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THIRD COMMITTEE
72nd meeting
held on
Thursday, 9 December 1982
at 6.30 p.m.
New York

UN/ISA COLLECTION
SUMMARY RECORD OF THE 72nd MEETING

Chairman: Mr. CALERO RODRIGUES (Brazil)

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The meeting was called to order at 6.45 p.m.

AGENDA ITEM 88: TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT (continued)

- (b) DRAFT CODE OF MEDICAL ETHICS: REPORT OF THE SECRETARY-GENERAL (continued)
(A/C.3/37/L.79/Rev.1)

Draft resolution A/C.3/37/L.79/Rev.1 (Principles of Medical Ethics)

1. Mr. WALKATE (Netherlands), introducing draft resolution A/C.3/37/L.79/Rev.1, announced that Canada, the Dominican Republic, Greece and Norway had joined its sponsors. He then announced the changes made in the original draft (A/C.3/37/L.79) and took that opportunity to point out that it would be easier for delegations, if the relevant Secretariat services numbered the preambular paragraphs of draft resolutions.
2. Mr. RANGACHARI (India) thanked the representative of the Netherlands for his efforts to co-ordinate the consultations on the draft resolution, in which his delegation had unfortunately not been able to participate, owing to lack of time. It had no objections to make to the resulting draft resolution but wished to make it clear that it would have liked to have had more time in order to give it close consideration.
3. Mrs. DOWNING (Secretary of the Committee) said that the draft resolution had no financial implications.
4. Draft resolution A/C.3/37/L.79/Rev.1 (Principles of Medical Ethics) was adopted without a vote.
5. Mrs. ROSER (Federal Republic of Germany) said that her delegation welcomed the decision taken by the Committee, since it would help to pave the way towards safeguarding human rights for prisoners and detainees, which was ensured by the fundamental principles of her country's legislation. She drew attention to document A/37/264, in which her delegation had set forth its position with respect to the draft Code of Medical Ethics.
6. Mr. BOUFFANDEAU (France) said that United Nations texts made it clear that torture was absolutely prohibited. His delegation would have liked a saving clause to be added to the Code of Medical Ethics stipulating that none of its provisions should be interpreted as restricting or derogating from the principles set forth in the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (General Assembly resolution 3452 (XXX)).
7. Mr. FURLAND (United Kingdom) said that his delegation endorsed the draft resolution but would have liked to have had more time to consider the text in view of the fact that it was so important and had universal scope.

AGENDA ITEM 93: INTERNATIONAL CAMPAIGN AGAINST TRAFFIC IN DRUGS: REPORT OF THE SECRETARY-GENERAL (continued) (A/C.3/37/L.78)

Draft resolution A/C.3/37/L.78 (International campaign against traffic in drugs)

8. Mr. HEPBURN (Bahamas), introducing draft resolution A/C.3/37/L.78, announced that Australia and Nigeria had joined its sponsors. Moreover, the sponsors wished to make a minor change in paragraph 4, namely, to replace the words "to grant technical and other forms of assistance" by "to continue to grant technical or other assistance".
9. Mrs. CASTRO de BARISH (Costa Rica) said that her delegation wished to join the sponsors of draft resolution A/C.3/37/L.78.
10. Mrs. DOWNING (Secretary of the Committee) said that the draft resolution had no financial implications and that Singapore and Thailand had also joined its sponsors. Moreover, the Secretariat had been informed that Peru should have been included among the original sponsors listed in the heading of the draft.
11. Draft resolution A/C.3/37/L.78 (International campaign against traffic in drugs), as orally revised, was adopted without a vote.
12. Mr. GERSHMAN (United States of America), explaining his delegation's position, observed that United Nations bodies and many Member States were already providing a great deal of assistance to countries that needed help in controlling drug abuse. Such assistance should continue, and the necessary resources should be made available at all levels. In that connection, technical assistance to Member States should be financed solely by voluntary contributions.
13. The measures set forth in the draft resolution should be implemented within the framework of the strategy and policies for drug control. Draft resolution A/C.3/37/L.5, which the Committee had adopted, provided an appropriate mechanism for that purpose. The goal in question could be achieved by using available resources, as his delegation had indicated when introducing amendment A/C.3/37/L.63. The Division of Narcotic Drugs and the Secretariat budget officials could work together to find the necessary resources for financing the projects approved.

AGENDA ITEM 12: REPORT OF THE ECONOMIC AND SOCIAL COUNCIL (continued)
(A/C.3/37/L.47, L.50, L.54/Rev.1, L.55, L.57/Rev.2, L.58/Rev.1, L.67, L.69, L.70, L.72 and L.81)

Draft resolutions A/C.3/37/L.47 and A/C.3/37/L.72 (Regional arrangements for the promotion and protection of human rights)

14. Mr. STEVENS (Belgium), introducing draft resolution A/C.3/37/L.72, said that the sponsors wished to revise paragraph 2 so that it read:

(Mr. Stevens, Belgium)

"Commends the OAU for its continuous efforts to promote the respect for the guarantees and norms of human rights and fundamental freedoms and notes with interest the African Charter of Human and People's Rights and the efforts to obtain its early entry into force".

15. Mrs. KABA (Guinea) announced that her delegation wished to join the sponsors of draft resolution A/C.3/37/L.72.

16. Mr. DERESSA (Ethiopia) asked whether consultations had been held by the Group of African States on the revision suggested by the representative of Belgium. His delegation would have no objection to the proposed new wording, but at Nairobi, on the occasion of the adoption by the OAU of the African Charter of Human and People's Rights, some delegations had made interesting suggestions and observations. It would therefore have been wise to consult the countries concerned.

17. Mr. O'DONOVAN (Ireland), referring to draft resolution A/C.3/37/L.47, said that his delegation welcomed the efforts made by the Asian and African countries in the field of the protection of human rights at the regional level and particularly appreciated the report of the Colombo Seminar on that question and the Charter adopted by the OAU.

18. Mrs. DOWNING (Secretary of the Committee) said that draft resolution A/C.3/37/L.47 had no financial implications and that Bhutan, Cyprus and Morocco had joined its sponsors. Draft resolution A/C.3/37/L.72 did not have any financial implications either and Cyprus and Mali had joined its sponsors.

19. Draft resolution A/C.3/37/L.47 (Regional Arrangements for the Promotion and Protection of Human Rights) was adopted without a vote.

20. Draft resolution A/C.3/37/L.72 (Regional arrangements for the protection of human rights), as orally revised, was adopted without a vote.

Draft resolutions A/C.3/37/L.50, A/C.3/37/L.54/Rev.1, A/C.3/37/L.55 and A/C.3/37/L.57/Rev.2 (Refugees or displaced persons in the Sudan, Somalia, Ethiopia and Djibouti)

21. Mrs. WARZAZI (Morocco), introducing the four draft resolutions, said that their sponsors wished to suggest minor revisions in draft resolutions A/C.3/37/L.54/Rev.1 and A/C.3/37/L.55. The amendments in documents A/C.3/37/L.67 and A/C.3/37/L.81 were therefore being withdrawn.

22. In draft resolution A/C.3/37/L.54/Rev.1, the fifth preambular paragraph should be replaced by "Considering the fact that the refugee problem has not yet been resolved", in the seventh preambular paragraph the word "influx" should be replaced by the word "presence", and paragraph 4 should end with the word "refugees", with everything following that word being deleted.

23. In draft resolution A/C.3/37/L.55, the word "growing" should be deleted from the fifth preambular paragraph, in paragraph 3 the words "to the large number of

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(Mrs. Warzazi, Morocco)

displaced persons and voluntary returnees" should be replaced by "to the displaced persons" and the words "the growing number of" should be deleted from paragraph 4.

24. Mrs. DOWNING (Secretary of the Committee) said that none of the four draft resolutions had any financial implications. The following countries had become sponsors: Canada, Cyprus, Kenya, Romania, Singapore, Spain and Thailand, of A/C.3/37/L.50; Canada and Sierra Leone, of A/C.3/37/L.54/Rev.1; Cape Verde and the Libyan Arab Jamhuriya, of A/C.3/37/L.55 and the Central African Republic and Upper Volta of A/C.3/37/L.57/Rev.2.

25. Mr. KABIA (Sierra Leone) announced that his delegation had become a sponsor of draft resolution A/C.3/37/L.55.

26. Draft resolution A/C.3/37/L.50 (Situation of refugees in the Sudan) was adopted without a vote.

27. Draft resolution A/C.3/37/L.54/Rev.1 (Assistance to refugees in Somalia), as orally amended, was adopted without a vote.

28. Draft resolution A/C.3/37/L.55 (Assistance to displaced persons in Ethiopia), as orally amended, was adopted without a vote.

29. Draft resolution A/C.3/37/L.57/Rev.2 (Humanitarian assistance to refugees in Djibouti) was adopted without a vote.

Draft resolution A/C.3/37/L.62 (Assistance to student refugees in southern Africa)

30. Mrs. DOWNING (Secretary of the committee) said that the draft resolution had no financial implications. As already stated, Kenya and Togo had become sponsors, as had Benin, Trinidad and Tobago and Uganda. In the English version of paragraph 7, the reference to the United Nations Educational, Scientific and Cultural Fund" should read: "United Nations Educational, Scientific and Cultural Organization".

31. Mr. DERESSA (Ethiopia) announced that his delegation wished to become a sponsor of the draft resolution.

32. Draft resolution A/C.3/37/L.62 (Assistance to student refugees in Southern Africa) was adopted without a vote.

Draft resolution A/C.3/37/L.64 (The right to education)

33. Mrs. DOWNING (Secretary of the Committee) said that the draft resolution had no financial implications. As announced previously, Gabon, Yemen and Zaire had become sponsors, as had Bolivia, Cyprus and Oman.

34. Draft resolution A/C.3/37/L.64 (The right to education) was adopted without a vote.

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Draft resolution A/C.3/37/L.69 (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)

35. Mr. SCHLEGEL (German Democratic Republic), speaking on behalf of the sponsors of the draft resolution, said that, after lengthy consultations and consideration of a large number of proposed amendments, the sponsors were willing, in a spirit of compromise, to make the following changes in the text of the draft resolution: in the third preambular paragraph, after the words "international co-operation", the addition of "in promoting and encouraging respect for human rights and for fundamental freedoms for all"; at the end of the seventh preambular paragraph, the addition of the words "and the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief"; the deletion of the ninth preambular paragraph; in the last preambular paragraph, the deletion of the clause "and that there still exist Fascist practices which jeopardize international peace and security as well as the realization of human rights and fundamental freedoms"; in paragraph 7, the replacement of the words "due attention" by "attention", the deletion of the word "Fascist" and the addition, at the end of the paragraph, of the words "and practices described in paragraph 1 above"; and the deletion of the words "as a matter of high priority" in paragraph 8.

36. As far as the last point was concerned, although the Commission on Human Rights, in decision 1982/105, had agreed to examine that question as a matter of high priority, the sponsors of the draft resolution would nevertheless not insist on retaining that wording. In return they requested the delegations which had taken part in the consultations not to insist that all the ideas which they had put forward should be taken into account.

37. Mr. DYRLUND (Denmark) pointed out that in the original text of the draft resolution the expression "proponents of fascist ideologies" appeared both in paragraph 7 and in the last preambular paragraph. Since those words had been replaced in paragraph 7 by the expression "proponents of ideologies and practices described in paragraph 1 above" the last preambular paragraph should be revised in the same way.

38. Mr. STEVENS (Belgium) proposed that, in paragraph 7, the expression "practices of the proponents" should be deleted in order to avoid repeating the word "practices".

39. Mr. SCHLEGEL (German Democratic Republic) said that he accepted that proposal. As to the proposal made by Denmark, he recalled that paragraph 7 was the only one which did not appear in the resolution adopted the previous year and that it had been drafted in the light of views expressed by delegations.

40. Mr. JOHNSON (United States of America) said that the proposal made by Denmark seemed to be justified because it improved the logic and coherence of the text. In his opinion, many other improvements might be possible. The title of the draft resolution, for example, did not accurately reflect its contents; paragraphs 1 and 8, in particular did not accord well with that title. However, in a spirit of understanding, his delegation was prepared to accept the text of the draft resolution as orally revised by the sponsors.

41. Mr. ERDOS (Hungary) said that, following the proposal made by Belgium, that put forward by Denmark served no purpose. As for the title of the draft resolution, he noted that for years the titles of the resolutions adopted by the Commission on Human Rights and by the General Assembly had been different.

42. Mrs. WARZAZI (Morocco) said that it was not possible to change the official title of the question now that the General Assembly had been seized of it. In order to do so, it would be necessary to include a provision in the draft resolution itself allowing for a change in the title at future sessions of the General Assembly.

43. Mr. DRYLUND (Denmark) said that he wished to withdraw his proposed amendment.

44. Draft resolution A/C.3/37/L.69 (Measures to be taken against Nazi, Fascist and neo-Fascist activities and other forms of totalitarian activities and practices based on racial intolerance, hatred and terror, as orally amended, was adopted without a vote.

Draft resolution A/C.3/37/L.74 (Human rights and massive exoduses)

45. Mr. BELL (Canada) announced that the Federal Republic of Germany, Ghana, and Japan had become sponsors of the draft resolution. He read out a large number of amendments which the sponsors intended to include in order to take account of the views expressed by delegations during consultations.

46. Mrs. FLOREZ (Cuba) suggested that the Group of Governmental Experts on International Co-operation to Avert New Flows of Refugees, established by General Assembly resolution 36/148, should be mentioned in paragraph 5, since it was important to be able also to benefit from the opinion of that Group of Experts, which was due to start its work in the near future. The General Assembly had just decided to enlarge the membership of that Group to ensure more equitable representation of all the regional groups.

47. Mr. KA (Senegal) observed that the Special Political Committee had recently adopted by consensus a draft resolution on international co-operation to avert new flows of refugees. That draft resolution took a preventive approach which differed from that underlying draft resolution A/C.3/37/L.74, as paragraph 4 made clear. Paragraph 5 should, in the light of paragraph 4, be interpreted as leaving unchanged the mandates of the Commission on Human Rights and the Group of Governmental Experts on International Co-operation to Avert New Flows of Refugees.

48. The CHAIRMAN suggested that the numerous oral amendments made by the representative of Canada should be communicated to delegations in writing. Delegations wishing to propose further changes should communicate them to that representative. He suggested therefore that the Committee defer its consideration of draft resolution A/C.3/37/L.74 to the following meeting.

49. It was so decided.

Draft resolution A/C.3/37/L.70 (Question of involuntary or enforced disappearances)

50. Mr. BOUFFANDEAU (France) announced that Austria and the United Kingdom had become sponsors of draft resolution A/C.3/37/L.70. In order to take account of the comments made by certain delegations, the sponsors had decided to replace the words "have the right to" by the word "should" in the fourth preambular paragraph.

51. Mrs. DOWNING (Secretary of the Committee) reported that draft resolution A/C.3/37/L.70 had no administrative or financial implications.

52. Draft resolution A/C.3/37/L.70 (Question of involuntary or enforced disappearances), as orally amended, was adopted without a vote.

Draft resolution A/C.3/37/L.58/Rev.1 (Missing persons in Cyprus)

53. Mr. SHERIFIS (Cyprus) explained that draft resolution A/C.3/37/L.58 had been revised in order to take account of the suggestions made by the representative of Yugoslavia. Operative paragraph 1 requested the Working Group on Enforced or Involuntary Disappearances of the Commission on Human Rights to help the Committee on Missing Persons in Cyprus to overcome its current procedural difficulties and to co-operate with it in order to facilitate the effective implementation of its investigative work. The Working Group's competence was not limited geographically and its terms of reference clearly allowed it to deal with the case of missing persons in Cyprus. In fact, a delegation of the Working Group had already visited Cyprus and the Working Group as a whole had given preliminary consideration to the question of missing persons in Cyprus. His delegation hoped that the Group's co-operation with the Committee on Missing Persons in Cyprus would yield the required results.

54. Operative paragraph 2 of draft resolution A/C.3/37/L.58/Rev.1 called on all parties concerned to facilitate, in a spirit of co-operation and goodwill, the necessary investigation to trace or account for all the missing persons. Effective machinery must be established without further delay so that the families of missing persons might, as was their right, be informed of the fate of their loved ones.

55. Operative paragraph 3 requested the Secretary-General to continue to provide his much needed good offices. In that connection, he wished to express gratitude to the Secretary-General who, since taking up office, had shown deep concern for the situation of missing persons in Cyprus.

56. It was not his delegation's intention to indulge in polemics: the question was too important. It simply wished to see effective machinery established so that the missing persons in Cyprus might be traced and accounted for, and believed that the draft resolution under consideration would help to achieve that objective. On behalf of the sponsors, it expressed the earnest hope that that eminently humanitarian draft would receive the overwhelming support of members of the Committee.

57. Mrs. DOWNING (Secretary of the Committee) reported that draft resolution A/C.3/37/L.58/Rev.1 had no administrative or financial implications.

58. Mr. ULUCEVIK (Turkey) recalled that there was no single government in Cyprus that represented both the Turkish and Greek communities which together were the two constituent elements of the bi-communal state of Cyprus established by international agreement in 1960. The draft resolution now before the Committee had been submitted by what was in reality the Greek Cypriot administration, without the prior consent of the Turkish Cypriot administration. The Greek Cypriot community's initiative would not therefore be binding on the Turkish Cypriot community.

59. The Committee was about to take a decision on a sensitive humanitarian issue without having been able to hear the views of the Turkish Cypriot community, whose right to a hearing had been denied due to the objections of the Greek Cypriot delegation. That was an unfortunate, legally untenable and politically unwise situation.

60. The only entity that was competent to discuss the issue of missing persons in Cyprus was the Committee on Missing Persons in Cyprus, an autonomous and intercommunal body. Its establishment, mandate and procedures did not owe their origin to any United Nations resolution but derived solely from an agreement between the Turkish Cypriot and Greek Cypriot communities. All initiatives by the Greek Cypriot side to have the question of missing persons dealt with in forums other than that Committee therefore constituted a violation of its terms of reference and of the intercommunal agreement that had made its establishment possible.

61. The first preambular paragraph of draft resolution A/C.3/37/L.58/Rev.1 referred to earlier General Assembly resolutions on the question of missing persons in Cyprus. Turkey had voted against those resolutions and continued to regard them as null and void.

62. The third preambular paragraph could lead those who were not completely familiar with the situation to believe that the Turkish Cypriot side was as much to blame as the Greek Cypriot side for the failure of the Committee on Missing Persons in Cyprus to make any progress. That Committee had been prevented from performing its task essentially because of the negative attitude of the Greek Cypriot side and the continuing boycott of its meetings by its Greek Cypriot member since 25 February 1982. Were the Greek Cypriot side to desist from its delaying tactics and refrain from internationalizing that humanitarian issue and exploiting it for propaganda purposes, the problem could be tackled seriously and expeditiously within the framework of the Committee. Both the Greek Cypriot and the Greek delegations had chosen to politicize the issue by levelling accusations against Turkey which were not only unfounded but also irrelevant to the question at hand. To refute those baseless allegations, he wished to recall that, on 19 July 1974, just four days after the Greek-engineered coup of 15 July 1974 Archbishop Makarios had informed the Security Council that the coup had caused considerable loss of human lives. His delegation maintained that the missing Greek Cypriots had in fact perished during that coup.

(Mr. Ulucevik, Turkey)

63. The sequence of events since the establishment of the Committee on Missing Persons in Cyprus made it clear that the Greek Cypriot side did not want to resolve the question of missing persons within the framework of that Committee. It had done everything to sabotage the Committee's work, going so far as to publicize confidential documents and the Committee's terms of reference. In the past year, the Greek Cypriots had taken that humanitarian issue to every conceivable forum, with one notable exception: the Committee on Missing Persons in Cyprus itself.

64. His delegation noted with regret that paragraph 1 of the draft resolution called on the Working Group on Enforced or Involuntary Disappearances of the Commission on Human Rights to assume a role in connection with the functioning of the Committee on Missing Persons in Cyprus. The terms of reference of that Committee, as well as its proceedings, were confidential, however. How then was the Working Group to help the Committee? It was up to the Committee itself to decide, within its terms of reference, how to resolve any difficulties that it might have and to do so without outside interference.

65. The Turkish Cypriot side, which had made it abundantly clear on more than one occasion that it was prepared to work in good faith to account for the missing persons in Cyprus only within the terms of reference of the Committee on Missing Persons, had informed his delegation that the draft resolution under consideration imposed formulas which contradicted the Committee's terms of reference and that it therefore did not consider itself bound by the draft resolution.

66. The most constructive contribution that the Third Committee could make to that intercommunal humanitarian problem would be to refrain from taking decisions which did not enjoy the support of both Cypriot communities. His delegation would therefore vote against the draft resolution and consider it null and void. Adoption of the draft resolution would only serve to encourage the Greek Cypriot side to become more intransigent, thereby further impeding the solution of that humanitarian issue.

67. Miss SHALHOUB (Jordan) said that her country's position had not changed since the beginning of the conflict which had taken place in Cyprus. It was based on three basic principles: first, Cyprus had an inalienable right to independence, sovereignty and territorial integrity; secondly, direct negotiations between the communities were essential, even though they had been deadlocked for years, since no problem was insurmountable if there was good will to guide the dialogue; finally, the problem of missing persons in Cyprus, one of the consequences of the 1974 war, was unacceptable. The United Nations must follow the situation until a solution had been found, with the co-operation of the two communities and through the activities of the Committee on Missing Persons in Cyprus.

68. Turning to the draft resolution under consideration, she thanked the Yugoslav delegation for revising paragraph 1 of the original text, thus making it acceptable to her delegation. She thought that that could be a way to a solution which would benefit both communities making up the Cypriot people. Her delegation would therefore vote in favour of draft resolution A/C.3/37/L.58/Rev.1.

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69. At the request of the representative of Turkey, a recorded vote was taken on the draft resolution in document A/C.3/37/L.58/Rev.1.

In favour: Afghanistan, Algeria, Angola, Argentina, Australia, Austria, Bahamas, Barbados, Belgium, Benin, Bhutan, Bolivia, Botswana, Brazil, Bulgaria, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cape Verde, Central African Republic, Colombia, Congo, Costa Rica, Cuba, Cyprus, Czechoslovakia, Democratic Yemen, Denmark, Dominican Republic, Ecuador, Egypt, Ethiopia, Fiji, Finland, France, German Democratic Republic, Germany, Federal Republic of, Greece, Guinea, Guinea-Bissau, Haiti, Hungary, Iceland, India, Ireland, Italy, Ivory Coast, Jamaica, Japan, Jordan, Kenya, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Luxembourg, Madagascar, Malawi, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Mongolia, Mozambique, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Oman, Papua New Guinea, Paraguay, Peru, Poland, Portugal, Rwanda, Sao Tome and Principe, Senegal, Sierra Leone, Spain, Sri Lanka, Suriname, Swaziland, Sweden, Syrian Arab Republic, Togo, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Cameroon, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zambia.

Against: Bangladesh, Indonesia, Malaysia, Pakistan, Turkey.

Abstaining: Canada, Chad, Gabon, Guatemala, Israel, Nepal, Niger, Philippines, Saudi Arabia, Singapore, Sudan, Thailand, Trinidad and Tobago, Tunisia, United Kingdom of Great Britain and Northern Ireland, United States of America, Upper Volta, Zaire.

70. The draft resolution A/C.3/37/L.58/Rev.1 (Missing Persons in Cyprus) was adopted by 99 votes to 5, with 18 abstentions.

Draft resolution A/C.3/37/L.76 (Summary or arbitrary executions)

71. Mrs. DOWNING (Secretary of the Committee) announced that Cyprus, Norway, Portugal and Sweden had become sponsors of the draft resolution. She added that the draft had no administrative or budgetary implications.

72. Draft resolution A/C.3/37/L.76 (Summary or arbitrary executions) was adopted without a vote.

Draft resolutions A/C.3/37/L.53, L.68, L.75 and L.77 (Situation of human rights and fundamental freedoms in Chile, Guatemala and El Salvador)

73. After a procedural discussion, the CHAIRMAN invited delegations to explain their position on the draft resolutions before the Committee and said that they could include in a single statement their comments on the different questions under consideration.

74. Mr. FURSLAND (United Kingdom) said that his delegation had always voted in favour of General Assembly resolutions on Chile but was concerned by the tendency to demand from that country a great deal more than was ordinarily expected of the other Member States. Thus, it felt that draft resolution A/C.3/37/L.53 was very unbalanced. However, it seemed difficult to bring it closer into line with the more acceptable draft resolution A/C.3/37/L.68 without sweeping amendments. Nevertheless, his delegation proposed that paragraph 12 should be changed by introducing the corresponding language of draft resolution A/C.3/37/L.68, so that it would read:

"12. Requests the Commission on Human Rights at its thirty-ninth session to study thoroughly the report of the Special Rapporteur with a view to taking the most appropriate steps and report on its consideration through the Economic and Social Council to the General Assembly at its thirty-eighth session".

His delegation also proposed the deletion of paragraph 13.

75. The advantage of those changes would be to bring the draft resolution on Chile into line with those on Guatemala and El Salvador. Furthermore, it should not be forgotten that the Special Rapporteur had been appointed by the Commission on Human Rights and that his report should be submitted to that body. The proposed amendment did not prejudice the decisions which the Commission on Human Rights would take, and avoided a discussion on appropriateness of the Rapporteur's role, which, as was well known, was the subject of controversy.

76. Mr. RUIZ-CAVANAs (Mexico) said that draft resolution A/C.3/37/L.53 was the product of extensive consultations among delegations that could not share the views of the sponsors of the other draft resolution on Chile. Since the positions were virtually fixed, there seemed to be no point in reopening the discussion. After consulting the other sponsors, his delegation regretfully rejected the amendment proposed by the United Kingdom. The General Assembly included all States Members of the United Nations, and he could not see why its authority should not prevail over that of the Commission on Human Rights, the composition of which was more limited.

77. Mr. ALBORNOZ (Ecuador) considered that the issue raised by the situation of human rights in Chile concerned the basic principles of modern international law and went beyond political considerations. Ecuador supported all efforts to defend human rights throughout the world, precisely in order to ensure their universality. That principle had been put into practice in the 1980 Riobamba Charter, which defined joint action by States without violating the principle of non-interference.

78. Because of the great importance of human rights for the dignity of individuals and States, Ecuador had always adhered to three principles. The first was that it was essential to maintain the universality of human rights, to which there were no political exceptions, and to avoid ignoring in some countries what was criticized in others. That guaranteed the validity and impartiality of the system.

(Mr. Albornoz, Ecuador)

Therefore, Ecuador had always maintained that the United Nations must publish an annual report on the observance of human rights in each Member State. The second principle was that all countries that criticized the situation of human rights in neighbouring countries should inform the various United Nations bodies of the observance of the same rights in their own territories. The third principle was that Ecuador scrupulously respected human rights, as required by its Constitution, its law and its traditions, regardless the vicissitudes of its history, particularly from the point of view of press freedom and the free exercise of the profession of journalism.

79. In that light, Ecuador expressed the hope that human rights would be respected and guaranteed in Chile, and that that situation would not be exploited politically for purposes that were not in accordance with the aims of the Charter and the universal Declaration of Human Rights. It would therefore abstain on draft resolutions A/C.3/37/L.53 and L.78, and on the amendment just proposed by the United Kingdom.

80. Turning to draft resolution A/C.3/37/L.75, which concerned the situation of human rights and fundamental freedoms in Guatemala, he said that, for the same reasons, his delegation would abstain in the vote.

81. With respect to draft resolution A/C.3/37/L.77, concerning the situation of human rights and fundamental freedoms in El Salvador, he said that he could not accept the first, second, third, fourth and seventh preambular paragraphs or operative paragraphs 2, 6, 8 and 11 to 14, since he did not accept the judgements, the wording or the unilateral nature of certain implications in them. His delegation would also abstain in the vote on that draft.

The meeting rose at 9.30 p.m.