



SUMMARY RECORD OF THE 60th MEETING

Chairman: Mr. CALERO RODRIGUES (Brazil)

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

AGENDA ITEM 94: ALTERNATIVE APPROACHES AND WAYS AND MEANS WITHIN THE UNITED NATIONS SYSTEM FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS (continued) (A/C.3/37/L.31/Rev.1, L.41, L.42)

1. Mr. O'DONOVAN (Ireland) said that he wished to respond to a number of points made during the 59th meeting with respect to draft resolutions A/C.3/37/L.31/Rev.1 and A/C.3/37/L.41. The former contained several elements which had not been mentioned in General Assembly resolution 36/133 on the same topic. On the whole those additions tended to detract from rather than improve upon the ideas conveyed in the earlier resolution.
2. With regard to the allegation by one delegation that the sponsors of draft resolution A/C.3/37/L.41 had first submitted amendments to draft resolution A/C.3/37/L.31/Rev.1 and then submitted their own draft resolution, he wished to point out that the opposite was the truth. When the sponsors of draft resolution A/C.3/37/L.31/Rev.1 had been preparing their draft, the sponsors of draft resolution A/C.3/37/L.41 had given a copy of it to them; the sponsors of that draft had made it clear from the start of the informal consultations on the two draft resolutions that, while they agreed to consider the two texts separately, they would prefer to have the Committee express agreement on agenda item 94 as a whole.
3. Although some changes had been made in draft resolution A/C.3/37/L.31/Rev.1 by its sponsors, not a single amendment proposed by the sponsors of draft resolution A/C.3/37/L.41 had been accepted in its entirety, except for a reference to General Assembly resolution 36/133. Some paragraphs that had grown out of suggestions made by the sponsors of draft resolution A/C.3/37/L.41 had not been worded to reflect that inspiration accurately. In some cases, those ideas had been presented in a context quite different from the one in which they had originally been submitted. He was obliged to disagree with the Chairman's view of the intentions of the sponsors of draft resolution A/C.3/37/L.31/Rev.1 which had been more obvious in the text of the draft resolution prior to its revision. Draft resolution A/C.3/37/L.31/Rev.1 dealt specifically with the right to development and emphasized collective rights at the expense of individual rights. Draft resolution A/C.3/37/L.41, on the other hand, had a wider scope and struck the necessary balance between individual and collective rights, in accordance with the principle of indivisibility of rights as described in General Assembly resolution 32/130.
4. On behalf of the sponsors of draft resolution A/C.3/37/L.41, he asked the Secretariat to change the title of the draft to "Further promotion and protection of human rights and fundamental freedoms". The sponsors were willing to answer any questions delegations might have regarding the draft, and to consider two amendments that had already been proposed, particularly with respect to paragraph 12. He expressed surprise that some delegations which considered themselves to be progressive should take exception to the introduction of "new" elements in draft resolution A/C.3/37/L.41, and reminded Committee members that the right to development was itself a relatively new concept. Those delegations had also expressed an unwillingness to adopt the draft resolution because it did not conform to the language of previous resolutions, a position which could only be

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(Mr. O'Donovan, Ireland)

described as conservative. Of all the items discussed by the Committee, item 94 provided the most appropriate framework for discussing new topics.

5. The CHAIRMAN reminded the Committee that it had been agreed during the 59th meeting to postpone discussion of draft resolution A/C.3/37/L.41 until a vote had been taken on draft resolution A/C.3/37/L.31/Rev.1.

6. Mr. O'DONOVAN said that his delegation would prefer that suggestions should be made during a general debate on the two draft resolutions before they were put to a vote so that the sponsors of the text in document A/C.3/37/L.41 might have sufficient time to consider them. That had been his interpretation of the conclusion reached at the 59th meeting, considering that a decision on one draft resolution was not contingent on a decision taken with regard to the other.

7. The CHAIRMAN said that the sponsors of draft resolution A/C.3/37/L.41 were entitled to hear the comments of other delegations; consequently, delegations could express their views at that point, but there would be only limited debate on that draft resolution after a vote had been taken on draft resolution A/C.3/37/L.31/Rev.1.

8. Mrs. FLOREZ (Cuba) proposed that paragraph 10 of draft resolution A/C.3/37/L.31/Rev.1 should be amended to read: "Emphasizes that economic and political stability at the national and international levels will contribute to the full enjoyment, promotion and observance of human rights of peoples and individuals".

9. Mr. CASTRO de BARISH (Costa Rica) said that her delegation appreciated the efforts of the representative of Cuba to make draft resolution A/C.3/37/L.31/Rev.1 more acceptable to all delegations. Her own delegation had spoken out in favour of development efforts on many occasions; however, it believed that the right to development discussed in that draft resolution had an individual dimension as well, since peoples were composed of individuals. She thus agreed with other delegations that draft resolution A/C.3/37/L.41 was broader in its application. However, as it was impossible for a single document to reflect the thinking of all delegations, she felt that the Committee would be justified in adopting more than one resolution on a single topic, as was often the case in the First Committee, for example. The two draft resolutions in question were in fact complementary and not mutually exclusive.

10. Her delegation agreed with most of the ideas expressed in the preambular part of draft resolution A/C.3/37/L.31/Rev.1 although the second and sixth preambular paragraphs appeared to contradict each other. However, even though her delegation agreed that all rights were equally important, and in fact interdependent, it maintained that rights were guaranteed in different ways. Thus, rights concerning freedoms were to be protected, while rights concerning well-being were to be promoted.

(Mrs. Castro de Barish, Costa Rica)

11. She set forth a number of changes that her delegation would have liked to see in the draft resolution. In paragraph 1, mention ought to have been made of the Universal Declaration of Human Rights and the International Covenants on Human Rights as well as of General Assembly resolution 32/130. The phrase about violations of human rights mentioned in paragraph 3 should have referred specifically to violations of the principles embodied in the Universal Declaration and the International Covenants. Her delegation felt that the emphasis in paragraph 8 was wrong; to rectify that situation, the text might have been changed to indicate that "the United Nations should give attention not only to the principles and objectives of the promotion of human rights but also to the developmental aspects of human rights". In her delegation's understanding, paragraph 10 did not authorize States to ignore the obligations to which they had committed themselves when signing the Charter of the United Nations and adopting the Universal Declaration of Human Rights on the ground that their level of development or economic or political instability in their countries prevented them from fulfilling those obligations. Paragraph 11 should have provided not only for the right of workers to participate in management but also for their right to choose their work freely with equitable wages guaranteed by trade unions free from state sponsorship. She expressed the hope that the increased emphasis on collective rights would not prevent the Commission on Human Rights from promoting the other rights which had traditionally been its domain.

12. Her delegation endorsed the proposal made by the representative of Senegal with regard to the adoption of draft resolution A/C.3/37/L.43.

13. Mr. WALKATE (Netherlands) welcomed the fact that the Committee was engaged in a genuine dialogue, which contrasted with its usual series of monologues. His delegation believed that draft resolution A/C.3/37/L.31/Rev.1 had neglected an over-all approach to the topic, although it agreed that the right to development warranted discussion.

14. Speaking as the representative of a State member of the Working Group of Governmental Experts on the Right to Development, he pointed out that the Working Group had not yet reached a decision as to whether development constituted an actual right. Adoption of draft resolution A/C.3/37/L.31/Rev.1 would therefore prejudice the outcome of the Working Group's deliberations. The drafting of a declaration on the right to development ought to be a joint venture, and States that wished to participate in that effort should approach the Commission on Human Rights and the Working Group in that connection rather than the General Assembly.

15. He had been surprised at the use in paragraph 12 of the word "also" with regard to the outcome of the Working Group's deliberations, since he felt that those results should be the Committee's primary consideration in that respect. He called upon Member States to increase their co-operation with the Working Group.

16. Mr. RUSSEL (Panama) asked the Committee to vote on draft resolution A/C.3/37/L.31/Rev.1 without further delay. The arguments of the Costa Rican and Irish delegations and the existence of two draft resolutions reflected a political split which currently divided the world. His delegation wanted a solution to that

(Mr. Russel, Panama)

split to be found and felt that, rather than referring to the spirit of previous resolutions, the Committee should realize that it was dealing with the elimination of poverty and injustice in the world. The lack of progress in those areas was indicative of the Committee's approach on that issue to date, which was marked by emphasis on the rights of the individual to the detriment of those of the group.

17. Mrs. ZOGRAFOU (Greece) said that her delegation would vote in favour of draft resolution A/C.3/37/L.31/Rev.1 because it agreed with many of its basic principles. As a whole, however, it lacked balance and should have included other aspects of human rights. It was for that reason that her delegation had become a sponsor of draft resolution A/C.3/37/L.41 and would vote in favour of that draft also.

18. Mr. BOUFFANDEAU (France) said that his delegation had voted in favour of General Assembly resolution 36/133 because of its interest in the theme of the right to development. At that time, his delegation had stated that it was a balanced resolution which set the work of the General Assembly in the right direction and that it could be improved upon in the future. Unfortunately, draft resolution A/C.3/37/L.31/Rev.1 did not improve the balance established in resolution 36/133; on the contrary, it was less balanced. His delegation regretted that the sponsors had rejected many amendments proposed by his delegation that would have allowed it to vote in favour of the draft. Despite its good will and open-mindedness, his delegation had received no co-operation in the Working Group and so was unable to agree to be committed to the policy established in the draft resolution, namely, that of giving some categories of human rights precedence over others. Accordingly, his delegation would abstain in the vote.

19. Mr. NGO PIN (Democratic Kampuchea) said that his delegation would vote in favour of draft resolution A/C.3/37/L.31/Rev.1. However, it wished to draw the Committee's attention to the policies carried out by Viet Nam which, as a foreign occupation Power, should not be a sponsor of the draft resolution. Democratic Kampuchea welcomed efforts to protect human rights but its actual experience, namely, occupation by many thousands of Vietnamese troops, had led it to express its reservations about Viet Nam being a sponsor of the draft resolution.

20. The CHAIRMAN said that the representative of Viet Nam had asked for the floor on a point of order and he could understand why. The representative of Democratic Kampuchea had gone beyond what could be regarded as an explanation of vote.

21. Mr. NGO PIN (Democratic Kampuchea) said that only by withdrawing from Democratic Kampuchea could Viet Nam signify its interest in human rights.

22. Ms. FAWTHORPE (New Zealand) said that New Zealand would abstain in the vote on draft resolution A/C.3/37/L.31/Rev.1. That reflected a change from her delegation's position on previous resolutions under the same item, which New Zealand had usually supported. The fact was that in recent years her delegation had made it clear in explanations of vote that its support for those resolutions was by no means unequivocal. New Zealand's abstention on the current

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(Ms. Fawthorpe, New Zealand)

draft reflected its increasing concern at the tendency in resolutions on that subject to omit certain basic elements of balance between the individual and the collective categories of human rights set forth in resolution 32/130. While her delegation welcomed the efforts made by the sponsors to redress the imbalance, it noted that none of the amendments accepted had had the effect of making the text as balanced as resolution 36/133. Several important concepts relevant to consideration of the item were embodied in draft resolution A/C.3/37/L.41, which New Zealand supported.

23. Her delegation hoped that future resolutions under that important item would be drafted with a view to attracting the widest possible support, for it was only on that basis that they could be expected to be fully effective.

24. Mr. THWAITES (Australia) said that his delegation believed that the work on the right to development as a human right was far-reaching and, accordingly, it attached great importance to arriving at a consensus on the item. It was for that reason that Australia had, in recent years, supported such texts as General Assembly resolution 36/133. He regretted that the negotiations on draft resolution A/C.3/37/L.31/Rev.1 had not been able to achieve a balance regarding the text. Accordingly, his delegation would abstain in the vote. It was important not to upset the work of the Commission on Human Rights, which had yet to take a decision on the matter. His delegation believed that any draft resolution on the matter should encompass a wide range of views.

25. Ms. RASI (Finland), speaking on behalf of the delegations of Denmark, Iceland, Norway and Sweden as well as her own, said that the Nordic countries would abstain in the vote on draft resolution A/C.3/37/L.31/Rev.1. General Assembly resolution 32/130 had been a positive step towards acceptance of the idea that all human rights were indivisible. That resolution had set in motion a comprehensive process for the promotion of human rights and was the main operational framework for other action in that field. The realization of human rights and fundamental freedoms was the responsibility of all nations, and the view that they could be promoted only in special circumstances was not shared by the Nordic countries. The right to development as a human right was currently being discussed in the Commission on Human Rights, and the Nordic countries felt that draft resolution A/C.3/37/L.31/Rev.1 might prejudge the outcome of those discussions. They believed that the comprehensive approach reflected in draft resolution A/C.3/37/L.41 was a more acceptable way of dealing with the item, and hoped that the Committee would adopt that draft.

26. Mr. BYKOV (Union of Soviet Socialist Republics) said that his delegation would vote in favour of draft resolution A/C.3/37/L.31/Rev.1 because it was convinced that it had been prepared in full compliance with the Charter of the United Nations, in particular, Article 1, paragraph 3. Secondly, the draft took due account of existing international instruments on human rights and was based on the firm foundation of resolution 32/130, which had been adopted without a dissenting vote. Thirdly, it stressed the interdependence of all human rights as indispensable for the establishment of the new international economic order. It

(Mr. Bykov, USSR)

was a consistent continuation of resolution 36/133, which had been adopted with the affirmative votes of 135 delegations. It stressed that the right to development was an inalienable right. The misgivings of those who stated that it was not a balanced draft were groundless and were not in keeping with the facts.

27. Mr. RUIZ CABAÑAS (Mexico) requested a recorded vote on draft resolution A/C.3/37/L.31/Rev.1.

28. Mrs. WARZAZI (Morocco) requested a recorded vote on both draft resolutions, namely, A/C.3/37/L.31/Rev.1 and A/C.3/37/L.41.

29. The CHAIRMAN put draft resolution A/C.3/37/L.31/Rev.1 to the vote.

In favour: Afghanistan, Algeria, Angola, Argentina, Bahamas, Bahrain, Barbados, Benin, Bhutan, Botswana, Brazil, Bulgaria, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Congo, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Fiji, Gabon, German Democratic Republic, Greece, Guatemala, Guinea, Guinea-Bissau, Guyana, Hungary, India, Indonesia, Iran (Islamic Republic of), Iraq, Ivory Coast, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Mali, Mauritania, Mexico, Mongolia, Morocco, Mozambique, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Peru, Philippines, Poland, Qatar, Romania, Rwanda, Senegal, Sierra Leone, Singapore, Somalia, Sri Lanka, Sudan, Suriname, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Cameroon, United Republic of Tanzania, Upper Volta, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia, Zimbabwe.

Against: United States of America.

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

30. Draft resolution A/C.3/37/L.31/Rev.1 was adopted by 104 votes to 1, with 24 abstentions.

31. The CHAIRMAN said that the Committee would now take up consideration of draft resolution A/C.3/37/L.41. As had been stated earlier by the representative of Ireland, the sponsors were prepared to accept comments on the draft, but not amendments.

32. Mr. OGURTSOV (Byelorussian Soviet Socialist Republic) said that at the previous meeting the sponsors of draft resolution A/C.3/37/L.41 had stated that it presented a broad picture of human rights. In fact, the picture was so broad that its major objectives were diffuse and difficult to grasp. It contained no specific proposals for solving problems of human rights. In addition, it contained a number of inaccuracies. For example, the second preambular paragraph referred to the purpose of the United Nations to achieve international co-operation in solving international problems. It would have been more correct to begin the paragraph by stating that that was one of the purposes of the United Nations. Secondly, the fourth preambular paragraph referred to "a more just international economic order", whereas the established phrase was "the new international economic order". Thirdly, the eleventh preambular paragraph spoke of the absence of peace or development: the absence of peace meant war, while the reference to the absence of development was incomprehensible because development was a process. In any event, that paragraph was a contradiction of the eighth preambular paragraph and, accordingly, should be deleted. The eighteenth preambular paragraph too should be deleted because it had considerable financial implications. In operative paragraph 5, again, the reference should be to the new international economic order. The requests to States and the Commission on Human Rights in operative paragraphs 11 and 12 were vague and might prejudice the results of the Commission's work. In addition, no mandate had yet been established for a High Commissioner for Human Rights. Accordingly, operative paragraphs 11 and 12 should be deleted and replaced by a text corresponding to operative paragraph 1 of draft resolution A/C.3/37/L.31/Rev.1 that had just been adopted. Operative paragraph 13 too had financial implications and should be deleted. As for operative paragraph 14, it was totally unclear what the Secretary-General was being requested to do.

33. The CHAIRMAN said he regretted that the representative of the Byelorussian Soviet Socialist Republic had not made his suggestions at an earlier stage of the discussions because the sponsors were now prepared only to hear comments, not to accept amendments.

34. Mr. CORTI (Argentina) said that his delegation would propose amendments to draft resolution A/C.3/37/L.41 which, if accepted, would enable his delegation to vote in favour of the draft. First, the third preambular paragraph should begin with the phrase "Convinced that one of the aims ...". Second, the word "and" in the second line of the fourth preambular paragraph should be deleted. Third, in the ninth preambular paragraph, the words "of neighbouring States, of a region or ..." should be deleted. Fourth, after the fifteenth preambular paragraph, the following new preambular paragraph should be added: "Convinced that the most developed countries should play a preponderant role in international economic co-operation for the establishment of a just new international economic order that will permit the full enjoyment of human rights by all,". Fifth, the seventeenth preambular paragraph did not adequately reflect the work of the Commission on Human Rights and, accordingly, the words "the study of the violations" should be replaced by "the promotion". Sixth, the eighteenth preambular paragraph should be deleted because it was not in line with the policies of a great many States with respect to zero growth. Seventh, in operative paragraph 1, the words "the primary aim" should be replaced by "one of the aims". Eighth, in operative paragraph 2, the words

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(Mr. Corti, Argentina)

"of neighbouring States, of a region or ..." should be deleted. Ninth, operative paragraph 3 omitted an element that was an impediment to peace and development, namely, the denial of the territorial integrity of States. Accordingly, the words "and of the territorial integrity of States" should be added after the words "self-determination of peoples". Tenth, in the Spanish text of operative paragraph 4, the word "interesan" should be replaced by "preocupan". Finally, operative paragraph 12 should be deleted and operative paragraph 13 should be replaced by the following: "Requests the Secretary-General to continue his co-operation with the Centre for Human Rights".

35. Mr. O'DONOVAN (Ireland) said it had been his understanding at the beginning of the meeting that, after the vote on draft resolution A/C.3/37/L.31/Rev.1, members of the Committee would simply make comments on draft resolution A/C.3/33/L.41, and not introduce amendments. He therefore felt that it would be unreasonable to accept the comments which had been made as amendments.

36. The CHAIRMAN said it was regrettable that the suggestion made by the representative of Ireland had not been accepted and that the Committee might become bogged down in a procedural discussion on whether or not amendments could be introduced at that stage. He recalled that the sponsors had said that they wanted any amendments to be introduced at an early stage.

37. Mr. OGURTSOV (Byelorussian Soviet Socialist Republic) said that he did not know of any rules against the introduction of amendments after the vote on A/C.3/37/L.31/Rev.1. He therefore felt that the amendments he had made should be treated as such.

38. The CHAIRMAN said that the attitude of the representative of the Byelorussian SSR was not very co-operative. While he had made no formal ruling on the subject, he regretted that delegations had not been able to follow the understanding reached at the beginning of the meeting.

39. Mrs. TIRONA (Philippines) said that her delegation had reservations about paragraphs 2, 11 and 12 of the draft resolution. While accepting the principle stated in paragraph 2, she would have preferred to see a more positive formulation stating, for example, that regional peace and development were dependent on the observance of human rights. Paragraph 11 was inconsistent with the principle of State sovereignty, under which co-operation was the prerogative of States. Paragraph 12 was premature and should be deleted.

40. Mr. BYKOV (Union of Soviet Socialist Republics) said that, while there had been extensive consultations on draft resolution A/C.3/37/L.31, he had gained the impression that when the draft currently under consideration had been submitted, the sponsors had not wished to have a vote on it. He was therefore disappointed that the sponsors had not followed their own preferences. Although they had criticized A/C.3/37/L.31/Rev.1 for being unbalanced, their own draft was lacking in many respects and, in fact, contradicted the fundamental General Assembly resolutions 32/130 and 36/133. For example, while the latter resolution emphasized

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that the right to development was an inalienable human right and that the establishment of a new international economic order was an essential element for the effective promotion and the full enjoyment of human rights and fundamental freedoms for all, the current draft spoke only of a more just economic order, rather than of a new one. The draft resolution therefore not only lacked balance but departed from resolution 36/133, which had been unanimously adopted. Since the draft had not been the subject of consultations but had been submitted to supply background for them, the proposed amendments were perfectly understandable. Those amendments did not, however, eliminate all the deficiencies of the draft, since most of it departed from previous General Assembly resolutions.

41. Mrs. WARZAZI (Morocco) reaffirmed her delegation's intention of supporting both draft resolutions precisely because they were not the same. What was needed was not a pair of identical twins but two complementary resolutions. She therefore appealed to all delegations to co-operate. Furthermore, she could not understand the Argentine amendment to paragraph 2, since it was quite clear that violations of human rights in one State, such as South Africa, could threaten the peace and development of neighbouring States and of an entire region.

42. Mr. RANGACHARI (India) said it had been his understanding that the sponsors had not wished to proceed to a vote on the draft. If, however, they did wish to do so, it should be possible to introduce amendments and ask for clarifications, since there had been no discussion on the draft. He suggested that the Committee might consider the other outstanding resolutions before it, particularly those with financial implications, and then return to A/C.3/37/L.41. It would be very unfortunate if a vote was taken without a full discussion of the ideas contained in the draft.

43. The CHAIRMAN said that the draft resolution had been submitted on 17 November and the ideas contained in it had been considered in the consultations held on A/C.3/37/L.31. However, he did not wish to prevent delegations from asking questions or seeking clarifications.

44. Mr. RANGACHARI (India) said he wondered why the first preambular paragraph, which reflected the preamble of the Charter, contained no reference to nations large and small. He did not understand why there was no mention of economic development in the fifth preambular paragraph, since it too must be based on respect for the dignity of man. Referring to the comments of the representative of Morocco, he said that if South Africa was the only case the sponsors had in mind, the word "may" in the ninth preambular paragraph was out of place, since apartheid clearly did threaten the peace and development of neighbouring States. He would like further clarification on which violations of human rights were being referred to in the tenth preambular paragraph and in paragraph 4. The fourth preambular paragraph and paragraph 5 should refer specifically to a new international economic order, in keeping with the usual wording. Lastly, he wondered whether, if paragraph 11 was adopted, those delegations which had voted against resolutions on the subject in the Commission on Human Rights would be forced to change their position.

45. Mrs. CASTRO de BARISH (Costa Rica) supported the representatives of Ireland and Morocco, feeling that the ideas expressed by the representative of the Byelorussian SSR were suggestions rather than amendments. The amendments suggested by the representative of Argentina presented certain difficulties. In paragraph 3, for example, the issue of territorial integrity was alien to the item under discussion, while that of self-determination was eminently pertinent. With regard to the proposal to delete paragraph 12, she said that if those delegations opposed to the establishment of the post of High Commissioner for Human Rights were to examine the possible mandate, they would not have to be concerned about resolutions which, for political rather than humanitarian reasons, selectively accused individual States of human rights violations.

46. Mr. DERESSA (Ethiopia) said that the consideration of any draft resolution entailed the right of members to propose amendments. In the present case, such proposals could not have been made earlier, firstly because there had been no time, and secondly because it had been assumed that the draft would not be put to the vote or, if it was, would receive the same consideration as draft resolution A/C.3/37/L.31.

47. He said that the proposed amendments would strengthen the text and help achieve a consensus on the draft. In particular, he felt that paragraph 3 of the draft should be strengthened to reflect the concerns of a broad cross section of States, by mentioning all forms of racism and racial discrimination, colonialism, foreign domination and aggression, threats against national sovereignty, national unity and territorial integrity as well as the refusal to recognize the fundamental right of all peoples to self-determination and of every nation to exercise full sovereignty over its natural resources. If the proposal made by the representative of India to consider the other draft resolutions first was accepted, his delegation would join in efforts to improve the text of draft resolution A/C.3/37/L.41; if not, it would have to vote against the draft.

48. Mr. O'DONOVAN (Ireland) said that he would have been more impressed with the complaints now being made if they had been voiced at the beginning of the meeting, when the understanding had been reached. In meetings between the sponsors of the two draft resolutions under item 94, the sponsors of draft resolution A/C.3/37/L.41 had expressed the hope that a general agreement could be reached; they had never excluded the possibility of a vote.

49. With regard to the comments made by the representative of India, he said that the words "mass and flagrant violations of human rights" had been chosen because the sponsors believed that they would be acceptable to most delegations, since they reflected the wording of General Assembly resolution 32/130. Secondly, the issues of peace and human rights were linked in Article 1 of the Charter and in many other General Assembly resolutions, including those concerning South Africa and various other situations.

50. The sponsors were, however, prepared to revise their draft so as to take account of some of the comments made. He accepted the suggestion of the

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(Mr. O'Donovan, Ireland)

representative of the Byelorussian SSR to change the words "the purpose of the United Nations" in the second preambular paragraph to the words "a purpose of the United Nations". Bearing in mind the suggestion made by the representative of Argentina, the sponsors were prepared to change the words "the primary aim" in the third preambular paragraph and in paragraph 1 to "a primary aim". Similarly, the phrase "a more just international economic order" in the fourth preambular paragraph and in paragraph 5 would be changed to "a new international economic order". In paragraph 12, the word "draft" would be inserted before the words "mandate of a High Commissioner for Human Rights". He felt that the sponsors had done all they could to meet the objections expressed and that the Committee should now proceed to a vote on the draft. He said once again that there would have been a greater degree of understanding if delegations had made their comments known in good time, particularly at the beginning of the meeting.

51. The CHAIRMAN urged all delegations to agree to holding a vote on the draft resolution as orally revised.

52. Mr. CORTI (Argentina) said he was grateful to the sponsors for the good will that they had shown. However, the misunderstanding which seemed to have arisen was the result of the consultations on the draft resolutions during which the sponsors had indicated that draft resolution A/C.3/37/L.41 was simply a statement of position and that they had no intention of putting it to a vote. His delegation did not feel that it had surrendered its right to introduce amendments. Regrettably, therefore, he could not withdraw the amendments he had proposed, since his delegation wanted to be able to have to vote in favour of the draft resolution.

53. The CHAIRMAN said that the time had come for him to make a formal ruling. The amendments should have been introduced before the vote on draft resolution A/C.3/37/L.31/Rev.1, since that had been the understanding reached earlier. It was now too late to present amendments. If any delegations wished to challenge that ruling, they were welcome to do so.

54. Mr. CORTI (Argentina) said that he did not intend to challenge the Chairman's ruling but was surprised that a jurist of his stature should apply a law retroactively.

55. Mr. OGURTSOV (Byelorussian Soviet Socialist Republic) said that he too was surprised by the ruling. The delegation of Ireland had made concessions, and if discussion had been allowed to continue, it might have been possible to arrive at a resolution acceptable to all.

56. Mr. AKHTAR (Bangladesh) observed, for the record, that his delegation would have voted in favour of draft resolution A/C.3/37/L.31 if it had been present for the vote.

57. Mrs. DOWNING (Secretary of the Committee), at the request of the Chairman and in response to a request for clarification made by the delegation of Sierra Leone, read out draft resolution A/C.3/37/L.41, which included the amendments proposed orally by the delegation of Ireland.

58. The CHAIRMAN asked whether any delegations wished to speak in explanation of vote.

59. Mr. OGURTSOV (Byelorussian Soviet Socialist Republic) requested separate recorded votes on the eleventh and eighteenth preambular paragraphs and on paragraphs 11, 12 and 13.

60. Mr. BYKOV (Union of Soviet Socialist Republics), speaking in explanation of vote, said that he saw numerous shortcomings in many of the provisions of draft resolution A/C.3/37/L.41. On the basis of an understanding reached with the sponsors of the draft resolution, the overwhelming majority of delegations had believed that it was not the intention of the sponsors to submit it to a vote. It was regrettable that, in spite of the spirit of compromise shown by many delegations during the lengthy and intensive consultations on draft resolution A/C.3/37/L.31, the sponsors of draft resolution A/C.3/37/L.41 had unexpectedly changed their position.

61. Substantive amendments to the draft resolution had been made by at least two delegations before some cosmetic amendments had been proposed by the delegation of Ireland. Yet Ireland's amendments had been accepted, while the others appeared to have been forgotten. It seemed that the draft resolution was acquiring a privileged status, which did not help to promote the work of the Committee. Because of the unyielding attitude of the sponsors of the draft resolution, further discussion would be needed if it was to be acceptable to delegations.

62. The draft resolution made reference to resolution 32/130 of the General Assembly, but that was merely lip-service since there were many inconsistencies between the two documents. Paragraph 1 (e) of the General Assembly resolution gave a definition of mass and flagrant violations of human rights, including the fundamental rights of "every nation to the exercise of full sovereignty over its wealth and natural resources". No mention of that basic right was made in the draft resolution under consideration. Furthermore, the meaning of the draft resolution's fourth preambular paragraph and paragraph 5, as amended by the delegation of Ireland, was contrary to the spirit of paragraph 1 (f) of the General Assembly resolution. There were also other inconsistencies between the two documents, and efforts made by a number of delegations, through amendments or consultations, to modify the draft resolution had not been successful. Because the draft resolution was in direct contradiction to resolution 32/130 of the General Assembly and other fundamental documents on human rights, his delegation would regretfully be obliged to vote against it.

63. The CHAIRMAN said he hoped that the Soviet delegation's reference to the privileged status the draft resolution seemed to be acquiring was not a reflection on the integrity and impartiality of the Chairman. As the representative of the USSR should know, the Chairman did not favour one group of delegations over another and could not accept such accusations.

64. Mrs. FLOREZ (Cuba) said it had not been known that the draft resolution would be put to the vote, and additional time was necessary to arrive at a text

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(Mrs. Florez, Cuba)

acceptable to the majority of delegations. The draft resolution was not at all balanced in its views and would have to be amended. In spite of the amendments made by the delegation of Ireland, her delegation had difficulties, in particular, with the ninth, eleventh and eighteenth preambular paragraphs and paragraph 3, which as suggested by the Ethiopian delegation, should contain a more comprehensive definition of violations of human rights. In view of those difficulties and many others, her delegation could not vote in favour of the draft resolution.

65. Miss RADIC (Yugoslavia) said that her delegation would regretfully vote against the draft resolution. Many delegations had worked diligently to make draft resolution A/C.3/37/L.31/Rev.1 a balanced document reflecting a wide range of views. She believed that many of the ideas contained in the draft resolution under consideration had been incorporated into the earlier draft resolution which had been based on many international human-rights instruments and on General Assembly resolutions, in particular resolution 32/130. The unfortunate fact that there was not more time available to consider amendments to the draft resolution could be blamed on the alleged understanding arrived at by the sponsors of the two draft resolutions that draft resolution A/C.3/37/L.41 would simply serve as a background for consultations on A/C.3/37/L.31 and would not be submitted to a vote.

66. Mr. DIAGNE (Senegal) said that one of the fundamental principles of Senegal's international policy was its steadfast refusal to become involved in false philosophical debates, which were in fact political debates, on the individual or collective nature of human rights. Senegal was in favour of all human rights which were based on human dignity and encompassed civil and political rights as well as economic, social and cultural rights. His delegation believed that the two draft resolutions on human rights were not incompatible but complementary, and it would vote in favour of draft resolution A/C.3/37/L.41.

67. Mr. LAGOS (Chile) said that his delegation would vote in favour of the draft resolution, as it shared many of the views expressed therein, including its general orientation designed to strengthen the inadequate existing United Nations machinery for the objective, impartial and universal promotion of human rights. However, it did have some reservations. One of the preambular paragraphs, in particular, gave the erroneous impression that the Commission on Human Rights was acting on the basis of universal and non-discriminatory criteria. While it was true that the Commission had expanded its geographical coverage, it still treated cases selectively on political grounds. Chile would therefore limit its participation in the general activities of the Commission on Human Rights until such discriminatory treatment ceased. Accordingly, Chile would abstain from voting on paragraph 11. Moreover, the draft resolution gave an incomplete picture of the right to development, thereby detracting from the importance of that right, especially for developing countries.

68. Mr. HUSAIN (Pakistan) said that his delegation would vote against the draft resolution because it was not balanced, because not enough time had been given to its consideration and because his delegation had serious reservations with regard

(Mr. Husain, Pakistan)

to the ninth, tenth, eleventh and eighteenth preambular paragraphs and paragraphs 2, 4, 11, 12 and 13.

69. Mrs. ZOGRAFOU (Greece) announced that her delegation would add its name to the list of sponsors of the draft resolution.

70. The CHAIRMAN invited the delegations to vote on the eleventh and eighteenth preambular paragraphs and on paragraphs 11, 12 and 13 of draft resolution A/C.3/37/L.41.

71. At the request of the representative of the Byelorussian Soviet Socialist Republic, separate recorded votes were taken on those paragraphs.

Eleventh preambular paragraph

- In favour: Australia, Austria, Bahamas, Barbados, Belgium, Burma, Canada, Chile, Colombia, Costa Rica, Democratic Kampuchea, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Finland, France, Gabon, Germany, Federal Republic of, Greece, Iceland, Ireland, Israel, Italy, Ivory Coast, Jamaica, Japan, Jordan, Liberia, Luxembourg, Mali, Mexico, Morocco, Nepal, Netherlands, New Zealand, Norway, Papua New Guinea, Paraguay, Peru, Portugal, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Spain, Suriname, Sweden, Togo, Turkey, United Kingdom of Great Britain and Northern Ireland, United Republic of Cameroon, United Republic of Tanzania, United States of America, Upper Volta, Uruguay, Venezuela.
- Against: Afghanistan, Algeria, Angola, Argentina, Bulgaria, Byelorussian Soviet Socialist Republic, Congo, Cuba, Czechoslovakia, Democratic Yemen, German Democratic Republic, Guinea, Hungary, Lao People's Democratic Republic, Libyan Arab Jamahiriya, Madagascar, Mongolia, Nigeria, Poland, Romania, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Viet Nam.
- Abstaining: Bahrain, Bangladesh, Bhutan, Botswana, Burundi, Cape Verde, Central African Republic, Chad, Ethiopia, Fiji, Guatemala, Guinea-Bissau, Guyana, India, Indonesia, Iran (Islamic Republic of), Iraq, Kenya, Lesotho, Malawi, Malaysia, Mauritania, Nicaragua, Niger, Oman, Pakistan, Panama, Philippines, Qatar, Sri Lanka, Sudan, Syrian Arab Republic, Thailand, Trinidad and Tobago, Uganda, United Arab Emirates, Yugoslavia, Zaire, Zambia, Zimbabwe.

72. The eleventh preambular paragraph was adopted by 61 votes to 23, with 40 abstentions.

Eigtheenth preambular paragraph

In favour: Australia, Austria, Barbados, Belgium, Burundi, Canada, Central African Republic, Chad, Colombia, Costa Rica, Democratic Kampuchea, Denmark, Djibouti, Egypt, Fiji, Finland, France, Germany, Federal Republic of, Greece, Iceland, Ireland, Israel, Italy, Ivory Coast, Jamaica, Japan, Jordan, Kenya, Luxembourg, Mexico, Morocco, Nepal, Netherlands, New Zealand, Norway, Papua New Guinea, Paraguay, Peru, Philippines, Portugal, Saudi Arabia, Senegal, Somalia, Spain, Sudan, Suriname, Sweden, Thailand, Turkey, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Upper Volta, Uruguay, Venezuela.

Against: Afghanistan, Algeria, Angola, Argentina, Bulgaria, Byelorussian Soviet Socialist Republic, Congo, Cuba, Czechoslovakia, Democratic Yemen, Gabon, German Democratic Republic, Hungary, Lao People's Democratic Republic, Libyan Arab Jamahiriya, Mongolia, Pakistan, Poland, Romania, Syrian Arab Republic, Togo, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Viet Nam, Yugoslavia.

Abstaining: Bahamas, Bahrain, Bangladesh, Bhutan, Botswana, Burma, Cape Verde, Ethiopia, Guatemala, Guinea, Guinea-Bissau, Guyana, India, Indonesia, Iraq, Lesotho, Liberia, Malawi, Malaysia, Mauritania, Nicaragua, Niger, Nigeria, Oman, Panama, Qatar, Rwanda, Sierra Leone, Singapore, Sri Lanka, Trinidad and Tobago, Tunisia, Uganda, United Arab Emirates, United Republic of Cameroon, Zaire, Zambia.

73. The eighteenth preambular paragraph was adopted by 55 votes to 25, with 37 abstentions.

Paragraph 11

In favour: Australia, Austria, Bahamas, Barbados, Belgium, Botswana, Burma, Burundi, Canada, Central African Republic, Chad, Colombia, Costa Rica, Cyprus, Democratic Kampuchea, Denmark, Djibouti, Ecuador, Egypt, El Salvador, Fiji, Finland, France, Germany, Federal Republic of, Greece, Iceland, Ireland, Israel, Italy, Ivory Coast, Jamaica, Japan, Kenya, Lesotho, Liberia, Luxembourg, Mali, Mauritania, Mexico, Morocco, Nepal, Netherlands, New Zealand, Niger, Norway, Papua New Guinea, Paraguay, Peru, Portugal, Rwanda, Senegal, Sierra Leone, Somalia, Spain, Sudan, Suriname, Sweden, Togo, Trinidad and Tobago, Tunisia, Turkey, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Upper Volta, Uruguay, Venezuela, Zambia, Zimbabwe.

Against: Afghanistan, Angola, Bulgaria, Byelorussian Soviet Socialist Republic, Czechoslovakia, Democratic Yemen, German Democratic Republic, Hungary, Lao People's Democratic Republic, Mongolia, Poland, Romania, Syrian Arab Republic, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Viet Nam, Yugoslavia.

Abstaining: Algeria, Bahrain, Bangladesh, Bhutan, Cape Verde, Chile, Congo, Cuba, Ethiopia, Gabon, Guatemala, Guinea, Guinea-Bissau, Guyana, India, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Nicaragua, Nigeria, Oman, Pakistan, Panama, Philippines, Qatar, Singapore, Sri Lanka, Thailand, Uganda, United Arab Emirates, United Republic of Cameroon, Zaire.

74. Paragraph 11 was adopted by 69 votes to 17, with 33 abstentions.

Paragraph 12

In favour: Australia, Austria, Bahamas, Barbados, Belgium, Botswana, Canada, Central African Republic, Chad, Chile, Colombia, Costa Rica, Democratic Kampuchea, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Fiji, Finland, France, Gabon, Germany, Federal Republic of, Greece, Iceland, Ireland, Israel, Italy, Ivory Coast, Jamaica, Japan, Kenya, Lesotho, Liberia, Luxembourg, Mauritania, Morocco, Nepal, Netherlands, New Zealand, Niger, Norway, Papua New Guinea, Paraguay, Peru, Portugal, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Somalia, Spain, Sweden, Trinidad and Tobago, Turkey, United Kingdom of Great Britain and Northern Ireland, United Republic of Cameroon, United Republic of Tanzania, United States of America, Upper Volta, Uruguay, Venezuela, Zambia, Zimbabwe.

Against: Afghanistan, Algeria, Argentina, Bulgaria, Byelorussian Soviet Socialist Republic, Congo, Cuba, Czechoslovakia, Democratic Yemen, Ethiopia, German Democratic Republic, Guinea, Guinea-Bissau, Hungary, India, Indonesia, Iran (Islamic Republic of), Iraq, Lao People's Democratic Republic, Libyan Arab Jamahiriya, Madagascar, Mongolia, Nicaragua, Pakistan, Panama, Poland, Romania, Syrian Arab Republic, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Viet Nam, Yugoslavia.

Abstaining: Angola, Bahrain, Bangladesh, Bhutan, Burma, Burundi, Cape Verde, Guyana, Malawi, Malaysia, Mali, Mexico, Nigeria, Oman, Philippines, Qatar, Singapore, Sri Lanka, Sudan, Suriname, Thailand, Togo, Tunisia, Uganda, United Arab Emirates, Zaire.

75. Paragraph 12 was adopted by 65 votes to 32, with 26 abstentions.

Paragraph 13

In favour: Australia, Austria, Bahamas, Barbados, Belgium, Botswana, Burma, Canada, Chad, Colombia, Costa Rica, Cyprus, Democratic Kampuchea, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Fiji, Finland, France, Gabon, Germany, Federal Republic of, Greece, Guatemala, Iceland, Ireland, Israel, Italy, Ivory Coast, Jamaica, Japan, Kenya, Lesotho, Liberia, Luxembourg, Malawi, Mali, Mexico, Morocco, Nepal, Netherlands, New Zealand, Niger, Norway, Papua New Guinea, Paraguay, Peru, Philippines, Portugal, Senegal, Sierra Leone, Singapore, Somalia, Spain, Sri Lanka, Sudan, Sweden, Thailand, Trinidad and Tobago, Turkey, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Upper Volta, Uruguay, Venezuela, Zambia, Zimbabwe.

Against: Afghanistan, Algeria, Angola, Argentina, Bulgaria, Byelorussian Soviet Socialist Republic, Congo, Cuba, Czechoslovakia, Democratic Yemen, German Democratic Republic, Hungary, Lao People's Democratic Republic, Libyan Arab Jamahiriya, Madagascar, Mongolia, Pakistan, Poland, Romania, Syrian Arab Republic, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Viet Nam, Yugoslavia.

Abstaining: Bahrain, Bangladesh, Bhutan, Burundi, Central African Republic, Ethiopia, Guinea, Guinea-Bissau, Guyana, India, Indonesia, Iraq, Jordan, Malaysia, Mauritania, Nicaragua, Nigeria, Oman, Panama, Qatar, Rwanda, Suriname, Togo, Tunisia, Uganda, United Arab Emirates, United Republic of Cameroon, Zaire.

76. Paragraph 13 was adopted by 70 votes to 24, with 28 abstentions.

77. The CHAIRMAN invited delegations to vote on draft resolution A/C.3/37/L.41.

78. A recorded vote was taken.

In favour: Australia, Austria, Bahamas, Barbados, Belgium, Botswana, Burma, Burundi, Canada, Central African Republic, Chad, Chile, Colombia, Costa Rica, Cyprus, Democratic Kampuchea, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Fiji, Finland, France, Gabon, Germany, Federal Republic of, Greece, Iceland, Ireland, Israel, Italy, Ivory Coast, Jamaica, Japan, Kenya, Lesotho, Liberia, Luxembourg, Malaysia, Mali, Mexico, Morocco, Nepal, Netherlands, New Zealand, Nigeria, Norway, Papua New Guinea, Paraguay, Peru, Portugal, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Spain, Sudan, Suriname, Sweden, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, United Kingdom of Great Britain and Northern Ireland, United Republic of Cameroon, United Republic of Tanzania, United States of America, Upper Volta, Uruguay, Venezuela, Zambia.

Against: Afghanistan, Algeria, Angola, Argentina, Bulgaria, Byelorussian Soviet Socialist Republic, Cape Verde, Congo, Cuba, Czechoslovakia, Democratic Yemen, Ethiopia, German Democratic Republic, Hungary, India, Iran (Islamic Republic of), Lao People's Democratic Republic, Libyan Arab Jamahiriya, Madagascar, Mongolia, Nicaragua, Pakistan, Panama, Poland, Romania, Syrian Arab Republic, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Viet Nam, Yugoslavia.

Abstaining: Bahrain, Benin, Bhutan, Brazil, Guatemala, Guinea, Guinea-Bissau, Guyana, Indonesia, Iraq, Jordan, Malawi, Mauritania, Niger, Oman, Philippines, Qatar, Sri Lanka, Uganda, United Arab Emirates, Zaire, Zimbabwe.

79. Draft resolution A/C.3/37/L.41 was adopted by 75 votes to 30, with 22 abstentions.

Draft decision A/C.3/37/L.42

80. Mrs. WARZAZI (Morocco) suggested a slight drafting change in the draft decision. After the phrase "when he deemed it appropriate," the word "takes" should be deleted and replaced by "decides to take".

81. The CHAIRMAN reminded delegations that a draft decision could be accepted without a vote. If there were no objections, he would take it that delegations were in favour of the draft decision, as amended.

82. Draft decision A/C.3/37/L.42, as amended, was adopted without a vote.

Draft resolution A/C.3/37/L.43

83. The CHAIRMAN reminded delegations that the Libyan Arab Jamahiriya had requested that the vote on draft resolution A/C.3/37/L.43 should be postponed.

84. Mr. DABASE (Libyan Arab Jamahiriya) said that he had requested postponement of the vote to give his delegation time for consultations. He was pleased to announce that those consultations had been successful, and that he was now in a position to propose some amendments.

ORGANIZATON OF WORK

85. The CHAIRMAN announced that the meeting could not continue, since interpreting services would no longer be available. Unfortunately, it would be impossible to meet the deadline set for voting on draft resolutions with financial implications.

The meeting rose at 6.20 p.m.