Elimination of All Forms of Discrimination against Women. Document A/C.3/36/L.48/Rev.1 fell within the sphere of competence of the Third and not the Sixth Committee. There was not much sense, therefore, in the suggestion that a Joint Third and Sixth Committee should be formed.

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(Mr. Garvalov, Bulgaria)

30. It had also been suggested that the debate on the item should be as broad as possible. If the draft declaration was referred to a joint Committee as suggested, the participation of representatives would be limited.

31. His delegation had discussed with other representatives the fact that the declaration did not cover all the factors affecting the complex international situation, such as the presence of foreign troops, totalitarianism, imperialism, neocolonialism, hegemonism or the presence of foreign military bases in some territories. Perhaps those aspects should also be reflected in the draft declaration.

32. The Third Committee was greatly concerned with arriving at a consensus or general agreement. In that connexion, he recalled that various international instruments in the field of human rights had been adopted by general agreement, while others had not. That had been the case with the Universal Declaration of Human Rights.

33. Mr. OBADI (Democratic Yemen) said that consideration of the draft declaration should not be deferred since it had been discussed at previous sessions of the General Assembly and in the Commission on the Status of Women. His delegation hoped that the Committee would proceed to a vote at the earliest possible opportunity.

34. Mrs. EJEZIE (Sierra Leone) said that her delegation had consulted with the delegation of the German Democratic Republic and had reached an agreement that the declaration should be adopted, if not by consensus, at least by a majority, and she reminded delegations which wished to submit amendments to do so. If informal consultations could be held, it should be possible to discuss and adopt the draft declaration on Thursday, 26 November. In any event, her delegation did not agree that consideration of the item should be deferred.

35. Mrs. MASMOUDI (Tunisia) said she wished to refer primarily to the statements made by the representatives of Pakistan, the Ukrainian Soviet Socialist Republic and Bulgaria. She agreed with the representatives of the Ukrainian Soviet Socialist Republic and Bulgaria that the proposal put forward by Pakistan to include other aspects of the struggle to strengthen international peace and security in the title of the draft declaration would make the title too long, and in order to accommodate the viewpoints of other delegations, she proposed the adoption of a title reflecting the importance of the equal participation of women in the political affairs of society and in the endeavour to implement the right to live in peace.

36. The representatives of the Ukrainian Soviet Socialist Republic and Bulgaria had acknowledged the need to include other aspects of that struggle in the text itself of the declaration if necessary, but she wondered whether, having regard to the amendments which still had to be considered, there would be sufficient time to recast the declaration in the form of an international instrument before the meeting scheduled for Thursday morning, 26 November.

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37. Mrs. FLOREZ (Cuba) expressed her delegation's surprise at the reservations of some delegations with regard to the draft declaration (A/C.3/36/L.48/Rev.1), which was sponsored by 30 countries, including her own. The arguments relating to the lack of time were not serious since the draft declaration had been submitted the year before in the Committee and thus delegations had had sufficient time to study the text. In addition, the Secretary-General had sought the views of Member States with a view to improving the final text. The sponsors had given favourable consideration to many of the amendments proposed by delegations and had incorporated them into the text of the draft declaration. It was surprising to note that the Committee was not dealing with the draft declaration in the same way that it had dealt with other documents which had given rise to problems and in connexion with which intensive consultations had been held with delegations which had put forward specific comments.

38. A decision on the draft declaration should not be deferred, nor should it be referred to a joint committee. Her delegation did not share the views expressed by the representatives of Ghana and Pakistan and believed that it was precisely for the Third Committee to take a decision on the draft declaration.

39. It should be borne in mind that in the developing countries the struggle for development was the same as the struggle for peace, since there could be no peace without development, nor development without peace.

40. Mrs. FAUTHORPE (New Zealand) said that her delegation welcomed the substantial discussion which had been held not only on the content of the draft declaration before the Committee but also on the procedures for its adoption.

41. Fundamentally, her Government's view was that there was no need to approve a separate declaration on the matter until such time as the International Convention on the Elimination of All Forms of Discrimination against Women was being universally implemented. However, if the majority of members of the Committee wished to add a declaration on that subject to the collected human rights instruments of the United Nations, her delegation was prepared to give the matter full and serious attention.

42. The drafting of such an instrument would be expected to be subject to intensive scrutiny: in the case of the instruments most recently considered by the Committee, for example, drafting of the texts and exchanges of view had taken place in special working groups, which, in her delegation's view, were the most normal forums for the purpose.

43. Her delegation had therefore listened with interest to the proposal made by the representative of Ghana, and supported by the representatives of Pakistan and Australia, that a joint committee of the Third and Sixth Committees should be established at the thirty-seventh session of the General Assembly to study the draft declaration more thoroughly.

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(Mrs. Fawthorpe, New Zealand)

44. She had already discussed with the representative of the German Democratic Republic the possibility of an amendment which would have the effect of including in section II of the draft declaration an appeal to Governments to dedicate themselves to the elimination of relationships of exploitation and dependence, including those between men and women. The suggestion just made by the Vice-Chairman of the Committee was of special interest in that connexion. She urged the German Democratic Republic and the other sponsors not to press for a vote, since the new international instrument would be of little use if it was not adopted by consensus. Such a situation would be most regrettable, since much of the substance of the draft declaration was quite unobjectionable and could form a generally acceptable document.

45. Mr. FURSLAND (United Kingdom of Great Britain and Northern Ireland) said that, despite the importance of the issues dealt with in the draft declaration before the Committee, his delegation did not believe that the draft declaration would contribute to the resolution of those issues. The representative of the German Democratic Republic had pointed out that previous resolutions and decisions had been adopted on particular social groups: the document before the Committee, however, was not a draft resolution but a draft declaration which, if adopted, would occupy a similar place to the Declaration on the Elimination of All Forms of Religious Intolerance, which the Committee had just adopted by consensus after years of consultations.

46. There was no precedent for the adoption of a declaration granting particular rights to particular social groups, as the draft declaration under consideration sought to do. If it was adopted, there would be nothing to prevent a long and futile process in which the rights provided for in universal international instruments were granted to individual social groups, such as the elderly, the disabled and so on. That would be a selective process lacking in seriousness.

47. The amendments proposed by certain delegations were being subjected to selective treatment by the sponsors, who decided which to accept and which to reject. The representative of the German Democratic Republic had rightly observed that the draft declaration had been considered by the Commission on the Status of Women, but there had been no discussion of its provisions in that body. It was particularly significant that the competent body had not even adopted a recommendation endorsing the draft declaration when submitting it to the Third Committee.

48. His delegation had serious reservations about the adoption of a declaration in such circumstances: to adopt the draft declaration without first submitting it to a group of experts for careful consideration, in accordance with the usual practice in respect of such instruments, would set a bad precedent. It therefore proposed that the draft declaration should be referred back to the Commission on the Status of Women for consideration and resubmission to the Third Committee, accompanied by a recommendation adopted by consensus or by vote.

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49. Mr. GORRENDIAYE (Gambia) said that the content of the draft declaration (A/C.3/36/L.48/Rev.1) in no way contradicted the spirit of either the Copenhagen or the Mexico conferences but represented the goal of international peace pursued by all peoples.

50. His delegation, as a sponsor of the draft declaration, considered that a host of amendments made to the original text might destroy its meaning: the suggestions made had been generously accommodated, and he therefore called for the co-operation of all delegations in not diluting the text further or hindering its adoption.

51. Delegations had had ample time to negotiate the text in order to facilitate its adoption by consensus. Considering the length of time the draft declaration had been before the Committee and given its great importance, his delegation could not agree to postponement, which would be regrettable. There were still thousands of women in Africa who did not know peace or equality, and it was essential to support the struggle for the rights which were denied them by racism and apartheid.

52. Mr. VERKERCKE (Belgium) said that, as pointed out by preceding speakers, declarations adopted by the United Nations were instruments which, in view of the solemnity with which they were approved by the General Assembly, should be discussed in a spirit of consensus. It was therefore inadvisable to press the draft declaration to a vote.

53. The draft declaration had been under consideration for some time, but there had apparently been no discussion of its text at meetings of the Commission on the Status of Women, which had not even been able to make a formal recommendation for its adoption by the General Assembly. Moreover, it had not been the subject of general discussion among Member States, which had confined themselves to sending their comments on the text to the Secretary-General.

54. His delegation had already stated in the competent bodies that it considered the draft declaration untimely. Its objections were three-fold. First, there were technical objections: the declaration contained heterogeneous ideas and placed side-by-side such disparate elements as equal rights for men and women, objective conditions impeding the progress of women, measures such as disarmament which would release resources for promoting the advancement of women, and even the manner in which women should approach their political activities.

55. Secondly, his delegation had substantive objections to the view of international security embodied in the text, which was by no means a comprehensive view but definitely a unilateral one. The manner in which the concepts of international peace and security were formulated in the text was likewise questionable. Lastly, there was a fundamental objection in that the text did not refer to the rights of women but merely told women what they should do in particular spheres.

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(Mr. Verherche, Belgium)

6. The representative of Bulgaria had rightly stated that the struggle for peace was not an exclusive concern of women or men, and in that respect the draft declaration was a retrograde step. It was surprising to find didactic and paternalistic expressions and highly debatable assertions in the text.

7. For all those reasons, and for the formal reason that the text of the draft declaration had not been discussed thoroughly, his delegation associated itself with those delegations that considered it ill-advised for the draft declaration to be pressed to a vote and proposed that informal consultations should be held in an effort to find a solution in a spirit of consensus.

8. Mr. BOUYOUCEF (Algeria) said that his delegation had kept in touch with the delegations of France, the Federal Republic of Germany and Canada on the introduction of some amendments to the text of draft resolution A/C.3/36/L.47. The Group of 77 which was sponsoring that draft resolution believed that some of the proposed amendments were reasonable, and that their incorporation in the text as it stood could make the draft resolution acceptable to a larger number of countries.

9. The first amendment applied only to the Spanish text of the first preambular paragraph and consisted of the deletion of the word aprobado, which would be replaced by the words tal como se aprobó. The second would reword the fourth preambular paragraph to read Taking note of chapter 25 of the Declaration of the Ministerial Meeting of Non-Aligned Countries, held at New Delhi from 9 to 12 February 1981, relating to the role of women in development. In the fifth preambular paragraph, the word "of" between the words "resolutions" and "the Copenhagen Conference" should be deleted and replaced by the words "as adopted at". In the eighth preambular paragraph, the words "as adopted" would be inserted after the words "of the Decade". In operative paragraph 1, the words "Equality, Development and Peace" should be inserted after the words "of the Decade". In operative paragraph 2, the words "and thereafter to report on the same subject every two years" should be deleted. Operative paragraph 5 should be reworded to read, Requests the Economic and Social Council at its first regular session of 1982 to give high priority to the report to be submitted to it by the Commission on the Status of Women. The words "at its thirty-seventh session" should be inserted in operative paragraph 7 before the word "through". In operative paragraph 8, the word "Secretariat" should be deleted and replaced by the word "system". In addition, the words "to take the necessary steps to ensure that the Institute can fulfil its mandate and" should be inserted after the words "Secretary-General". Operative paragraph 10 should be reworded to read, Invites the Secretary-General to submit to the General Assembly at its thirty-seventh session the report of the Economic and Social Council on its first regular session of 1982 on the implementation of the Programme of Action for the Second Half of the Decade, together with his report on the steps taken for the implementation of this resolution".

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50. Mr. VIGNON (Belgium) suggested to the representative of Algeria that there might be a clerical error in the amendment proposed in connexion with the draft resolution in document A/C.3/36/L.48. He believed it would be more correct to refer to the "Commissariat général au Conseil Economique et Social", and not "le Commissariat du Conseil Economique et Social" since the Council always submits its reports to the Assembly; there was no need to request it.

51. Mr. FENOUILLAT (Algeria) said that his delegations had indicated paragraphs 5 and 10 required two separate reports on the same item. The purpose of the proposed amendment was to enable the Secretary-General to submit to the Economic and Social Council at its first regular session of 1982 a single report which would also cover the status taken in connexion with the implementation of the resolution. If stylistic amendments were required in any language his delegation would not mind the Secretariat polishing the drafting of paragraph 10, as long as the meaning was unchanged.

52. Mr. WILLIAMS requested the Secretaries to study the paragraph and to suggest the most appropriate wording. He reminded the Committee that there were many draft resolutions with financial implications on which it had to take a decision before 1 November so that the Fifth Committee could study the drafts and make its own recommendations to the General Assembly. That was not a rule he had laid down but a request of the Assembly. Consequently, delegations which wished to submit amendments to the draft resolutions should do so as soon as possible. It was particularly important that amendments relating to draft resolution A/C.3/36/L.48/Rev.1 should be submitted at the earliest opportunity so that the Committee could take a decision on the subject at its meeting on Thursday, 24 November at the latest.

53. Mr. ASHRAF (Chad) requested the Chairman to forward to the Legal Counsel a question on the draft declaration contained in document A/C.3/36/L.48/Rev.1 in the hope that he would be able to help clarify the situation for delegations. What he wished to know was whether, traditionally, in the practices, procedures and methods adopted by the United Nations with respect to the drafting and/or preparation of international juridical instruments on human rights such as the draft declaration contained in document A/C.3/36/L.48/Rev.1, it was customary for the draft declaration to be considered by a joint committee of the General Assembly, comprising the Main Committee responsible for the substance of the matter and the Sixth Committee, especially when the text of the draft declaration had been the subject of numerous amendments or reservations on the part of various delegations.

54. Mrs. BRYANI (Morocco) referring to the question raised by the Delegation of Chad, suggested that the Legal Counsel should refer to the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity which, if she remembered correctly, had been drawn up jointly by the Third and Sixth Committees.

The meeting rose at 1.10 p.m.