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SUMMARY RECORD OF THE 67th MEETING

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Chairman: Mr. CHAVANAVIRAJ (Thailand)

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

AGENDA ITEM 12: REPORT OF THE ECONOMIC AND SOCIAL COUNCIL (continued) (A/38/3 (Parts I and II), A/38/106, 147 and Add.1 and 2, A/38/166 and Add.1, 2 and 3, A/38/221, 270, 325, 385 and Add.1, A/38/422, 479, 480, 485, 503, 529, 538; A/C.3/38/1, 3, 5, 8, 11, 12; A/C.3/38/L.37/Rev.2, L.43/Rev.2, L.44, L.45, L.47, L.48, L.51/Rev.1, L.54, L.56, L.57, L.58, L.59, L.60, L.61, L.62, L.63).

1. Mr. ARTACHO (Spain) said that the goals of the Universal Declaration of Human Rights, whose thirty-fifth anniversary the international community was about to celebrate, were far from being achieved and it was more necessary than ever to continue the common struggle to safeguard human dignity.
2. The previous year his Government had solemnly reaffirmed its commitment to focus all its decisions on the protection of human rights, which had naturally prompted it to submit its candidacy for Membership on the Commission on Human Rights.
3. At its thirty-ninth session, the Commission, of which Spain had just become a member, had decided to extend for one year the mandate of the Working Group on Enforced or Involuntary Disappearances (Commission resolution 1983/20), and the Economic and Social Council had endorsed that decision. His delegation was a sponsor of the draft resolution dealing with that question that was before the Committee at the current session.
4. Unlike the General Assembly, whose human rights activities were vitiated by its selectiveness, the Commission on Human Rights had shown that it was determined to consider human rights violations, wherever they might occur. His Government welcomed that approach in view of the fact that, although all States had the same rights and prerogatives, they also had the same duties, including the obligation to respect human rights and fundamental freedoms.
5. Moreover, his delegation believed that the United Nations had full competence to consider the protection of human rights and that its intervention in that area could not be regarded as interference in the internal affairs of States under Article 2, paragraph 7, of the Charter, as the Minister for Foreign Affairs of Spain had in fact pointed out to the General Assembly.
6. Only three of the instances of human rights violations considered by the Commission on Human Rights were dealt with in reports to the General Assembly, and the three cases in question involved Latin American countries.
7. While reiterating its reservations with regard to what it viewed as a selective procedure, his delegation wished to make it clear that what happened in the Latin American countries was a matter of great concern to the Government of Spain and the Spanish people. Spain had therefore been delighted to note the incipient return to democracy in a number of South American countries, particularly Argentina.

(Mr. Artacho, Spain)

8. His delegation welcomed the reports of the Special Rapporteurs on the human rights situation in Chile and Guatemala, as well as the report of the Special Representative of the Commission on Human Rights on the human rights situation in El Salvador. The objectivity of the information assembled, the balanced description of situations and the impartiality of the conclusions drawn meant that the reports in question were particularly valuable for consideration of the human rights situation, and the Governments of El Salvador and Guatemala were to be commended for the positive attitude they had displayed in that connection.

9. With regard to document A/38/385 and Add.1, containing the report prepared by the Special Rapporteur on the situation of human rights in Chile, it was regrettable that the Government of Chile had not considered it necessary to co-operate with the Special Rapporteur, whose mandate had been established on the basis of the Commission's powers, as indicated in paragraph 10 of the report in question, and not, as the Chilean authorities claimed, on the basis of Economic and Social Council resolution 1503.

10. It was disturbing to note that no progress was being made in Chile towards restoring democratic government. The fact that the current situation was persisting had given rise to growing unrest, which had been brutally suppressed each time it had led to public demonstrations. Since there was no adequate legislation, the Constitutional Court's role was extremely limited. The proclamation of the "state of danger of disturbance of internal peace" had put an end to any hope generated by the non-extension of the state of emergency. Furthermore, the Government had refused to recognize the recently established Democratic Alliance as a valid interlocutor. The only positive note was that the number of people permitted to return to the country had increased. On the other hand, many people had died as a result of violent clashes with the security forces, instances of abuse of authority, intimidation, torture and ill-treatment by the security services were frequent, and 635 people had disappeared after they had been arrested.

11. It was essential to restore the jurisdiction of the civil courts in Chile, to lift the restrictions on freedom of opinion and information and to restore civil liberties in general, particularly the rights of assembly and association.

12. With regard to document A/38/485, containing the report by Lord Colville on the situation of human rights in Guatemala, his delegation was unable to endorse the statements in the report regarding the political activities of a number of clergymen in Quiché Province. According to the information at the disposal of the Government of Spain, the clergymen in question had not been deported. They had been forced to leave the region following the murder of a clergyman. His delegation also had serious reservations with regard to the supposed advantages to be derived by the indigenous population from being transferred to protected or "model" villages, owing to the resulting restrictions on the right to freedom of movement and the freedom to choose one's place of residence, as well as regarding the establishment of civil patrols.

/...

(Mr. Artacho, Spain)

13. The Government of Guatemala must also take steps to cancel out the effects of the special tribunals, which had now been abolished, and take specific action to prepare for elections. Although it might not agree with some of the conclusions drawn by the Special Rapporteur, his delegation did endorse the recommendations in paragraph 140 of the report, particularly the recommendation that the Supreme Electoral Tribunal should be enabled to move ahead with the electoral process, and paragraph 141, which emphasized the need to respect the fundamental right to life.

14. His delegation believed that, in considering the human rights situation in Guatemala, the Commission on Human Rights should take account of information from other sources, particularly the Inter-American Commission on Human Rights and the Guatemalan commission on human rights.

15. With regard to the situation of human rights in El Salvador, which was dealt with in document A/38/503, his delegation was pleased to note some encouraging signs, particularly the establishment of a (governmental) commission on human rights, the promulgation of the Amnesty Act and the beginning of a dialogue with the opposition, in accordance with the recommendation made by the Special Representative. Such contacts were essential in order to guarantee that the electoral process took place smoothly in the first quarter of 1984, as scheduled.

16. Unfortunately, whereas those few events seemed to indicate that the situation had improved, that was contradicted by the alarming number of murders of non-combatants, the arbitrary executions attributed to the armed forces and to paramilitary groups and the massacres such as those perpetrated by the army in the canton of "las Hojas" and on the road to San Luis de Mariona.

17. His delegation was particularly concerned at the murder of Mrs. Marianela García Villas, chairman of the Human Rights Commission of El Salvador (non-governmental), under circumstances which had still not been clarified. It was essential that the Special Representative should seek to throw light on that case.

18. The passiveness of the courts in the face of the human rights violations was particularly disquieting. It was essential that judges should be able to do their duty without being threatened.

19. He endorsed the recommendations of the Special Representative and agreed with him that only a negotiated peace could end the Salvadorian conflict.

20. Finally, he said that the mandate of the Special Rapporteurs on the situation of human rights in Chile and in Guatemala and that of the Special Representative of the Commission on Human Rights on the situation of human rights in El Salvador should be renewed for one year. He earnestly hoped that the restoration of democracy in those countries would make such a measure unnecessary and would put an end to the critical situations which resulted in a flow of refugees and political exiles, many of whom had found refuge in Spain. In that constructive spirit his delegation had co-sponsored the draft resolutions on the subject of the situation of human rights and fundamental freedoms in the three countries which were the subject of the above-mentioned reports.

21. Mr. GUMUCIO-GRANIER (Bolivia) said he was pleased to take the floor in the Third Committee in the debate on the human rights situation as representative of a Government which rightly prided itself on having fully restored democratic freedom in Bolivia, as had been recognized by the Commission on Human Rights and that prestigious non-governmental organization, Amnesty International, in its last report of 1983.

22. He noted with satisfaction that other countries in South America were in turn embarking on the path of democracy. In a few days Argentina would have a government elected freely by the people. As for Uruguay, the Uruguayan Minister for Foreign Affairs had stated in the General Assembly, in October, that his Government intended to organize general elections in November 1984.

23. In that context his delegation attached great importance to the three reports concerning Latin American countries currently before the Third Committee.

24. He noted that the situation in El Salvador remained critical and that the social reforms needed to create a genuine climate of peace were not proceeding as quickly as had been hoped. The evident desire of the Salvadorian authorities to improve the human rights situation was encouraging. However, respect for such rights required for the restoration of civil peace and, in that connection, he fully supported the recommendation of the Special Representative that a dialogue should be opened between the Government and the opposition.

25. He realized that, given the limited time available to him, the Special Rapporteur had not been able to consider all aspects of the the human rights situation in Guatemala, in detail. He had, however, drawn attention to a series of measures taken by the Guatemalan Government which it was to be hoped would produce positive results.

26. On the other hand the Bolivian Government deplored the failure of the Government of Chile to co-operate with the Special Rapporteur on the situation of human rights in Chile. Noting that, on 15 February 1983, the Secretary-General had pledged in the Commission on Human Rights to give priority to the protection of human rights throughout the world, he wondered whether some form of collaboration between the Secretary-General and the Commission on Human Rights and the Special Rapporteur might not be considered.

27. It was clear from the Special Rapporteur's report that legal guarantees in Chile, particularly the right of amparo (habeas corpus), were extremely precarious and that the Chilean people continued to be denied the right to exercise trade union rights freely. It was also very important that Chilean exiles be authorized to return to their country. His delegation had none the less noted, in the statement made by the Permanent Representative of Chile to the Third Committee on 11 November, certain signs favourable to the restoration of political dialogue and of democratic life.

28. It was worth pointing out that, although his Government supported the efforts being made by the international community to ensure observance of the principles

(Mr. Gumucio-Granier, Bolivia)

enshrined in the Charter and in all the instruments concerning human rights, that support reflected a moral concern rather than a desire to intervene in the internal affairs of other States. He also drew attention to the fact that certain Latin American countries were being subjected to detailed examination in the area of human rights while no account was taken of human rights violations in other regions of the world. It was incumbent on the international community to ensure that human rights were respected throughout the world irrespective of geographical, political or economic considerations.

29. It must not be forgotten that human rights violations often took place on the occasion of popular protests which were triggered by unbearable economic and social conditions. The developed countries were directly responsible for that unjust economic order and were therefore also indirectly responsible for those violations. The developed countries instead of supporting resolutions should first meet their obligations - in other words they should raise the prices of products originating in the developed countries, lower bank interest rates and contribute to the establishment of a more just international economic order. That was the principal contribution which the Latin American countries expected from the developed countries.

30. He hoped that the crises prevailing in the three countries on which reports had been prepared would be overcome, with the determination of their populations and he thanked the Commission on Human Rights for its work, the importance of which could not be denied.

31. Mr. MOREIRA LOPEZ (Guatemala), referring to draft resolution A/C.3/38/L.57, said that the Special Rapporteur, in his report issued as document A/38/485 and the statement he had made to the Third Committee, had objectively described the human rights situation in Guatemala, drawing attention to both the positive and negative features he had come across, and had made certain recommendations on the kind of solutions that would gradually enable the Guatemalan Government to overcome the crisis. The Third Committee, in appointing a Special Rapporteur, and the Guatemalan Government, in accepting the nomination, had intended to dispel the remaining doubts about the human rights situation in Guatemala, which had been raised by the lies spread internationally by certain interested parties. His Government had co-operated fully with the Special Rapporteur, who had been given every facility for carrying out his mission and had been able to move freely throughout the country and, thanks to the co-operation of the Mexican Government, cross into Mexican territory. His Government had hoped that international public opinion would thus learn the true facts and the reasons for the violence in his country.

32. His delegation therefore deeply regretted the fact that some delegations had chosen to pay no heed to the Special Rapporteur's report, thus weakening the mandate given to the Special Rapporteur by the Commission on Human Rights at its thirty-ninth session. It was interesting, for example, that in his statement on Guatemala the French representative had paid no heed to the Special Rapporteur's report, believing that the Committee could rely on the reports of the OAS

(Mr. Moreira Lopez, Guatemala)

Inter-American Commission on Human Rights and the International Federation for Human Rights for its consideration of the situation in Guatemala, although he knew that they could not under any circumstances take precedence of the report of the Special Rapporteur appointed by the United Nations who, in the Guatemalan Government's view, was the only person who could give valid information on the situation in Guatemala. His delegation once again deplored such unconstructive statements and the hypocritical way people tried to belittle the importance of the Special Rapporteur's mission. If the report had been 100 per cent unfavourable to Guatemala, people would very likely have been quick to use it to reprove the country for failing to respect human rights as it was supposed to. But as the report was less unfavourable than certain delegations had hoped, they no longer wished to take it into account, leaving one wondering why a Special Rapporteur had been appointed.

33. The delegations of some European countries had referred to, and criticized, the human rights situation in various parts of the world. But there were resolutions on only three Latin American countries, and small countries at that. Such an attitude was evidently due, as a recent article in The New York Times confirmed, to political, commercial or military considerations, or might also be motivated by fear. What moral value could one ascribe to resolutions by the Third Committee if they stemmed from a partial and partisan attitude? Respect for human rights ought to begin with respect for the elementary right of each country to be treated impartially and on an equal footing; if that principle was not respected, the resolutions adopted would have no moral worth.

34. In relation to the fourth preambular paragraph, he categorically denied that there existed in his country an armed conflict of a non-international character. The assertion was unacceptable, for it was based on resolution 1983/12 adopted by the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its thirty-fifth session. The Sub-Commission had adopted the resolution without taking any account of the notes from the Permanent Representative of Guatemala in Geneva, dated 8 August and 5 September 1983, calling on it, for the sake of objectivity, to await the conclusions of the Special Rapporteur on the situation of human rights in Guatemala before taking a decision. His Government, moreover, had not been allowed to express its point of view during the Sub-Commission's debate. Guatemala was having to contend with a subversive campaign directed and supported politically, militarily and financially from abroad by groups which, using the poverty, the poor distribution of wealth and the shortcomings in the educational system and health services as an excuse, were seeking to take power by force. The subversives were resorting to armed struggle, murder, kidnappings, extortion and terrorism and had gone so far as to use uniforms similar to those worn by the Guatemalan army and other units in the security forces so as to commit criminal acts and lay the blame at the Government's door.

35. Guatemala was not the only country facing violence; there were many other democratic countries where an aggressive, fanatical minority was trying to change the economic structure by force and impose its will on the people without consulting them. Allowance must be made for the circumstances prevailing in

(Mr. Moreira Lopez, Guatemala)

countries threatened by subversion and for the strife in which, willy-nilly, they were involved, if the human rights situation was to be analysed objectively.

36. In relation to operative paragraphs 4 and 8, his delegation wished once again to stress that the special tribunals had been abolished on 1 September 1983 and pending cases referred back to the ordinary courts. Moreover, no one tried during the existence of the special tribunals had disappeared, and in many cases the case had been dropped and the suspects released. For reasons already stated, his delegation also rejected operative paragraphs 1, 2, 3 and 5, which again were not in keeping with the conclusions of the Special Rapporteur on the situation of human rights in Guatemala. It equally categorically rejected the appeal to the Guatemalan Government, in operative paragraph 6 to allow international humanitarian organizations to render their assistance in investigating the fate of persons who had disappeared and to bring assistance to the civilian population in areas of conflict; the Guatemalan Government had already authorized representatives of such organizations and groups to take note of developments in the country's internal situation personally and on the spot. An invitation had been sent to the Special Rapporteur on Displaced Persons and the United Nations High Commissioner for Refugees, and contacts had been established with the International Committee of the Red Cross in Geneva. His delegation accordingly felt that the paragraph concerned was incomplete and did not reflect the true situation, still less his Government's willingness to co-operate with international humanitarian organizations.

37. His Government therefore rejected the draft resolution contained in document A/C.3/38/L.57, which was partial, selective and paid no heed to the report of the Special Rapporteur; it would follow developments in the situation closely.

38. Mr. FLORES-BERMUDEZ (Honduras), speaking in exercise of the right of reply, said he was surprised at the criticism of the human rights situation in Honduras voiced by the Netherlands, a friendly, democratic country which his Government had always kept informed of its efforts to strengthen the rule of democracy and promote fundamental freedoms and civil, political, economic, social and cultural rights.

39. His country now had a civilian Government, brought to power by the people in completely free elections which had won praise from the international community. It had opened its borders to more than 40,000 refugees from various States in the region, which it was providing with humanitarian assistance in close collaboration with the Office of the United Nations High Commissioner for Refugees, various international aid institutions and a number of groups that had formed spontaneously within the country. Owing to its democratic and pluralist system of government, the country had managed to establish democratic institutions, enhance the rights of workers, promote trade unionism, carry out an agrarian reform, accord special privileges to the teaching profession, allow the establishment of associations of all kinds, respect the freedom of the press and the freedom to establish political associations. Hence, there were, for the moment, no Honduran refugees anywhere in the world.

(Mr. Flores-Bermudez, Honduras)

40. As the Honduran Minister for Foreign Affairs had declared in the General Assembly during the general debate, Honduras was endeavouring to defend and promote the rights inherent in human dignity, as shown by the efforts it had undertaken to improve the judicial system for protecting those rights and by the recent establishment of a parliamentary commission representing all political parties to oversee the effective application of constitutional guarantees.

41. When the General Assembly had adopted the resolution on the situation in Central America, his delegation had explained that it had joined the consensus even though the resolution did not take account of what was stated in the Document of Objectives regarding the commitment to respect and guarantee the exercise of civil, economic, social, religious and cultural rights. The resolution also failed to mention the situation of the ethnic minorities that had had to flee because of the violation of their most elementary rights. Nor was any reference made in the resolution to what was stated in the Document of Objectives regarding the obligation to promote national reconciliation in the Central American countries, where the populations were deeply divided, in order to permit the people to participate legally in the democratic process. The resolution was also silent on the need to continue to assist Central American refugees, such as the thousands of Nicaraguans currently in Honduras, and at the same time to work in conjunction with the United Nations High Commissioner for Refugees towards their voluntary repatriation.

42. Honduran legislation, like the many international treaties to which Honduras was a party, emphasized the inviolable dignity of the individual and proscribed any form of arbitrary arrest, torture, forced disappearance and illegal execution. His delegation was therefore surprised that its Government was being accused of tolerating such acts. If acts of that type did take place in exceptional cases, their perpetrators were always punished to the full extent of the law.

43. He was unaware that certain hostile ideological camps were seeking to obstruct his country's current democratic process by daily accusing it of supposed violations of human rights. But those who made such accusations had never substantiated their assertions with the least proof; consequently, his Government rejected all such accusations.

44. Mr. ARCILLA (Philippines), speaking in exercise of the right of reply, protested against the fact that the representative of Sweden had seen fit to mention a report of Amnesty International as proof that the Philippines did not respect human rights. The figures he had cited at the 63rd meeting made it clear that his Government was doing everything possible to punish any human-rights violations occurring in Philippine territory, as it was committed to do, and that it intended to apply the law.

45. Mr. DIALLO (Guinea), speaking in exercise of the right of reply, said that he categorically rejected the statements of the representative of Sweden regarding the existence of political prisoners in Guinea. The accusation made by Sweden was in fact part of a campaign of defamation and denigration that imperialist circles had

(Mr. Diallo, Guinea)

been conducting against Guinea for more than 20 years. Those circles had never forgiven Guinea for having revealed neo-colonial power for what it was and had even charged that Guineans were agents of Moscow in Africa. Having failed in that campaign - for Guinea was and would remain a revolutionary socialist country - those same circles, taking advantage of the aggression organized by the imperialists and the Portuguese in November 1970 and the measures taken by the Guinean people in self-defence, had unleashed a global campaign against Guinea on the pretext that it was not observing human rights. The fact was that a United Nations mission sent in November 1970 to investigate the extent of the Portuguese aggression and Western complicity in it had questioned political prisoners and thus learned from the mouths of those aggressors themselves the extent to which they had been abetted by Guinean nationals. OAU had condemned the aggression in the course of an extraordinary session of its Council of Ministers held at Lagos, Nigeria, in December 1970 and had asked Guinea to mete out exemplary punishment to the mercenaries and their accomplices. All those implicated had been formally tried, and a White Paper on the subject had been issued in 1971. As for the supposed disappearances of political prisoners, at issue was a campaign orchestrated against Guinea by a handful of young European women whose husbands, all Guineans, had had a hand in the aggression against the people of Guinea. Explanations had been given on the matter by the most authoritative sources. However, if the representative of Sweden was interested in knowing more about the institutions of the Guinean people and the manner in which human rights were observed in Guinea, especially the right of peoples, the authorities of Guinea were at his disposal not only at New York but also at Conakry.

46. It should be understood that in his country a person caught in possession of weapons or convicted of active complicity with the imperialist forces of destabilization could not hope to escape from the law.

47. Mr. NABIEL (Afghanistan), speaking in exercise of the right of reply, expressed his indignation at the slanderous allegations made by certain delegations regarding the human-rights situation in Afghanistan. The promotion and protection of human rights in Afghanistan stemmed from the very nature of the Afghan revolution, party and régime. Delegations of many international organizations had come to the country, where they had visited prisons and had spoken in private with the prisoners. Most of them had ascertained to their satisfaction that the Afghan authorities were treating prisoners in a very humane way. His delegation categorically rejected the allegation put forward by the representative of the Netherlands that the Afghan Government was carrying out a policy of systematic incarceration without trial of all those whom it considered its political opponents. The representative of the Netherlands was himself aware that that was not true, since he had gone on to say that when trials did take place, they did not conform to internationally established minimum standards. That could only mean that the accused were actually brought to trial. In fact, no one was imprisoned in Afghanistan except after conviction by a competent court.

48. It came as a surprise that the States which belonged to aggressive military blocs and, with their collaborators, were the main cause of the terrorist

(Mr. Nabil, Afghanistan)

activities and the undeclared war unleashed against Afghanistan as well as of the violations of the fundamental rights of the Afghan people, were seeking to blame the Afghan Government for their own crimes. The bandits described in imperialist and reactionary propaganda as "popular insurgents", "defenders of the people of Afghanistan", or "freedom fighters" were seeking to create an atmosphere of terror by committing atrocities. They were criminals who deserved to be punished.

49. The Netherlands delegation had asserted that the destruction of the harvest by the armed forces was another example of the brutal repression practised in Afghanistan. It was true that the harvest had been destroyed on many occasions, but that had been done by those whom the representative of the Netherlands called "political opponents", that is by the terrorists and bandits who were being armed and financed by many Western countries, perhaps even by the Netherlands.

50. The real attitude of the Netherlands towards the Afghan people could be judged by the fact that it had terminated, in the very first days of the triumph of the revolution of April 1978, the assistance it had previously given Afghanistan to combat illicit drug traffic and abuse. Indeed, many other Western countries had done the same. Those champions of human rights had remained silent when the Afghan people had been suffering under despotic régimes before the triumph of the revolution. They had never raised their voices against the imprisonment, torture and murder of democratic forces by those régimes, which had been steeped in corruption and had maintained ties with international imperialism. They had done their utmost to preserve the feudal system. They had never protested because those régimes had been to their liking and had collaborated with certain Western countries in plundering the wealth of Afghanistan through transnational corporations and their agents.

51. One representative had said that the Afghans living temporarily abroad had been forced to leave Afghanistan. Not a single Afghan had been forced by the Afghan Government to leave the country. Apart from criminals and those who had fled because they could no longer exploit the Afghan people, those who had left had been misled by counter-revolutionaries who had encouraged them to leave in the hope of destabilizing the country. His Government had issued a general amnesty for all those who returned to the country to help build a new progressive Afghanistan.

52. The Government of Afghanistan hoped that the Western countries would show good will and would agree to conclude a mutually profitable agreement with the Democratic Republic of Afghanistan with a view to improving the situation in the country. He doubted very much, however, that that was what those countries wished; had not Lord Carrington said in connection with Afghanistan: "The pot must be kept boiling"?

53. The CHAIRMAN invited the Committee to decide on a number of draft resolutions concerning agenda item 12.

Draft resolutions A/C.3/38/L.37/Rev.2, L.43/Rev.2, L.47 and L.51/Rev.1

54. Mrs. WARZAZI (Morocco), followed by Mrs. LUANGHY (Zaire), requested that the draft resolutions, all four of which concerned the problem of refugees or displaced persons in various African countries, should be considered together, as on previous occasions.

55. The CHAIRMAN said that if there was no objection, he would take it that the Committee wished to adopt that procedure.

56. It was so decided.

57. Mrs. DOWNING (Secretary of the Committee) said that Iraq had joined the sponsors of draft resolution A/C.3/38/L.37/Rev.2, which had no financial implications; no revision of the text had been communicated to her office.

58. Saudi Arabia had also become a sponsor of draft resolution A/C.3/38/L.43/Rev.2, which had no financial implications; no correction or revision of the text had been communicated to her office.

59. Australia, Cape Verde and the Ivory Coast, followed by Bangladesh, had joined the sponsors of draft resolution A/C.3/38/L.47, which had no financial implications; no amendment to the text had been communicated to her office.

60. Bangladesh had joined the sponsors of draft resolution A/C.3/38/L.51/Rev.1, which had no financial implications; no correction or revision of the text had been communicated to her office.

61. At the suggestion of the Chairman, draft resolutions A/C.3/38/L.37/Rev.2, A/C.3/38/L.43/Rev.2, A/C.3/38/L.47 and A/C.3/38/L.51/Rev.1 were adopted without a vote.

Draft resolution A/C.3/38/L.44

62. Mrs. DOWNING (Secretary of the Committee) said that Costa Rica had joined the sponsors of the draft resolution under consideration, which had no financial implications, and that no correction or revision of the text had been communicated to her office.

63. At the suggestion of the Chairman, draft resolution A/C.3/38/L.44 was adopted without a vote.

Draft resolution A/C.3/38/L.45

64. Mrs. DOWNING (Secretary of the Committee) said that Iraq and Costa Rica had joined the sponsors of the draft resolution under consideration, which had no financial implications. The sponsors of the draft had made the following change in the text: in paragraph 5, the phrase "as a matter of priority" should be added

(Mrs. Downing)

after the words "initiate and continue". She drew attention to a typographical error in the English text of paragraph 9.

65. At the suggestion of the Chairman, draft resolution A/C.3/38/L.45 as amended, was adopted without a vote.

Draft resolution A/C.3/38/L.48*

66. Mrs. DOWNING (Secretary of the Committee) said that Colombia, Cyprus and the Netherlands had joined the sponsors of the draft resolution, which had no financial implications; no correction or revision of the text had been communicated to her office.

67. Mrs. WARZAZI (Morocco) said that her country wished to join in sponsoring the draft resolution.

68. At the suggestion of the Chairman, draft resolution A/C.3/38/L.48* was adopted without a vote.

Draft resolution A/C.3/38/L.54

69. Mr. SECKA (Gambia) and Mr. COLE (Sierra Leone) said that their countries had joined the sponsors of the draft resolution.

70. Mrs. DOWNING (Secretary of the Committee) said that Angola, Ethiopia, Ghana, Morocco, Somalia and Swaziland, followed by the Congo and Senegal, had also joined the sponsors of the draft resolution under consideration, which had no financial implications.

71. The sponsors had made the following changes in the text: in paragraph 7, the words "Further appeals to" in the first line should be replaced by the words "Further urges"; in the second line of the French text of paragraph 7, the words "pour qu'ils fournissent" should be replaced by the words "de fournir"; and paragraph 10 should begin: "Requests the United Nations High Commissioner for Refugees, in co-operation with the Secretary-General, to continue to keep the matter under review, to apprise the the Economic and Social Council ...", the remainder being unchanged.

72. At the suggestion of the Chairman, draft resolution A/C.3/38/L.54 as amended, was adopted without a vote.

Draft resolution A/C.3/38/L.56

73. Mrs. DOWNING (Secretary of the Committee) said that Italy, Morocco and Portugal had joined the sponsors of the draft resolution, which had no financial implications; no correction or revision had been communicated to her office.

74. At the suggestion of the Chairman, draft resolution A/C.3/38/L.56 was adopted without a vote.

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Draft resolution A/C.3/38/L.58*

75. Mrs. DOWNING (Secretary of the Committee) reminded the Committee that Gambia had become a sponsor of the draft resolution, which had no financial implications. The sponsors had amended the text by eliminating the words "promotion and" from the title of the draft resolution.

76. On the proposal of the Chairman, draft resolution A/C.3/38/L.58*, as amended, was adopted without a vote.

Draft resolution A/C.3/38/L.59

77. Mr. SCHLEGEL (German Democratic Republic), speaking as a sponsor of the draft resolution, said that, following consultations with the representative of the Netherlands, certain amendments had been made to the text.

78. In paragraph 7, after the words "The International Convention on the Elimination of All Forms of Racial Discrimination" the words "and to consider" should be inserted.

79. In paragraph 9, the phrase "victory over nazism and fascism in the Second World War, and to the actions taken by the United Nations to combat these evils;" should be replaced by the words "conclusion of the Second World War, exposing the ideologies and practices described in operative paragraph 1 above;".

80. He hoped that the Committee would be prepared to accept the text as amended and to adopt it without a vote.

81. Mrs. DOWNING (Secretary of the Committee) reminded the Committee that Iraq had become a sponsor of the draft resolution which had no financial implications. She then read out the amendments which the representative of the German Democratic Republic had proposed.

82. Mrs. WARZAZI (Morocco), referring to the proposed amendment to paragraph 7, was of the view that the words "accession to" should be inserted after "and to consider".

83. Mr. OGURTSOV (Byelorussian Soviet Socialist Republic) endorsed the suggestion of the representative of Morocco. The expression "to consider" a convention had no meaning in Russian; the purpose of such consideration must be specified.

84. Mr. HAMER (Netherlands) said that during the consultations he had had with the representative of the German Democratic Republic, it had been his understanding that the latter was speaking on behalf of the sponsors of the draft resolution, including the representative of the Byelorussian Soviet Socialist Republic, and that he himself had been acting on behalf of a number of other delegations. Therefore, the agreement reached between the two delegations at the end of their consultations regarding the wording of the text presumably reflected the wishes of the largest number.

85. Mrs. WARZAZI (Morocco) withdrew her suggestion for the reasons given by the representative of the Netherlands.

86. Mrs. FLOREZ (Cuba) said that in the Spanish version too, paragraph 7 as amended by the representative of the German Democratic Republic was meaningless and she therefore considered that another wording must be found to convey what the sponsors had in mind.

87. Mr. AL-DOSARI (Bahrain) said that the same was true of the Arabic text. The question arose as to whether such an amendment might express a new idea.

88. Mr. NOMAN (Yemen) supported the representative of Bahrain and expressed the hope that the Secretariat of the Committee would review the text of paragraph 7 in order to harmonize it with what delegations had agreed on.

89. Mr. LUNGU (Zambia) said it was his understanding that, in its original form, paragraph 7 requested States to ratify or accede to all the conventions mentioned. He feared that the addition of the words "and to consider" before "the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity, and the International Convention on the Suppression and Punishment of the Crime of Apartheid" might change the whole thrust of the paragraph. He requested the representative of the Netherlands to clarify that point.

90. Mr. HAMER (Netherlands) explained that the amendment to paragraph 7 meant that an appeal was being addressed to all States to consider both the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity and the International Convention on the Suppression and Punishment of the Crime of Apartheid.

91. Mr. CHIKETA (Zimbabwe), noting the seriousness of the crime of apartheid, proposed that the words "the International Convention on the Suppression and Punishment of the Crime of Apartheid" should be inserted between the words "the International Convention on the Elimination of All Forms of Racial Discrimination" and the phrase "and to consider", which would then be followed only by the words "the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity".

92. Mr. BELL (Canada) said that draft resolutions dealing with important issues almost invariably led to differences of opinion regarding their approach. Such was the case with the draft resolution under consideration. It had not been easy to reach a text which would meet with general approval. The wording of paragraph 7 as amended, while perhaps not elegant, was not particularly obscure. He therefore appealed to delegations not to insist on making further amendments to the text that might destroy the consensus which had been achieved.

93. The CHAIRMAN supported the representative of Canada and joined in the latter's appeal.

94. Mr. LUNGU (Zambia) said that he fully understood the concern expressed by the representative of Canada and by the Chairman but wished to make it clear that in his view there was nothing wrong with the text of paragraph 7 as originally worded. The representative of Canada and the Chairman, for their part, would also understand the feelings of a number of delegations with regard to apartheid. In his view, the proposal of Zimbabwe would solve the problem which had arisen in connection with the proposed amendment.

95. Mr. SCHLEGEL (German Democratic Republic) said he was aware that the amendment to paragraph 7 did not entirely satisfy any delegation. He nevertheless invited members of the Committee to accept it because it represented a compromise solution.

96. Mr. AIDARA (Senegal), speaking on a point of order, proposed that, in view of the great difficulties raised by the proposed amendment, the discussion on the draft resolution should be suspended and the representatives of the Netherlands and the German Democratic Republic should be invited to resume their consultations with a view to finding a new formula.

97. Mr. SCHLEGEL (German Democratic Republic) suggested a slightly different wording of the proposed amendment to paragraph 7. In that new wording, the words "and to consider" would be replaced by the words "and to take into consideration".

98. Mr. LUNGU (Zambia) noted that the International Convention on the Suppression and Punishment of the Crime of Apartheid, although adopted by the General Assembly, seemed to create difficulties for some Western delegations. To mention that Convention in the manner proposed was tantamount to minimizing its importance. He therefore proposed further consultations on the wording of paragraph 7.

99. The CHAIRMAN said he would take it that the Committee agreed to suspend the meeting, as proposed by the representatives of Senegal and Zambia.

100. It was so decided.

The meeting was suspended at 5.55 p.m. and resumed at 6.20 p.m.

101. Mr. SCHLEGEL (German Democratic Republic) said that, following further consultations, facilitated by the spirit of co-operation which the African and Western countries had shown, he was able to propose a new wording which seemed acceptable to all delegations. After the words "or to accede" in the first line of paragraph 7, the words "or to give serious consideration to acceding to" should be added.

102. Mr. AIDARA (Senegal) appealed to the members of the Committee to adopt that text as a whole by consensus.

103. Mrs. DOWNING (Secretary of the Committee) read out operative paragraph 9 as orally amended.

104. At the Chairman's suggestion, draft resolution A/C.3/38/L.59, as orally amended, was adopted without a vote.

Draft resolution A/C.3/38/L.60

105. Mrs. DOWNING (Secretary of the Committee) said that no amendments or corrections to that document had been brought to the Secretariat's attention.

106. At the Chairman's suggestion, draft resolution A/C.3/38/L.60 was adopted without a vote.

Draft resolution A/C.3/38/L.57

107. Mr. SALAND (Sweden) said that the sponsors could not accept the proposals made by the representative of Morocco for the introduction into the draft resolution of a paragraph or amendment expressing deep concern at all acts of violence committed, no matter by whom, against the civilian population. Paragraphs 1 and 7 already contained provisions to that effect. Acceptance of such amendments would simply give rise to repetition and, by stressing one aspect more than others, would risk upsetting the delicate balance between the draft's various elements.

108. Mrs. WARZAZI (Morocco) rejected the argument put forward by the sponsors of draft resolution A/C.3/38/L.57. Paragraph 7 gave the impression that the sponsors sought to spare only the Guatemalan Government's political opponents. The proof of that was that paragraph 1 was addressed solely to the Guatemalan Government, since it was the latter which was called upon, in paragraph 2, to refrain from forcefully displacing people belonging to rural and indigenous populations. In paragraph 7, moreover, what was asked of all parties concerned in Guatemala was not that they should apply the relevant norms of international humanitarian law but that they should ensure their application, and if the purpose was to seek an end to all acts of violence, then the preceding phrase, "to protect the civilian population", was problematical.

109. Speaking in explanation of vote, she said that, having read the report of the Special Rapporteur on the situation of human rights in Guatemala (A/38/485), she found the draft resolution's (text) surprising. It could be seen from the report that revolutionary groups had been battling Guatemalan Government forces for over 20 years. The conflict had clearly given rise to barbarous acts on both sides, the only victims of which had been the country's innocent people. Villagers had suffered terrible reprisals at the hands of the guerrillas, leading to the exodus of thousands of persons suspected by the army of sympathy with the guerrillas and, as a result, threatened with death. The Ríos Montt administration had acknowledged those abuses and based its policy on three major themes: the suppression of insurgency, the institution of democratic participation in public affairs, and national reconstruction. The current Government had made a "political opening" which the Special Rapporteur had described as "the best thing that has happened to Guatemala". As the Special Rapporteur had noted, that Government was tackling the root causes of discontent and violence.

(Mrs. Warzazi, Morocco)

110. Draft resolution A/C.3/38/L.57 took no account of the positive strides made by the existing Government of Guatemala and mentioned in the Special Rapporteur's report. The most it did was to take note of the co-operation extended to him by the Government of Guatemala. The purpose of the amendment proposed by Morocco was to reflect, however slightly, one aspect of the situation in Guatemala. The pretext for rejecting the amendment was unconvincing; her delegation, therefore, could not support a text lacking in impartiality.

111. The CHAIRMAN suggested that, if there was no objection, consideration of draft resolution A/C.3/38/L.57 should be postponed to a subsequent meeting of the Committee.

112. It was so decided.

Draft resolution A/C.3/38/L.61

113. Mr. BELL (Canada) said that informal consultations on the draft resolution were continuing.

114. The CHAIRMAN suggested that, if there was no objection, consideration of draft resolution A/C.3/38/L.61 should be postponed to a subsequent meeting of the Committee.

115. It was so decided.

The meeting rose at 6.20 p.m.