



SUMMARY RECORD OF THE 72nd MEETING

Chairman: Mr. O'DONOVAN (Ireland)

CONTENTS

AGENDA ITEM 12: REPORT OF THE ECONOMIC AND SOCIAL COUNCIL (continued)

AGENDA ITEM 88: UNITED NATIONS DECADE FOR WOMEN: EQUALITY, DEVELOPMENT AND PEACE (continued)

- (a) WORLD CONFERENCE OF THE UNITED NATIONS DECADE FOR WOMEN: REPORT OF THE SECRETARY-GENERAL
- (b) VOLUNTARY FUND FOR THE UNITED NATIONS DECADE FOR WOMEN: REPORTS OF THE SECRETARY-GENERAL
- (c) DRAFT DECLARATION ON THE PARTICIPATION OF WOMEN IN THE STRUGGLE FOR THE STRENGTHENING OF INTERNATIONAL PEACE AND SECURITY AND AGAINST COLONIALISM, APARTHEID, ALL FORMS OF RACISM AND RACIAL DISCRIMINATION, FOREIGN AGGRESSION, OCCUPATION AND ALL FORMS OF FOREIGN DOMINATION: REPORT OF THE SECRETARY-GENERAL

\* This record is subject to correction. Corrections should be sent under the signature of a member of the delegation concerned *within one week of the date of publication* to the Chief of the Official Records Editing Section, room A-3550, 866 United Nations Plaza (Alcoa Building), and incorporated in a copy of the record.

Corrections will be issued after the end of the session, in a separate fascicle for each Committee.

81-58471

**Distr. GENERAL**  
A/C.3/36/SR.72  
15 December 1981  
ENGLISH  
ORIGINAL: FRENCH

/...

The meeting was called to order at 3.20 p.m.

AGENDA ITEM 12: REPORT OF THE ECONOMIC AND SOCIAL COUNCIL (continued) (A/36/3, chaps. II, V, VIII, XIX, XXIII (parts I and II), XXIV, XXVII, XXVIII, XXXII (part I and Corr.1 and 2 and part II), XXXIV (parts I and II), XXXVI and XXXVII; A/36/61, 117, 136 and Add.1 and Corr.1, 138, 179, 187, 209 and Add.1, 214, 216 and Add.1, 255, 284, 354, 355, 378, 383, 421 and Corr.1, 423, 500, 524, 540, 560, 566, 584, 594, 608, 705; A/C.3/36/3, 7, 10, 11; A/C.3/36/L.60, L.62, L.64/Rev.1, L.70, L.91/Rev.1, L.93)

Draft resolution entitled "Protection of human rights in Chile" (A/C.3/36/L.64/Rev.1)

1. Mr. WALKATE (Netherlands), introducing draft resolution A/C.3/36/L.64/Rev.1 on behalf of the sponsors, said that the sponsors had revised the original text and incorporated material from draft resolution A/C.3/36/L.62 and A/C.3/36/L.64. In addition, the sponsors of draft resolution A/C.3/36/L.60 had become sponsors of the draft now before the Committee.
2. The sponsors had taken as their basis the report prepared by the Special Rapporteur on the situation of human rights in Chile (A/36/594). There was a minor drafting change in the English version of the draft resolution; a comma should be inserted at the end of the third line of the new preambular paragraph, after the words "interferences with".
3. Operative paragraph 2 was based mainly on paragraphs 496, 501 and 514 to 518 of the report of the Special Rapporteur, while paragraph 3 reflected the comments he had made in paragraph 509. With regard to paragraph 4, the Special Rapporteur had made some recommendations to the General Assembly, and the sponsors of the draft resolution had considered it prudent to follow them. Subparagraph (a) reflected the terms of paragraph 500 of the report, in which the Special Rapporteur recommended the General Assembly to ask the Chilean Government to abolish the new constitutional provisions which it had promulgated and to put an end to the states of emergency currently in force.
4. Subparagraphs (b) and (c) of paragraph 4 were based, respectively, on paragraph 510 and paragraphs 511 to 512 of the report in which the Special Rapporteur recommended, inter alia, that the General Assembly should request the Government of Chile to ensure that persons imprisoned for political reasons were placed in premises separate from those used for other prisoners.
5. Subparagraph (d) of paragraph 4 was based on paragraphs 504 to 508 of the report, while subparagraphs (e), (f) and (g) were based on paragraphs 513, 518 and 514 respectively.
6. The draft resolution itself was based essentially on the Special Rapporteur's last paragraph, in which he stated that it was not possible to report any improvement in the human rights situation in Chile and that, consequently, the international community should continue to give its attention to the question and do all it could to ensure the full restoration of those rights.

/...

7. Mr. TRUCCO (Chile) said he regretted that the Committee once again had before it a question entitled "Protection of human rights in Chile". For eight years, that question had served as a pretext for many countries, hypocritically professing to defend rights which they did not respect at home, to make systematic attacks on Chile, its institutions and its Government. United Nations activities in the human rights field had been perverted by politicization and hatred. However, Chile had gained experience in that field which could only strengthen it in its beliefs and its decisions.

8. Chile had been the only State in the history of the United Nations to receive in its territory a group from the Commission on Human Rights, to which it had tendered its co-operation. However, on the expiry of the group's mandate, the United Nations, without the prior consent of the Government of Chile, had established a discriminatory and arbitrary procedure for considering the situation in Chile, appointing a Special Rapporteur to deal exclusively with the human rights situation in Chile with the assistance of two experts whose task was to investigate the fate of persons alleged to have disappeared. To perform those functions, the choice had fallen on three persons who had been members of the Ad Hoc Working Group of the Commission on Human Rights. Similarly, the United Nations Trust Fund for Chile had been established with the former Chairman of the Ad Hoc Working Group at its head. That was why Chile had categorically rejected the resolutions drawn up by those "entities" and had refused to collaborate with them. The Government of Chile would never agree to a procedure which constituted a departure from the customary universal norms in effect in the United Nations.

9. Four so-called "democracies", showing the same selectivity, had produced draft resolution A/C.3/36/L.60, but because of the slanders it contained the sponsors had been forced to drop it and reformulate it in draft resolution A/C.3/36/L.64.

10. In the course of its history, Chile had had three constitutions, all of them reflecting the needs, traditions, virtues and historical experience of the Chilean people. The 1833 Constitution had laid the foundations of its republican system and ushered in an era of public tranquillity, the rule of law, administrative efficiency, scrupulous management of public funds and exemplary cultural and economic development.

11. The 1833 Constitution, which had often been called "authoritarian", had saved Chile from anarchy and chaos and given birth to the nation which, as one representative had enthusiastically remarked, had served as a model for the whole of Latin America until 1973. The 1980 Constitution was likewise Chile's response to anarchy, to the material and moral poverty which had marked the years 1970-1973, to a régime which had identified itself with the interests and doctrines peculiar to the totalitarian neo-Tsarism of the Soviet Union and had represented only a now discredited minority. Adequate proof of that was the adoption of the Constitution in 1980 by an overwhelming majority of the Chilean people, voting in complete freedom under the eyes of many foreign observers and journalists.

12. His delegation rejected draft resolution A/C.3/36/L.64/Rev.1, which made unfounded accusations against Chile and constituted flagrant interference in the internal affairs of a sovereign State. For instance, it was absurd to claim that trade unions could not operate freely and workers could not exercise the right to strike, when since January 1981 there had been 57 strikes in Chile involving more than 15,000 workers and industries of such importance as the copper mines.

/...

(Mr. Trucco, Chile)

13. How could one account for a country's being able to achieve the level of economic and social development reached by Chile in recent years, for the growth of its GDP at a record rate of 7.2 per cent, for the drop in the unemployment rate and the rise in the purchasing power of the population and for the fact that inflation, which had been running at the rate of 500 per cent in 1973, had declined to an annual rate of about 10 per cent in 1981, if the sombre picture presented by the draft resolution was a reflection of reality? How could one explain the fact that infant mortality, according to UNICEF's own figures, had declined from 65.2 per 1,000 in 1973 to 31.8 per 1,000 in 1980 and that, as a result of the Government's efforts, cases of extreme poverty had been reduced by 60 per cent? How could all that have been possible without the collaboration of all Chileans, and in the bleak situation which the draft resolution purported to describe? The fact was that Chile, like some other countries of the Latin American continent, was the victim of a campaign orchestrated and planned from outside with the aim of disturbing the tranquillity which the people of Chile had gained at such cost.

14. The countries which posed as champions of human rights in fact cared little about them but found it to their advantage to utilize that cause to destabilize certain States or weaken their democratic institutions. Moreover, many delegations had rightly asserted that no representative should have the right to pass judgement on the observance of human rights in a country until he had reported on the situation in his own.

15. It was for the Latin American countries to resolve problems in their own continent without outside interference and without direct or indirect intervention of any kind.

16. The Chilean people was worthy and proud of its traditions. Attacks such as those contained in draft resolution A/C.3/36/L.64/Rev.1 would not weaken the determination of the Chilean Government to build an increasingly free and prosperous nation in response to the aspirations of the population and not to outside pressure.

17. Mr. GERSHMAN (United States of America) said that his delegation would vote against draft resolution A/C.3/36/L.64/Rev.1. Although the situation with regard to human rights in Chile was not yet entirely satisfactory, it had improved considerably: detention without trial and disappearances had stopped, most political prisoners had been released and the political opposition had some access to the information media. The draft resolution, like the report of the Special Rapporteur, took no account of the progress that had been made.

18. Paragraph 4 of the draft resolution contained a list of the specific measures the Chilean authorities would have to take before consideration would be given to ending the mandate of the Special Rapporteur; with regard to subparagraph (b), on arbitrary detention and the intimidation of people who exercised their right to freedom of expression, and to subparagraph (f), on freedom to form trade unions, he pointed out that, according to the report issued by Amnesty International in November 1981, conscientious objectors were sent to prison in one half of the Member States of the United Nations and that in a certain State allegedly founded on the dictatorship of the proletariat, a group of workers who had tried to found a free trade union had recently been arrested and interned in a psychiatric institution.

/...

(Mr. Gershman, United States)

19. In short the draft resolution required Chile to do things not demanded of any other country and imposed on it a Special Rapporteur, something not done in the case of other countries whose nationals apparently enjoyed no greater freedom than did Chileans. The United Nations was consequently guilty of inequity and was damaging its own prestige with regard to human rights questions. It was his hope that in future there would be no further debasing of the principles of human rights by employing them as political weapons and that a more objective attitude would be adopted. For all those reasons his delegation would vote against draft resolution A/C.3/36/L.64/Rev.1.

20. Mr. ALBORNOZ (Ecuador) said that Ecuador had signed the Riobamba Code of Conduct by which it had committed itself to treating respect for human rights as a fundamental rule governing the international conduct of States and the defence of human rights as an international obligation. His Government nevertheless believed that no action aimed at promoting the protection of human rights should lead to interference in the internal affairs of States. By adopting draft resolution A/C.3/36/L.64/Rev.1 the General Assembly would be meddling in a matter that was within the domestic competence of the Chilean State inasmuch as it would state in paragraph 2 that the new Chilean constitution failed to reflect a freely expressed political will; similarly, paragraph 3 contained a judgement on the Chilean judiciary which it was improper for the international community to make. His Government also believed that in order to secure truly universal respect for human rights, each Government would have to be honest with itself and fair to others in the application of international standards.

21. His Government was, however, deeply disquieted by the continuing violations of human rights in Chile and it appealed to the Chilean authorities to co-operate with the competent international bodies and genuinely try to improve the situation, in accordance with Chile's obligations under the international conventions to which it was a party.

22. Mr. CHAN (Singapore) said that his delegation had reservations about draft resolution A/C.3/36/L.64/Rev.1. He disagreed with the idea that the United Nations should not wait until it was in a position to redress all cases of violations of human rights before taking measures in each specific case. But the argument was being used to justify the selective condemnation of certain countries in the matter of human rights, a practice which was bound to undermine the authority and dilute the objectivity of the United Nations in the eyes of world opinion.

23. Moreover, by choosing easy targets such as Chile, the United Nations managed to close its eyes to violations occurring elsewhere in the world and in the most powerful countries; it was common knowledge that such violations were very serious in totalitarian States and in certain developing countries that carried political and economic weight in international affairs. That was not the only example: the unholy alliance between liberal and totalitarian States to defend the cause of human rights by establishing the Fund for Chile had recently been dissolved when that Fund was converted into a Voluntary Fund for victims of torture.

24. For those reasons his delegation would abstain in the vote on draft resolution A/C.3/36/L.64/Rev.1.

/...

25. Mr. VEDANETA (Venezuela) said that his delegation was seriously concerned about the turn which the debate within the United Nations on human rights was taking and by the unacceptable trend evident in that debate towards turning the United Nations into a court in which Latin American countries were put on trial on human rights matters.

26. He pointed out that wording used in some paragraphs of the draft resolution was such as to prevent the Special Rapporteur from complying with his mandate. Nevertheless, despite some reservations and with a view to promoting human rights, his delegation would vote in favour of draft resolution A/C.3/36/L.64/Rev.1.

27. Mrs. MALLARINO (Colombia) said that the principle of defending human rights was a corner-stone of the United Nations and should not be removed with impunity from the edifice of universal legal norms, namely, the sovereign equality of all nations, respect for the national jurisdiction of States, the obligation to settle disputes by peaceful means and, above all, the moral duty to comply in good faith with treaty obligations.

28. Draft resolution A/C.3/36/L.64/Rev.1, however, took no account of those matters: it was selective inasmuch as it shared the tendency to condemn only certain countries in which violations of human rights occurred. It jeopardized the constitutional order of Chile while reaffirming the principle of non-interference in the internal affairs of States. It distorted the meaning of the Universal Declaration of Human Rights and the International Covenants on human rights. It served political interests that had nothing to do with the question. Since her delegation could not associate itself with such contradictions, it would vote against the adoption of draft resolution A/C.3/36/L.64/Rev.1.

29. Mr. GONZALEZ de LEON (Mexico) said that the sponsors of draft resolution A/C.3/36/L.60 were withdrawing that text since they had become co-sponsors of draft resolution A/C.3/36/L.64/Rev.1, as previously explained by the Netherlands representative.

30. His delegation proposed a number of amendments to the Spanish text of the draft resolution:

In the last preambular paragraph the words "injerencias en" should be replaced by the words "interferencias con".

At the beginning of paragraph 2 (i) the words "la perturbación" should be replaced by the words "el trastorno"; in the fourth line the word "la voluntad" should be replaced by the words "una voluntad"; in the last line but one the words "inherencias en" should be replaced by the words "interferencias con".

In paragraph 2 (iii) the words "el destierro" should be replaced by the words "la relegación".

In paragraph 4 (g), third line, the words "del destierro" should be replaced by the words "de la relegación".

31. Mr. BENDAÑA RODRIGUEZ (Nicaragua) said that his delegation had joined the sponsors of draft resolution L.64/Rev.1 because the Nicaraguan Government had a profound respect for human rights. Not so very long ago Nicaragua had itself undergone a troubled period, assassinations and other problems similar to those mentioned in the Rapporteur's report. The Nicaraguan revolution which had triumphed two years ago had been an example of generosity and pardon. His delegation hoped that democracy would soon be restored in Chile.

32. Mrs. FRANCO (Portugal) said that Portugal would vote in favour of draft resolution L.64/Rev.1 because of the information on the situation of human rights in Chile contained in the report of the Special Rapporteur. Portugal had always supported any initiative to promote the work of the United Nations in the field of human rights throughout the world. Portugal had also expressed the hope that the United Nations would revise the criteria applicable to situations in which violations of human rights were verified for it considered that the different cases should be closely studied and receive equal treatment; otherwise, Chile would become a target which would distract attention from other equally serious cases of violations.

33. Mr. ALMOSLECHNER (Austria) said he would vote for draft resolution L.64/Rev.1 but he wished to stress that Austria favoured respect for human rights at all times and everywhere in the world.

34. Mrs. KODIKARA (Philippines) said she did not believe in the usefulness of appointing a Special Rapporteur to study the human rights situation in Chile or in any other country. She welcomed the comments made by the representative of Chile concerning the social and economic reforms carried out in order to restore stability in spite of the troubles which threatened the national integrity and sovereignty of Chile. It might be asked why similar situations existing in Afghanistan, Kampuchea and elsewhere did not receive the same attention. An end must be put to that kind of selectivity. Consequently, her delegation would vote against draft resolution L.64/Rev.1.

35. Mrs. LORANGER (Canada) said she would vote in favour of draft resolution L.64/Rev.1 because Canada deplored violations of human rights in Chile and elsewhere. Last year her delegation had welcomed the improvement of the human rights situation in Chile and she now regretted having to note from the Special Rapporteur's report that there had been a deterioration. She urged the Chilean Government to return to the path of improvement.

36. Canada supported the goals set forth in paragraph 4 of the draft resolution, while stressing that Chile was not the only country in the world which denied its citizens the enjoyment of human rights. The task of the Special Rapporteur had been to tackle an urgent situation and since that situation had changed the United Nations should envisage new and more effective machinery for dealing with human rights in Chile. Her delegation felt that that question should be studied so as to ensure the best possible utilization of limited resources.

37. Mrs. MASMOUDI (Tunisia) said that Tunisia was preoccupied by violations of human rights wherever they occurred but that her delegation had voted and would vote against draft resolutions L.62, L.64/Rev.1 and L.91/Rev.1. The reason was that

(Mrs. Masmoudi, Tunisia)

Tunisia was not convinced of the effectiveness of the approach used by the United Nations to guarantee respect for human rights, as could be seen by the failure of its efforts to re-establish the enjoyment of human rights in Chile. The best way for the Organization to assume its responsibilities in that field would be to help in the search for effective means of ending human rights violations. Those means should be sought first at the national level and subsequently at the regional and international levels. Such an approach would be preferable to the dispatch of special rapporteurs which were not even recognized by the countries concerned.

38. Mrs. DOWNING (Secretary of the Committee) announced that Nicaragua had become a co-sponsor of draft resolution L.64/Rev.1 and that the Secretariat had taken note of the corrections made by the representative of Mexico to the Spanish version of that document.

39. Mr. BYKOV (Union of Soviet Socialist Republics) said that the discussion of the Special Rapporteur's report proved irrefutably that since 1973 the junta which had seized power in Chile continued to commit deliberate and brutal violations of human rights. Moreover, according to the report, the situation was getting worse. The adoption of draft resolution L.64/Rev.1 was the minimum that the United Nations could do to continue to follow the situation and to take the necessary steps to compel the junta to end human rights violations in Chile. His delegation would vote in favour of draft resolution L.64/Rev.1.

40. A recorded vote was taken on draft resolution A/C.3/36/L.64/Rev.1.

In favour: Afghanistan, Algeria, Angola, Australia, Austria, Barbados, Belgium, Benin, Bhutan, Botswana, Bulgaria, Burundi, Byelorussian Soviet Socialist Republic, Canada, Cape Verde, Central African Republic, Congo, Cuba, Czechoslovakia, Democratic Yemen, Denmark, Ethiopia, Finland, France, German Democratic Republic, Germany, Federal Republic of, Ghana, Greece, Grenada, Guinea, Guinea-Bissau, Guyana, Hungary, Iceland, India, Iraq, Ireland, Italy, Jamaica, Kenya, Kuwait, Lao People's Democratic Republic, Lesotho, Liberia, Libyan Arab Jamahiriya, Luxembourg, Madagascar, Maldives, Mali, Mauritania, Mongolia, Mozambique, Netherlands, New Zealand, Nicaragua, Norway, Poland, Portugal, Romania, Rwanda, Sao Tome and Principe, Senegal, Seychelles, Sierra Leone, Spain, Sri Lanka, Sudan, Swaziland, Sweden, Trinidad and Tobago, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United Republic of Cameroon, United Republic of Tanzania, Vanuatu, Venezuela, Viet Nam, Yugoslavia, Zambia, Zimbabwe.

Against: Argentina, Bolivia, Brazil, Chile, Costa Rica, El Salvador, Guatemala, Haiti, Honduras, Indonesia, Israel, Lebanon, Morocco, Pakistan, Paraguay, Philippines, Thailand, Tunisia, United States of America, Uruguay.

Abstaining: Bahamas, Bahrain, Belize,\* Burma, Chad, China, Colombia,

---

\* See para. 42.



Dominican Republic, Ecuador, Egypt, Fiji, Gabon, Gambia, Ivory Coast, Japan, Jordan, Malawi, Malaysia, Nepal, Niger, Nigeria, Oman, Panama, Papua New Guinea, Peru, Qatar, Saudi Arabia, Singapore, Solomon Islands, Somalia, Surinam, Togo, Turkey, United Arab Emirates, Upper Volta, Zaire.

41. Draft resolution A/C.3/36/L.64/Rev.1 was adopted by 83 votes to 20, with 36 abstentions.

42. Mr. MOUNIROU (Benin) drew attention to the fact that there had been an error in the voting and that, actually, Belize had not participated in the vote, being absent.

Draft resolution entitled "The situation of human rights and fundamental freedoms in El Salvador" (A/C.3/36/L.62)

43. Mr. ROSALES-RIVERA (El Salvador) categorically rejected draft resolution A/C.3/36/L.62 and denounced the interventionist intentions of its sponsors, who gave a totally erroneous interpretation of the facts, adhering blindly to the theses of the extremist opponents of the Salvadorian revolutionary Government. Instead of considering the question from a purely humanitarian viewpoint, the draft resolution under consideration was situated in a political perspective: it sought to bring the internal affairs of El Salvador onto the international scene and favoured the expansionist projects of a super-Power of which certain States were the plaything.

44. The joint declaration issued a few months earlier by Mexico and France — which were among the sponsors of draft resolution A/C.3/36/L.62 — was situated in the same perspective. Many Latin American countries had lent their support to the Salvadorian people and Government and had condemned the Franco-Mexican initiative. In that regard, it was particularly saddening to see a Central American Government favour the intervention of a European Power on the American continent.

45. He doubted the sincerity of the appeal launched to all States, in operative paragraph 5 of the draft resolution, to abstain from intervening in the internal affairs of El Salvador, whereas the sponsors of the draft resolution aimed at precisely the contrary. To deplore, as did the draft resolution, that there was no democratically elected Government in El Salvador was tantamount to playing into the hands of the extremist opposition organizations which were trying to overthrow the Government. The Salvadorian Government categorically rejected the statement that paramilitary organizations formed part of the State machinery. The draft resolution under consideration hindered the efforts being made for a political and democratic solution by the Salvadorian people and Government. It was for the Salvadorian people, and for them alone, to choose their political system. That was why the Government planned the holding of elections. In order that they might take place in as favourable a climate as possible, the Government had declared, on 15 October 1981, a general amnesty and had invited all the opposition parties to renounce armed struggle and participate in the elections.

46. For the reasons which it had stated above, his delegation would vote against draft resolution A/C.3/36/L.62.

/...

47. Mrs. NEIERTZ (France) said that draft resolution A/C.3/36/L.62, which had been submitted by the Mexican delegation and of which the French delegation was a sponsor, responded to the requirements set by the gravity of the situation in El Salvador, of which the Interim Report (A/36/608) of the Special Representative had given a sadly eloquent picture.

48. In a country ravaged by armed confrontations, France considered that it was only by re-establishing peace that an end could be put to the violations of human rights. Only a political settlement, i.e., a search for a necessary national reconciliation, through economic and social reforms and the elimination of any outside interference, could ensure full respect for those rights.

49. It was for the Salvadorian people, and for them alone, to find a just and lasting solution to the tragedy through which they were passing. France, for its part, was convinced that a halt to the excesses was a preliminary to national reconciliation. The Salvadorian Government and the regular armed forces, precisely because they constituted the legitimate authorities, should be the first to abandon recourse to practices contrary to the universal conscience and to the fundamental principles of human rights.

50. The French Government recognized that the alliance of the Frente Farabundo Marti de Liberacion Nacional and the Frente Democrático Revolucionario (FMLN-FDR) constituted a representative and responsible political force and that it was consequently legitimate for it to participate in the establishment of machinery making it possible to embark on the negotiations necessary for the political settlement of the crisis.

51. Contrary to what had been stated by the representative of El Salvador, who had accused it of interference in the internal affairs of his country, the international community had a duty to intervene for the defence of human rights in all countries where they were flouted, in west and east alike, in Afghanistan as in El Salvador, in Czechoslovakia, as in Argentina.

52. It was necessary to lay the foundations of a lasting social peace; otherwise the truce would be merely illusory. The effort at rapprochement between the parties concerned should exclude any outside interference, in order to avoid El Salvador becoming a stake in relations between the two super-Powers.

53. The draft resolution under consideration was a balanced text, which allocated the responsibilities for the excesses committed, in so far as the parties involved claimed to be organized and responsible groups.

54. Its sponsors had restricted themselves to a general analysis of the crisis and the role which international authorities might play in it, in the name of human rights. They had been careful not to set forth over-precise views on the way of emerging from the crisis, because, in their view, only the Salvadorian people could define a solution; nor had they wished to express any idea which could not obtain the agreement of the majority of delegations, and they had conceived the draft resolution as a peace message to El Salvador, which, her delegation hoped would unite as broadly as possible.

55. Mr. GONZALEZ de LEON (Mexico) drew attention to the fact that paragraph 8 of draft resolution A/C.3/36/L.62 had been omitted; the text read:

"Urges the parties involved to co-operate and not to intervene in the activities of the humanitarian organizations which are endeavouring to alleviate the sufferings of the civilian population in El Salvador."

Present paragraphs 8 and 9 would be renumbered accordingly.

56. In accordance with rule 117 of the rules of procedure of the General Assembly, his delegation moved the closure of the debate on the item under discussion and an immediate vote on draft resolution A/C.3/36/L.62.

57. The CHAIRMAN said that, under rule 117 of the rules of procedure, he could give the floor only to two speakers opposing the closure of the debate.

58. Mr. ROSALES-RIVERA (El Salvador) said that he did not oppose the closure of the debate, but, as the Mexican delegation had proposed a new paragraph to the draft resolution under consideration, he considered that those delegations which wished to speak on that point should be able to express their opinion before the vote.

59. The proposed new paragraph in no way changed the general nature of the draft resolution, in spite of its humanitarian character; his delegation, therefore, maintained the fundamental objections which it had stated with regard to non-respect for the principle of non-interference in the internal affairs of its country.

60. Mrs. WARZAZI (Morocco) reproached the Chairman for not having given her the floor when she had requested it in order to explain her vote before the vote on the draft resolution under consideration.

61. The CHAIRMAN expressed his regret for the misunderstanding and said that three delegations had been inscribed on the list of speakers before the current meeting began. They had spoken in order. The Secretary of the Committee had informed him that the Moroccan delegation did not intend to speak on a motion of order but to explain its vote.

62. Under the rules of procedure of the General Assembly, only two representatives might speak against a motion to close the debate.

63. Mrs. BINH THANH (Viet Nam) asked whether the vote would relate solely to draft resolution A/C.3/36/L.62 or also to draft resolution A/C.3/36/L.64/Rev.1.

64. The CHAIRMAN said that only one draft resolution was under consideration at present: draft resolution A/C.3/36/L.62. He added that it was his understanding that the Committee agreed to close the debate on the matter under study.

65. It was so decided.

66. Mr. de PINIES (Spain) said that his delegation would abstain from voting on draft resolution A/C.3/36/L.62. That did not mean that his country was indifferent to the situation of human rights and fundamental freedoms in El Salvador; it considered that serious violations were reprehensible wherever they were committed.

/...

(Mr. de Pinies, Spain)

67. The draft under consideration was a polemical text which would not help in any way to put an end to the situation in El Salvador, where human rights were being flouted. The situation in that country, as the Special Representative correctly stated in his interim report (A/36/608), was not due solely to the Government of El Salvador but resulted from a situation that was socially and economically unbalanced and unjust; moreover, the intervention of external forces was merely exacerbating the situation.

68. Only through peace could a solution be found, and social peace could be secured only by contacts between the forces of opposition and the Government of El Salvador. Spain, for its part, was ready to assist in every way it could in finding a solution.

69. The dialogue which should be instituted between the opposition and the Government must be aimed primarily at putting an end to the armed struggle and the acts of violence committed on both sides, restoring the human rights and the right to life of all Salvadorians and creating a climate of social peace that would enable the Salvadorian people to express their preferences in truly representative elections.

70. Mr. GONZALEZ (Paraguay) said that his delegation's position on draft resolution A/C.3/36/L.62 was the same as its position on draft resolution A/C.3/36/L.64/Rev.1 concerning the protection of human rights in Chile. In keeping with its legal tradition, Paraguay supported the exercise of and respect for human rights throughout the world.

71. The draft resolutions before the Third Committee were of a tendentious nature and were marred by many defects; his delegation could not endorse them because they lacked balance and their wording was by and large unacceptable. It could not accept either that the Committee should look upon itself as an international tribunal and think that it was entitled to judge and condemn certain Latin American countries. That sectarian and selective approach cast doubt on the sincerity and honesty of the sponsors of the draft resolutions.

72. A new procedure had been followed of late: reports were accepted even though there had been no consultations with the countries concerned or, if there had been consultation, the observations of the countries concerned were ignored. That was a dangerous practice which undermined the credibility of the United Nations and seriously impaired its work.

73. It was unfortunate that the delegations of certain Latin American and European countries were engaging in such manoeuvres against the Latin American countries in general by becoming sponsors of draft resolutions of that kind. They should concern themselves with human rights in other regions of the world, not only in El Salvador and Chile. The resolutions on that question which had been adopted or were proposed for adoption were tainted with interventionism. Accordingly, his delegation would oppose any text which referred to individual Latin American countries in a discriminatory way.

/...

74. Mr. ALBORNOZ (Ecuador) said that his delegation wished to reaffirm that it supported unreservedly respect for individual and collective human rights throughout the world. Like other Andean countries, Ecuador had acceded to the Riobamba Charter of Conduct, which declared that respect for political, economic and social rights was a fundamental principle of the internal conduct of the States of the Andean Group, that upholding such rights was an international obligation and that no common action to protect such rights could be construed as a violation of the principle of non-interference in the internal affairs of States.

75. As his delegation had already stated in the Committee, there was a need to assure the universal respect of human rights in all countries, whether or not they were Members of the United Nations. His delegation had also proposed that each country participating in the discussion on that question should inform the international community of the ways in which human rights were respected in its own territory. Ecuador guaranteed free elections in which all political parties could participate; it also guaranteed freedom of the press, which could criticize the Government in the information media and in the Parliament. Furthermore, the freedom of movement of journalists was safeguarded inside and outside the country and they could freely practise their profession.

76. If each paragraph of the draft resolution under study had been put to the vote separately, his delegation would have voted for paragraph 5. It would also have supported paragraph 7, even though laying down the conditions for reaching a settlement of the conflict was not permissible since it constituted interference in the internal affairs of a State. The Salvadorian people, and the Salvadorian people alone, must decide their own future, through free and democratic elections.

77. In the light of the principles traditionally upheld by Ecuador and its refusal to countenance any form of violence for the purpose of imposing a given political régime, his delegation deplored the bloodshed to which the Salvadorian people were being subjected, and it hoped that a peaceful settlement of differences would be reached by negotiations between all Salvadorians, free from any form of foreign interference. For the reasons it had outlined, his delegation would abstain from voting on draft resolution A/C.3/36/L.62.

78. Mr. TRUCCO (Chile) said he had thought that the time had definitely passed when the sovereignty and dignity of the young American republics would suffer from the hostility between the super-Powers. However, encouraged by the authorities of an American country which itself had long suffered as a result of foreign intervention, those Powers were now engaging in new attempts to intervene in the Latin American region.

79. He reminded the Committee that the Franco-Mexican statement on El Salvador had been vigorously denounced by the great majority of Latin American Governments. In that connexion, nine Latin American Ministers for Foreign Affairs had adopted a joint statement at Caracas on 2 September 1981. In the statement, they had noted with concern that the French and Mexican Governments had expressed support for extremist and subversive elements in El Salvador which were resorting to violence in an effort to impede the democratic destiny and self-determination of the Salvadorian people, and that those Governments were tacitly inviting other foreign entities to support those elements. Far from facilitating the settlement of the conflict, the

/...

(Mr. Trucco, Chile)

attempts made to internationalize it helped to make it worse. The Latin American Ministers had also confirmed that their Governments were supporting the efforts of the Salvadorian people and their democratic civil and military leaders to establish peace and social justice in the context of a pluralist and democratic system, and they had affirmed that it was for the people of El Salvador themselves to find a political and democratic solution to the conflict, without any form of direct or indirect foreign intervention.

80. The draft resolution before the Committee was clearly an extension of that act of interference represented by the Franco-Mexican statement, because the pretext of protecting human rights in El Salvador concealed political schemes which constituted a violation of the principle of non-interference, the very foundation of coexistence among States.

81. Consequently, Chile would vote against the draft resolution; as one of its eminent thinkers, José Victorino Lastarria, had declared in the Chamber of Deputies in July 1864, the Chilean Republic did not acknowledge acts of interference or Governments established by virtue of such acts, which infringed the sovereignty or independence of an American State, to be in accordance with American international law.

82. Mr. CHAN (Singapore) said that his delegation joined all those delegations which had expressed a strong wish to end the bloodshed and violence in El Salvador, and supported most of the Latin American countries, which had called for a cease-fire and had urged the different political parties and factions to participate in the elections to be held in 1982. The people of El Salvadore must be permitted to express their wishes through the ballot box and not through the bullet.

83. The draft resolution on El Salvador sought to impose a political solution on the people of El Salvador instead of leaving them to choose their future for themselves.

84. For those reasons, his delegation would abstain in the vote on that draft resolution.

85. Mr. GEORGES (Haiti) said that the current situation in El Salvador was a matter of concern to the international community, particularly the countries of the Central American and Caribbean region. Those countries not only deplored the daily slaughter which each of the parties in conflict attributed to the other, but also feared that the conflict would spill across the frontiers of El Salvador and jeopardize their own security.

86. That was why his ~~delegation~~ hoped that a solution would be found to the conflict, which was tearing ~~the~~ fraternal country apart; that would enable tranquillity to be restored so that its people could reap the benefits of peace and national reconciliation. He also welcomed the initiatives taken by the Committee to invite the parties to engage in a constructive dialogue to that end.

87. Admittedly, there were frequent violations of human rights in El Salvador, yet

/...

(Mr. Georges, Haiti)

such violations were also occurring elsewhere. Human rights were a common heritage of all mankind, without any ideological, regional or other discrimination; respect for human rights was collective responsibility. The standards used to determine whether they were respected should therefore be the same for all States.

88. Yet he felt obliged to state that, for some time, certain Latin American countries had been the only ones to be accused of not respecting human rights, whereas a veil of silence had been drawn over other countries which were also committing flagrant violations of human rights. That was a deplorable fact, since it ran counter to the universal nature of those rights.

89. He paid tribute to the sponsors of draft resolution A/C.3/36/L.62 for their attachment to the cause of human rights the world over, but expressed his delegation's concern that regionalization of the problem carried the risk of turning it into a political question. Those reservations explained his delegation's decision to vote against the draft resolution.

90. Mr. FERGUSON (Australia) said that his delegation would be obliged to abstain in the vote on draft resolution A/C.3/36/L.62, since it had serious reservations regarding the scope of the draft resolution, which did not fully recognize the complex nature of the problem of El Salvador and did not fairly allocate responsibility for the human rights violations between the parties to the conflict.

91. Whereas his delegation favoured a peaceful settlement of the conflict, the draft resolution was designed to indicate the procedures to follow in order to apply a political solution. That was an inappropriate step, especially since the draft resolution should tackle the problems from a purely humanitarian standpoint.

92. His delegation's abstention in no way signified that the Australian Government was not concerned about the human rights violations in El Salvador or the tragic situation in that country. His Government hoped that the two parties in conflict, whether of extreme right or extreme left, would stop committing acts of violence and trampling on human rights; it hoped that they would strive for a peaceful solution and enable the people of El Salvador freely to elect a truly democratic government, without being subjected to acts of intimidation and terror, or to acts of foreign interference.

93. He therefore regretted that it had not been possible to prepare a draft resolution that might have enjoyed wider support among Member States concerned over events in that country.

94. Mr. BELTRAMINO (Argentina) said the current session of the Committee had made it clear that a group of countries was making unjustified attacks against a single region. One could therefore hope for a prompt and effective reaction from the delegations that had thus far let themselves be deluded by the manoeuvres of certain groups of countries which, on humanitarian pretexts, had been and were using the United Nations for political and extremist purposes.

95. Argentina had always respected human rights, as was demonstrated by its legal and institutional system. His Government had always co-operated with national,

/...

(Mr. Beltramino, Argentina)

regional and international bodies at a time when Argentina had been in the grip of terrorism. However, his Government refused to co-operate, even by silence, with those who wanted to make Latin America a new battleground for conflicts alien to the region.

96. In various bodies of the United Nations system, Argentina had repeatedly denounced the tendency to make the United Nations a court of inquisition claiming the right to judge certain countries allegedly guilty of violations of human rights. In the past, that tendency had only induced the countries subjected to such attacks to deny the co-operation necessary for the pursuit of United Nations activities in that field, a co-operation without which all efforts were doomed to failure. The method followed thus far had done nothing but politicize the problems and distort the noble objectives proclaimed in the Charter with regard to the promotion of human rights.

97. Dialogue and co-operation between the members of the international community, as well as an examination of the question of human rights from a strictly humanitarian viewpoint, provided the only means for achieving the desired goals.

98. For that reason, his delegation would vote against draft resolutions A/C.3/36/L.62 relating to El Salvador and A/C.3/36/L.64 relating to Chile and against draft decision A/C.3/36/L.91/Rev.1 relating to Guatemala.

99. Mrs. WARZAZI (Morocco) said that her country felt deep concern at the present situation in El Salvador. Morocco had always taken a position in favour of human rights, or their promotion and respect for them, had condemned violations of the rights wherever they took place. However, it had always refrained from considering such violations in a political context.

100. Her delegation would vote against draft resolution A/C.3/36/L.62 for the following reasons: in view of the interim nature of the report submitted by the special representative of the Commission for Human Rights, it was not proper for the Committee to take a position on the subject at the present early date. It would be more useful to let the special representative continue his work and await the reaction of the Commission on Human Rights after the report had been submitted for consideration. Moreover, the draft resolution took a position in the conflict by setting up a contrast between the Government and the armed organizations, by giving preference to those organizations and by thus endowing them with a dimension disproportionate to their political and military weight. Lastly, her Government opposed any attempts aimed at compromising the efforts made to hold free elections safeguarded from any foreign intervention. The aim of those elections was to enable all Salvadorians to indicate their views with regard to what Government they wanted to preside over their destiny. The best contribution the United Nations could make to the reduction of war-like tensions in the region of Central America and the Caribbean was to give its support to the electoral processes that were to take place in various countries.

101. Mrs. KODIKARA (Philippines) said that respect for human rights and fundamental freedoms was a principle enshrined in her country's Constitution. However, the

/...



(Mrs. Kodikara, Philippines)

Philippines believed that the draft resolution under consideration had a tendency towards selectivity. Such selectivity in the application of norms relating to human rights was a serious violation of the spirit and objectives of the Universal Declaration of Human Rights and other international human-rights instruments, in particular the United Nations Charter.

102. Accordingly, her delegation would vote against draft resolution A/C.3/36/L.62.

103. Mr. ROA-KOURI (Cuba) said that his delegation would vote in favour of draft resolution A/C.3/36/L.62 for the following reasons: Firstly, for the past 50 years, El Salvador had been the victim of the criminal activities of an oligarchy made up of unscrupulous military men who had massacred more than 20,000 peasants in 1932, and of paramilitary groups which in recent years had turned the country into a vast charnel-house. Secondly, any peaceful solution of the situation in El Salvador required the opening of serious negotiations between all parties to the conflict, including the Revolutionary Democratic Front and the National Liberation Front, which were the authentic representatives of the great national political majorities. Thirdly, it could not be claimed that a call for the restoration of peace, for the elimination of martial law and for strict respect for civil and political rights in El Salvador constituted interference in that State's internal affairs.

104. The only interference now suffered by El Salvador was the action of a hegemonistic super-Power which had been interfering for centuries in the internal affairs of Latin American countries. That super-Power was providing the Salvadorian junta with military assistance that represented 31 per cent of the assistance furnished to all the countries of Latin America combined. Through that massive support, the junta had been able to maintain itself in power and continued to murder thousands of Salvadorians. To pretend that the sham elections now being prepared would solve the problem of El Salvador was a trick devised by the Fascist Christian Democratic junta and its foreign allies in order to achieve their aims.

105. The United Nations could not become an accomplice in such a masquerade without renouncing the spirit and objectives of its founders. It also could not disregard the cynical statements of those who had come to power through a military coup, who were responsible for the extermination of tens of thousands of citizens, and who were oppressing an entire people by preventing it from exercising its rights to self-determination and independence.

106. His delegation was convinced that the General Assembly would confirm the devotion of the United Nations to justice and truth by adopting by a large margin the draft resolution under consideration.

107. Ms. FRANCO (Portugal) said that it was the duty of the United Nations to respond when human rights were violated and to unmask all violations without exception. However, her delegation would abstain in the vote on draft resolution A/C.3/36/L.62, which, in its view, was not balanced; in particular, it had reservations concerning paragraphs 2, 3 and 5.

/...

108. Mrs. SILVA de ARANA (Peru) said that her country was well known for its respect for human rights, that it had adopted a new democratic constitution whose first chapter was devoted to human rights, and that it was a signatory to all international instruments relating to human rights. Furthermore, it had never opposed the examination of violations of human rights, wherever they occurred.

109. However, her delegation protested against the fact that only certain countries were being subjected to investigation while the most serious and most massive violations were taking place not on the American continent but in other parts of the world. That selective approach, motivated by political concerns, cast discredit on the United Nations.

110. Furthermore, States which felt morally authorized to condemn other countries and to propose resolutions to that effect should first give an accounting of the situation in their own territory in the matter of human rights, both individual and collective.

111. Her delegation disapproved of the manner in which draft resolutions A/C.3/36/L.62, A/C.3/36/L.64/Rev.1 and A/C.3/36/L.91/Rev.1 had been conceived and formulated, which betrayed a desire to intervene in the internal affairs of the States referred to, thereby distorting their very objectives. Those draft resolutions in fact prejudged the true political will of the Governments concerned; in the particular case of El Salvador, the sponsors of draft resolution A/C.3/36/L.62 recognized certain of the political forces active in the country, contrary to the practice of international law.

112. For those reasons, her delegation, faithful to the principle of non-interference, would abstain in the vote on the three draft resolutions she had mentioned.

113. Mr. FURSLAND (United Kingdom) expressed his deep concern about the situation now prevailing in El Salvador in the field of human rights. The gravity of that situation was confirmed by the Interim Report of the Special Representative of the Commission on Human Rights (A/36/608).

114. However, he regretted that draft resolution A/C.3/36/L.62 did not sufficiently recognize the general anarchy prevailing in the country and the difficulties which any government would have in remedying the situation. His delegation had supported the adoption of resolution 32 (XXXVII) of the Commission on Human Rights in February 1981 but would be compelled to abstain during the vote on the draft resolution under discussion because it could not accept certain of its provisions and felt that as a whole it was unbalanced.

115. Mrs. FAWTHORPE (New Zealand) said that during the general debate on the subject her delegation had stressed the need for the United Nations to adopt a fair and impartial attitude towards violations of human rights in El Salvador. In her opinion, draft resolution A/C.3/36/L.62 was not sufficiently objective. It was regrettable that the efforts made to tone down some passages, particularly the ninth preambular paragraph and operative paragraphs 2 and 3 had not been successful.

116. Her delegation had supported the appointment by the Commission on Human Rights

/...

(Mrs. Fawthorpe, New Zealand)

of a Special Representative for El Salvador. However, while it was in agreement with the humanitarian scope of the draft resolution and with its recognition of the need for a peaceful solution to an essentially political problem with the participation of all the parties concerned, it felt that the text would not contribute to peace and harmony in El Salvador. For those reasons, New Zealand would abstain during the vote on draft resolution A/C.3/36/L.62.

117. Mrs. BELL (Canada) said that her delegation would abstain on draft resolution A/C.3/36/L.62. That did not mean that the Canadian Government was not concerned at the serious violations of human rights in El Salvador. The draft resolution contained a number of points on which her delegation could agree, particularly the vigorous condemnation of the violations, but it also included other points which went beyond the information given in the report of the Special Representative. Canada appealed once more to all the parties to the conflict to stop the senseless killing which was ravaging the country so that the crisis could be settled by peaceful and democratic methods.

118. Mr. MASSOT (Brazil) said that it was for the Salvadorian people alone to decide, without outside interference, on the means of achieving a wise democratic and pluralist solution to its problems. Consequently, his delegation would vote against draft resolution A/C.3/36/L.62.

119. Mrs. DOWNING (Secretary of the Committee) announced that Nicaragua had joined the sponsors of draft resolution A/C.3/36/L.62.

120. At the request of the representative of Denmark, a recorded vote was taken on draft resolution A/C.3/36/L.62..

- In favour: Afghanistan, Algeria, Angola, Austria, Barbados, Benin, Botswana, Bulgaria, Byelorussian Soviet Socialist Republic, Cape Verde, Central African Republic, Congo, Cuba, Cyprus, Czechoslovakia, Democratic Yemen, Denmark, Ethiopia, Finland, France, German Democratic Republic, Germany, Federal Republic of, Greece, Grenada, Guinea, Guinea-Bissau, Guyana, Hungary, Iceland, India, Iraq, Ireland, Italy, Kenya, Lao People's Democratic Republic, Lesotho, Libyan Arab Jamahiriya, Madagascar, Mali, Mauritania, Mexico, Mongolia, Mozambique, Netherlands, Nicaragua, Norway, Panama, Poland, Romania, Rwanda, Sao Tome and Principe, Senegal, Seychelles, Swaziland, Sweden, Syrian Arab Republic, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Tanzania, Vanuatu, Viet Nam, Yugoslavia, Zambia, Zimbabwe.
- Against: Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, El Salvador, Guatemala, Haiti, Honduras, Indonesia, Israel, Morocco, Pakistan, Paraguay, Philippines, Tunisia, Turkey, United States of America, Uruguay, Venezuela.
- Abstaining: Australia, Bahamas, Bahrain, Belgium, Bhutan, Burma, Burundi, Canada, Chad, China, Comoros, Djibouti, Dominican Republic,

/...

Ecuador, Egypt, Fiji, Gabon, Gambia, Ghana, Ivory Coast, Jamaica, Japan, Lebanon, Liberia, Luxembourg, Malawi, Malaysia, Nepal, New Zealand, Niger, Nigeria, Oman, Papua New Guinea, Peru, Portugal, Qatar, Samoa, Saudi Arabia, Sierra Leone, Singapore, Solomon Islands, Somalia, Spain, Sri Lanka, Sudan, Suriname, Thailand, Togo, Trinidad and Tobago, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Cameroon, Upper Volta, Zaire.

121. Draft resolution A/C.3/36/L.62 was adopted by 65 votes to 21 with 54 abstentions.

Draft resolution entitled "Measures to be taken against nazi, fascist and neo-fascist activities and all other forms of totalitarian ideologies and practices based on racial intolerance, hatred and terror" (A/C.3/36/L.70 and L.92)

122. The CHAIRMAN said that amendments to draft resolution A/C.3/36/L.70 had been circulated in document A/C.3/36/L.92.

123. Mr. SCHLEGEL (German Democratic Republic) said that his country had no intention of replying to the statement made the previous day by the United States which recalled the time of the cold war. As co-sponsor of draft resolution L.70, the German Democratic Republic wished to draw the attention of the international community to the serious dangers which threatened international peace. That was the aim of draft resolution L.70. Amendments had been circulated in document L.92: some paragraphs of draft resolution L.70 had been replaced by other paragraphs based on the text of resolution 3 (XXXVII) of the Commission on Human Rights. The sponsors of draft resolution L.70 had carefully and constructively studied the proposals made by the sponsors of document L.92 and they accepted those amendments. However, he would like to propose a minor sub-amendment to replace the introductory phrase to paragraph 4 by the words: "Replace operative paragraphs 2 and 3 by the following". That minor amendment could be compared with the new and very long proposals appearing in document A/C.3/36/L.86.

124. Mrs. BELL (Canada) said that Canada and the other sponsors of document L.92 were grateful to the sponsors of draft resolution L.70 and especially their spokesman, the representative of the German Democratic Republic. The aim of the amendments in document L.92 was to repeat the very complex wording which had been the subject of difficult negotiations at the preceding sessions of the General Assembly and the Commission on Human Rights. It would be a pity not to take them into account. The amendments were aimed at deleting paragraph 4 of draft resolution L.70 which did not take into account that compromise and duplicated paragraph 2 of the same draft resolution. For that reason, the sponsors of document L.92 would like paragraph 4 to be deleted.

125. Mr. MATELJAK (Yugoslavia) drew the attention of the sponsors of the amendments in document L.92 to the fact that the text of paragraph 3 did not follow the text of the resolution of the Commission on Human Rights. He therefore proposed that the word "international" which preceded the words "non-governmental organizations" should be deleted.

126. A non-recorded vote was taken on paragraph 4 of draft resolution L.70.

127. The amendment to delete paragraph 4 of draft resolution A/C.3/36/L.70 was rejected by 58 votes to 52 with 18 abstentions.

128. At the request of the representative of the Ukrainian Soviet Socialist Republic a recorded vote was taken on draft resolution A/C.3/36/L.70, as revised.

In favour: Afghanistan, Albania, Algeria, Angola, Argentina, Australia, Bahrain, Bangladesh, Belgium, Benin, Bhutan, Bolivia, Botswana, Brazil, Bulgaria, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Congo, Costa Rica, Cuba, Czechoslovakia, Democratic Yemen, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Fiji, Finland, France, Gabon, Germany, Federal Republic of, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Honduras, Hungary, India, Indonesia, Iraq, Ireland, Israel, Italy, Jordan, Kenya, Kuwait, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Luxembourg, Madagascar, Malaysia, Maldives, Mali, Mauritania, Mexico, Mongolia, Morocco, Mozambique, Nepal, Netherlands, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Romania, Rwanda, Sao Tome and Principe, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Somalia, Spain, Sri Lanka, Sudan, Surinam, Swaziland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Cameroon, United Republic of Tanzania, Upper Volta, Uruguay, Vanuatu, Venezuela, Viet Nam, Yugoslavia, Zaire, Zambia, Zimbabwe.

Against: None.

Abstaining: Austria, Bahamas, Barbados, Canada, Ghana, Iceland, Ivory Coast, Jamaica, Japan, New Zealand, Norway, Sweden, United States of America.

129. Draft resolution A/C.3/36/L.70 as revised was adopted by 125 votes to none with 13 abstentions.

130. Mr. WALKATE (Netherlands) said that he had voted in favour of the draft resolution but had reservations with regard to paragraph 4. The procedure which had been followed was deplorable: according to the representative of the German Democratic Republic, the Committee had before it a draft resolution which was based on resolutions adopted at recent sessions of the General Assembly and the Commission on Human Rights and which took account, in its form, of the compromise which had been arrived at, which was inaccurate, because the amendments submitted by the Netherlands and other countries would then be pointless.

131. By accepting the amendments in document L.92, the sponsors of draft resolution L.70 were not making a concession, because it could hardly be said that

(Mr. Walkate, Netherlands)

accepting amendments which made it possible to attain the objective sought was a concession. Although it did not care for the procedure followed, his delegation had voted in favour of the draft resolution, since it was a question of a condemnation of totalitarian régimes and practices wherever they were, but it could not accept paragraph 4.

132. Mr. MAUALA (Solomon Islands) drew attention to the fact that there had been a mistake in the recording of the vote of his delegation, which had wished to vote in favour of draft resolution L.70.

Draft decision entitled "The situation of human rights and fundamental freedoms in Guatemala" (A/C.3/36/L.91/Rev.1)

133. Mr. ASANTE (Ghana), referring to draft decision A/C.3/36/L.91/Rev.1, pointed out for the benefit of the representative of Morocco that "contacts" were mentioned on page 5 of the letter of the representative of Guatemala. The sponsors of draft resolution L.91/Rev.1 had revised the text of their draft by replacing the first line of paragraph 2 by the following text: "Requests the Guatemalan Government to continue to co-operate with the". That draft decision was purely procedural and related to contacts between the Secretary-General and the Guatemalan Government and to the appointment of a representative of the Secretary-General. Its adoption should not entail any difficulties.

134. Mr. SARCEÑO MORGAN (Guatemala) said that he did not know what the representative of Ghana meant by a purely procedural draft decision but that he wished to give the Committee some details about the situation of human rights in Guatemala which were not contained in the report of the Secretary-General. The Commission on Human Rights had invited the Guatemalan Government to co-operate with it at its thirty-seventh session and to inform it of cases concerning human rights in Guatemala. As an observer sent by his Government to the session in question, he had been instructed to co-operate fully with the Commission and had therefore had an opportunity in the course of the meetings, both private and public, to explain convincingly the reasons for the situation existing in his country. The Commission had recognized that co-operation and, in its resolution 33 (XXXVII), had given certain instructions on the subject to the Secretary-General. Both in the Commission on Human Rights and the Economic and Social Council, his delegation had recalled its position, namely, that United Nations bodies should carry out their mandates impartially. It commended the Secretary-General on the way in which he had carried out his and added that human rights were the foundation of the Constitution of Guatemala.

135. The Secretary-General had had contacts with the Guatemalan Government and had suggested to it that it should receive one of his representatives who would be entrusted with the task of gathering information. The Guatemalan Government had not been able to follow up that proposal for reasons which had, moreover, been accepted by the Secretariat. Never, however, had it had to hide anything whatever or been opposed to impartial co-operation with United Nations bodies, but it had demanded, it was true, that the representative appointed by the Secretary-General should fulfil conditions of impartiality.

/...

(Mr. Sarceño Morgan, Guatemala)

136. He thought, moreover, that the Moroccan delegation, which had spoken earlier, had understood the situation, namely, that no proposal submitted should include unjust accusations against Guatemala. That was why the latter had agreed to the consultations proposed by Ghana, believing that it had been a question of adopting a purely procedural draft decision aiming at requesting the Secretary-General to obtain information about the situation in the country. However, draft decision A/C.3/36/L.91/Rev.1, drawn up with the co-operation of the Netherlands, introduced unjustified topics, and his delegation repeated that it would reject that revised draft decision, which contained a discriminatory political judgement against his country.

137. After requesting the Committee to consider the situation in all conscience and not to adopt that draft decision, he requested that a recorded vote should be taken.

138. Mrs. WARZAZI (Morocco) said that the mistake of the sponsors of draft decision A/C.3/36/L.91/Rev.1 had perhaps been to keep to the text of resolution 33 (XXXVII) of the Commission on Human Rights.

139. In that resolution, the Commission requested the Secretary-General to continue his efforts to establish direct contacts with the Guatemalan Government, and it was probably that which had inspired operative paragraph 1 of draft decision L.91/Rev.1. However, the exchange of letters between the Under-Secretary-General and the Guatemalan Government did constitute a direct contact. Her delegation considered that the sponsors might have said, taking account of those contacts: "Requests the Secretary-General to continue his contacts with the Guatemalan Government with a view to appointing a representative meeting with that Government's approval", because such contacts had actually taken place, as was, moreover, indicated in paragraph 12 of the report (A/36/705).

140. At the request of the representative of Guatemala, a recorded vote was taken on draft decision A/C.3/36/L.91/Rev.1.

In favour: Afghanistan, Algeria, Angola, Australia, Austria, Barbados, Belgium, Benin, Bulgaria, Burundi, Byelorussian Soviet Socialist Republic, Canada, Cape Verde, Congo, Cuba, Czechoslovakia, Democratic Yemen, Denmark, Ethiopia, Finland, France, German Democratic Republic, Germany, Federal Republic of, Ghana, Greece, Grenada, Guyana, Hungary, Iceland, India, Iraq, Ireland, Italy, Jamaica, Kenya, Lao People's Democratic Republic, Libyan Arab Jamahiriya, Luxembourg, Madagascar, Mali, Mauritania, Mexico, Mongolia, Mozambique, Netherlands, New Zealand, Nicaragua, Norway, Papua New Guinea, Portugal, Romania, Rwanda, Sao Tome and Principe, Spain, Sweden, Syrian Arab Republic, Tanzania, Trinidad and Tobago, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, Vanuatu, Venezuela, Viet Nam, Yugoslavia, Zambia, Zimbabwe.

Against: Argentina, Bolivia, Chile, Colombia, Costa Rica, Dominican Republic, El Salvador, Gabon, Guatemala, Haiti, Honduras,

/...

Indonesia, Israel, Pakistan, Paraguay, Tunisia, Turkey, United States of America, Uruguay.

Abstaining: Bahamas, Bahrain, Bhutan, Botswana, Brazil, Burma, Central African Republic, Chad, China, Dominican Republic, Ecuador, Egypt, Fiji, Guinea, Guinea-Bissau, Ivory Coast, Japan, Lesotho, Liberia, Malaysia, Morocco, Nepal, Niger, Nigeria, Oman, Peru, Philippines, Saudi Arabia, Sierra Leone, Singapore, Solomon Islands, Somalia, Sri Lanka, Suriname, Swaziland, Thailand, Togo, United Arab Emirates, United Republic of Cameroon, Upper Volta, Zaire.

141. Draft decision A/C.3/36/L.91/Rev.1 was adopted by 68 votes to 18, with 41 abstentions.

Draft resolution entitled "Assistance to student refugees in southern Africa" (A/C.3/36/L.93)

142. Mrs. DOWNING (Secretary of the Committee) said that the following countries had joined the sponsors of the draft resolution: Comoros, Congo, Costa Rica, Cyprus, Djibouti, Ethiopia, Liberia, Mali, Mauritania, Morocco, Mozambique, United Republic of Tanzania, United Republic of Cameroon and Upper Volta.

143. Draft resolution A/C.3/36/L.93 was adopted without objection.

144. The CHAIRMAN invited delegations wishing to do so to speak in explanation of their vote on the draft resolutions considered.

145. Mr. MAUALA (Solomon Islands) said that his delegation had abstained in the vote on all the draft resolutions considered by the Committee on that day because, although it attached very great importance to the freedom and well-being of all peoples, it believed it was wrong to single out certain small countries without mentioning others in which human rights were also being disregarded.

146. Mr. OMARDIN (Malaysia), speaking in explanation of vote on draft resolution A/C.3/36/L.62, said that his country fully supported many of the basic principles relating to human rights which were affirmed in the text; and it also endorsed the appeal for a cessation of hostilities in El Salvador. However, he had not voted for the draft, since it adopted a selective approach to countries and did not present an accurate picture of the situation in one of them.

147. Ms. RASI (Finland) said that her delegation had voted for draft resolution A/C.3/36/L.62, since it attached great importance to the freedom and well-being of the people of El Salvador. It also associated itself with the appeal to the parties in that country to seek a peaceful settlement of the situation and to end the present violence. The people of El Salvador had the right to have a democratically-elected Government and to determine its political, economic and social future itself. However, the fact that her delegation had voted for the draft resolution did not mean that it approved all the provisions in the text, some of which appeared to be tendentious and even contrary to the conclusions set forth in the Special Representative's report.

/...



148. Mr. OJIAMBO (Kenya) said that he had voted for draft resolution A/C.3/36/L.62 because the human rights situation was a matter of great concern to Kenya. However, if the draft had been put to the vote paragraph by paragraph, his delegation would have voted against some parts of the text.

149. Ms. FRANCO (Portugal) said that her country condemned all types of totalitarianism, which resulted in a systematic denial of human rights. Her delegation had voted for draft resolution A/C.3/36/L.70, as amended, since the text applied to all totalitarian ideologies and practices without exception. However, she wished once again to express certain reservations on the twelfth preambular paragraph which referred to the possibility of elaborating a draft declaration, and also on operative paragraph 5 which mentioned international instruments some of whose provisions were contrary to the Portuguese legal order — namely, the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity and the Convention on the Suppression and Punishment of the Crime of Apartheid.

150. Mr. JANKU (Albania) said that his delegation had voted for draft resolution A/C.3/36/L.70, as amended, just as it had voted for the resolution on the same question at the last session; it had wished thereby to show that it condemned fascism and nazism and also the dangers which they represented. However, the fact that his delegation had voted for the draft did not mean that it approved the text in its entirety. In its view, the presentation of the resolution, the amendments introduced and the comments made had not been inspired by the intention to analyse the upsurge of fascism in the modern world, let alone the struggle which should be undertaken against that phenomenon.

151. The draft resolution failed to draw attention to the main political, economic and social causes of fascism and nazism, at a time when those phenomena were becoming more and more widespread and fascist groups were actively participating in the political life of certain countries. Some States were even governed by fascist régimes, and fascist methods of terrorism were widely used even in countries which claimed to be progressive. Albania believed that the fascist acts of aggression perpetrated by the imperialist super-Powers constituted a danger for international relations. However, those phenomena were not mentioned in draft resolution A/C.3/36/L.70; and Albania did not therefore regard the text as an adequate basis for solving the problem.

152. Mr. FERGUSON (Australia) said that his delegation had voted for draft resolution A/C.3/36/L.70, as amended, partly because the German Democratic Republic had accepted most of the amendments proposed by Australia, which could now accept the general purpose of the draft. However, his delegation had serious reservations with regard to operative paragraph 4. Australia strongly supported the right to freedom of speech, and was opposed to any legislative measure designed to limit that right. At the same time, Australia wished it to be clearly understood that it rejected all types of fascism and neo-fascism.

153. Mrs. BELL (Canada) said that her delegation had abstained on the vote on revised draft resolution A/C.3/36/L.70, since operative paragraph 4 contained ideas which it could not accept. Canada was sorry that it had been obliged to abstain

(Mrs. Bell, Canada)

on the text of the resolution and was particularly disappointed by the way it had been presented to the Committee.

154. Mr. GERSHMAN (United States of America) observed that, in its statement on draft resolution A/C.3/36/L.70, his delegation had already explained that the text was a cynical propagandistic exercise by totalitarian States; and the insults uttered by representatives of those States when speaking in exercise of their right of reply merely confirmed the United States delegation's analysis. The United States refused to associate itself with such falsehoods and had abstained in the vote on the draft.

155. The United States delegation had voted against draft resolution A/C.3/36/L.91/Rev.1 since it formed part of a scenario designed to concentrate attention in human rights matters solely on one part of the world, Latin America. The United States refused to associate itself with that double-standard approach.

156. Mr. ASANTE (Ghana) said that his delegation had abstained on the vote on the draft resolution A/C.3/36/L.70, since it had not yet received instructions on the questions raised in the draft.

157. Mr. VERKERCKE (Belgium) said that his delegation's abstention in the vote on draft resolution A/C.3/36/L.62 should not be interpreted as a manifestation of indifference with regard to the human rights situation in El Salvador — a situation which Belgium still found very disquieting. However, his delegation did not believe that the draft resolution provided sufficient guarantees of respect for the democratic process which was to put an end to the crisis in El Salvador. That process should be based on free and democratic elections. He regretted that his delegation's suggestions for rewording operative paragraph 2 had not been accepted by all the sponsors. He also believed that the use of the word "governmental" in paragraph 3 was inappropriate.

158. His delegation had voted for draft resolution A/C.3/36/L.64/Rev.1, since it was still greatly concerned by the human rights situation in Chile and thought that the international community was right in wishing to extend the mandate of the Special Rapporteur. However, his delegation noted a number of short-comings in the action undertaken by the United Nations to protect human rights in all parts of the world.

159. Lastly, Belgium had voted for draft resolution A/C.3/36/L.70, thus demonstrating its opposition to totalitarian ideologies and practices. He noted, however, that some parts of the text were not in keeping with positions taken by Belgium or were contrary to the basic principles to which it subscribed, such as those set forth in articles 10 and 11 of the European Convention on Human Rights. Belgium was also opposed to the maintenance in the draft of operative paragraph 4 whose wording, it thought, was not in keeping with the formulation accepted by the sponsors of new operative paragraph 2.

160. Mr. FURSLAND (United Kingdom) said that his delegation had voted for draft resolution A/C.3/36/L.64/Rev.1 because the human rights situation in Chile was still a cause for concern. His country was still disturbed by the inability of the

/...

(Mr. Fursland, United Kingdom)

Chilean authorities to conduct a satisfactory investigation into the cases of the hundreds of persons who had disappeared between 1973 and 1977. Nevertheless, his delegation felt that there was a tendency to introduce certain elements of selectivity and imbalance in resolutions on Chile; and its vote for the draft resolution did not mean that it considered that the violations of human rights in Chile were more serious than those which were taking place in other countries. Moreover, his delegation had reservations with regard to some of the terms used in the text.

161. His country supported the extension of the mandate of the Special Rapporteur, but hoped that the situation in Chile would improve at a rate that would soon make it possible to terminate the mandate. He was glad to note that paragraph 4 of the draft resolution mentioned that possibility. At the same time, it should be borne in mind that there were other countries also where the requirements mentioned had not yet been met, but the international community had not thought fit to appoint a Special Rapporteur for them. It appeared, therefore, that the international community was expecting much more from Chile than from other countries in which human rights were being violated.

162. His delegation had voted for draft resolution A/C.3/36/L.70 in the light of the amendments incorporated in the text, and also because the United Kingdom attached great importance to the questions concerning totalitarianism which were mentioned in the draft resolution. However, his delegation still had reservations with regard to operative paragraph 4.

163. Turning to draft resolution A/C.3/36/L.74, he pointed out that the sixth preambular paragraph and operative paragraphs 3 and 4 referred to "the production and export of banned or severely restricted substances". Those terms had not been used in previous resolutions; and his delegation would therefore reserve its position until that matter had been clarified.

164. Lastly, his delegation had joined in the consensus on draft resolution A/C.3/36/L.77 because it supported the objective of the draft resolution. Nevertheless, it thought that effective implementation of the international drug abuse control strategy came within the competence of the Commission on Narcotic Drugs and that the proposed task force would duplicate the work of the Commission. He hoped, therefore, that effective implementation of the strategy and, particularly, the role of the task force would be considered in greater detail at the session of the Commission to be held in February 1982.

165. Mr. ALMOSLECHNER (Austria) said that his delegation wished to change its vote on draft resolution A/C.3/36/L.70; instead of abstaining, it wished to vote for the draft resolution. His delegation felt that, although operative paragraph 4 had been retained, the adoption of the other amendments had made the text acceptable.

166. Mr. MORATT (Israel) said that his country thought that human rights should be respected in all countries without exception. However it had not voted for draft resolutions A/C.3/36/L.62, L.64/Rev.1 and L.91/Rev.1 because they were not balanced and were unjustifiably selective.

/...

167. Mr. BORCHARD (Federal Republic of Germany) said that his delegation had voted for draft resolution A/C.3/36/L.70, as amended, but had reservations with regard to operative paragraph 4. It greatly regretted that it had not been possible to include the text of the Commission on Human Rights in the draft resolution. Also, the maintenance of operative paragraph 4 was contrary to the spirit of compromise and to the Committee's wish to elaborate a widely acceptable resolution on all totalitarian ideologies.

168. Mr. LIGAIRI (Fiji) said that his delegation had abstained in the vote on draft resolutions A/C.3/36/L.62, L.64/Rev.1 and L.91/Rev.1 because they referred only to certain countries and were thus unjustifiably selective with regard to human rights. That approach was unacceptable.

169. Mrs. RITTERHOFF (United States of America) said that her delegation had joined in the consensus on draft resolution A/C.3/36/L.87/Rev.1 on the understanding that the financial implications of the resolution were negligible, since the Secretary-General had not submitted any statement of financial implications in accordance with rule 153 of the rules of procedure of the General Assembly. She assumed that the additional expenses which might arise would be covered from the regular budget.

170. Mrs. KODIKARA (Philippines) said that her delegation had abstained in the vote on draft resolution A/C.3/36/L.91/Rev.1, because the text referred selectively to a single country. Also, she hoped that the draft resolution would not lead to other draft resolutions and that there would not be a proliferation of resolutions on the subject, as had been the case with El Salvador and Chile.

171. Mr. SIBAY (Turkey) said that, though his delegation had voted for draft resolution A/C.3/36/L.70, it had reservations with regard to operative paragraph 4.

172. Mrs. HAILU (Ethiopia) said that her delegation had voted for draft resolution A/C.3/36/L.62 because of the importance it attached to respect for human rights. However, it had reservations with regard to some paragraphs in the text.

173. Mr. TIMOTHY (Papua New Guinea) said that his delegation had abstained in the vote on draft resolutions A/C.3/36/L.62 and L.64 because they were unjustifiably selective with regard to certain countries.

AGENDA ITEM 88: UNITED NATIONS DECADE FOR WOMEN: EQUALITY, DEVELOPMENT AND PEACE  
(continued)

- (a) WORLD CONFERENCE OF THE UNITED NATIONS DECADE FOR WOMEN: REPORT OF THE SECRETARY-GENERAL
- (b) VOLUNTARY FUND FOR THE UNITED NATIONS DECADE FOR WOMEN: REPORTS OF THE SECRETARY-GENERAL
- (c) DRAFT DECLARATION ON THE PARTICIPATION OF WOMEN IN THE STRUGGLE FOR THE STRENGTHENING OF INTERNATIONAL PEACE AND SECURITY AND AGAINST COLONIALISM, APARTHEID, ALL FORMS OF RACISM AND RACIAL DISCRIMINATION, FOREIGN AGGRESSION, OCCUPATION AND ALL FORMS OF FOREIGN DOMINATION: REPORT OF THE SECRETARY-GENERAL (A/C.3/36/L.48/Rev.2, L.85, L.86)

174. Mr. FURSLAND (United Kingdom) said that his delegation appreciated the spirit

(Mr. Fursland, United Kingdom)

of co-operation displayed by the sponsors of draft resolution A/C.3/36/L.48/Rev.2, who had agreed that consideration of the question should be deferred until the following year. His delegation thought that the draft declaration should rather be referred to the Commission on the Status of Women, since it should be considered first by the appropriate bodies. He also hoped that in the following year delegations would have an opportunity to express their views before the draft declaration was adopted.

175. The CHAIRMAN declared that the Committee had concluded its consideration of agenda item 88 and that the report of the Third Committee would be considered by the General Assembly in plenary meeting on 14 December.

The meeting rose at 7.40 p.m.