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at 10.30 a.m.

New York

SUMMARY RECORD OF THE 37th MEETING

Chairman: Mr. SOBHY (Egypt)

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The meeting was called to order at 10.50 a.m.

AGENDA ITEM 87: 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.3/34/L.16/Rev.1, L.19, L.20, L.22, L.25)

1. Mrs. SIBAL (India) withdrew her proposal that draft resolution A/C.3/34/L.16/Rev.1 should not be put to the vote; the representative of Italy had accepted amendments the purpose of which was to give the Commission on Human Rights the opportunity to discuss the matter of the re-designation of the Division of Human Rights, and that satisfied her delegation.
2. She read out the amendments in question. In paragraph 1 the words "to re-designate" should be replaced by the words "to consider the re-designation of", and the words "in the light of the views expressed on the proposed re-designation at the thirty-sixth session of the Commission on Human Rights" should be added at the end of the paragraph. In paragraph 2 the words "the Centre for Human Rights" should be replaced by "the sector in the Secretariat concerned with human rights". In paragraph 3 the words "to the Commission on Human Rights at its thirty-sixth session and" should be deleted.
3. Mr. DANOVI (Italy) said that he wanted to make it clear that the request to the Secretary-General to re-designate the Division of Human Rights was not to be the subject of a recommendation by the Commission on Human Rights.
4. Mr. PAPADEMAS (Secretary of the Committee) said that the statement of the financial implications of the draft resolution in document A/C.3/34/L.25 had been slightly revised: the words "and to the Fifth Committee" should be added after the words "Advisory Committee on Administrative and Budgetary Questions" in paragraph 3.
5. According to the Budget Division, if the General Assembly adopted draft resolution A/C.3/34/L.16/Rev.1, as amended, the Secretary-General would submit recommendations to the Fifth Committee on the re-designation of the Division of Human Rights in his forthcoming report on organizational nomenclature in the Secretariat. He would take into account the provisions of the draft resolution when implementing, as he was requested to do in paragraph 9 of draft resolution A/C.3/34/L.15/Rev.2 approved at the previous meeting, Economic and Social Council resolution 1979/36, particularly paragraph 10, in which he was requested, in the light of the increase in the workload of the Division of Human Rights, to examine the question of the staffing and other resources of the human rights sector of the Secretariat. To that end he would first study the organization and staffing of the Division of Human Rights and, in the light of that study and the opinions expressed in the Commission on Human Rights and the Economic and Social Council, would submit a report to the General Assembly at the thirty-fifth session.

6. The CHAIRMAN observed that the Committee still had before it amendments (A/C.3/34/L.22) to the original draft resolution A/C.3/34/L.16 and asked the sponsors to state their position.
7. Mr. GARVALOV (Bulgaria) said, on behalf of the sponsors, that since draft resolution A/C.3/34/L.16 had been withdrawn, the amendments had likewise been withdrawn.
8. Miss RICHTER (Argentina) asked what was to be done about paragraph 4 of document A/C.3/34/L.25, concerning the financial implications of draft resolution A/C.3/34/L.16, which had been withdrawn.
9. Mr. PAPADEMAS (Secretary of the Committee) said that, since the draft resolution had been revised, paragraph 4 of document A/C.3/34/L.25 was no longer applicable, all the more so since, if the revised draft resolution was adopted, the Secretary-General would have to deal only with the administrative aspect, and not the budgetary aspect, of the question.
10. Mrs. SIBAL (India), in answer to a question from Mr. DABO (Guinea), explained that the reason for not stating, in the amendment to paragraph 2 of draft resolution A/C.3/34/L.16/Rev.1, the name of the "sector in the Secretariat" - to wit, the existing Division of Human Rights - was to avoid prejudging any decision the Secretary-General might take on the re-designation.
11. Mr. BYKOV (Union of Soviet Socialist Republics) said that, despite the explanations of the Secretary of the Committee, document A/C.3/34/L.25 could be misleading, because it referred to a draft resolution that had been considerably modified and in its revised form no longer required the submission of a statement of financial implications.
12. Mr. PAPADEMAS (Secretary of the Committee) said that if the Committee adopted draft resolution A/C.3/34/L.16/Rev.1, as orally amended by the representative of India, the financial implications of the draft resolution would be modified accordingly before being submitted to the Fifth Committee and the General Assembly. Draft resolution A/C.3/34/L.16/Rev.1 had no financial implications.
13. Mr. O'DONOVAN (Ireland) pointed out that at the previous meeting the Committee had adopted draft decision A/C.3/34/L.32, which was however, linked to the final form taken by draft resolution A/C.3/34/L.16/Rev.1. If the draft resolution, as orally amended, was adopted by the Committee, the draft decision adopted at the previous meeting would probably become superfluous. He hoped that the Indian or the Italian delegation would reply to that point.
14. Mrs. SIBAL (India) said that if draft resolution A/C.3/34/L.16/Rev.1, as orally amended, was adopted, the document symbol in the fifth line of the draft decision would be replaced by the number of the corresponding resolution, as adopted by the General Assembly. The decision would therefore read: "... to examine also the proposals contained in resolution 34/..., together with the views expressed on these proposals ...".

15. Mr. O'DONOVAN (Ireland) said that he wanted to be sure what draft decision A/C.3/34/L.32 really meant before deciding on draft resolution A/C.3/34/L.16/Rev.1 and asked for the Legal Counsel's guidance.

16. Mr. SCOTT (Office of Legal Affairs) read out the text of the decision adopted by the Committee at the previous meeting (A/C.3/34/L.32). He stated that, if the Committee approved draft resolution A/C.3/34/L.16/Rev.1 as orally revised, it was his understanding, and it would be the view of the Legal Office were it to be asked for an interpretation of that decision, that the words: "The proposals contained in resolution 34/..." referred to the requests addressed to the Secretary-General in paragraphs 1, 2 and 3 of that resolution.

17. The CHAIRMAN said that it had been proposed that the Committee should vote on draft resolution A/C.3/34/L.16/Rev.1, as orally revised. He pointed out that the Committee had decided at the previous meeting, at the request of the representative of the United States of America, that any votes taken on draft resolutions under agenda item 87 would be recorded votes.

18. At the request of the representative of the United States of America, a recorded vote was taken.

19. Draft resolution A/C.3/34/L.16/Rev.1, as orally revised, was approved by 86 votes to none, with 49 abstentions.*

20. Mrs. BARISH (Costa Rica) stated that draft resolution A/C.3/34/L.19, of which her delegation was a sponsor, did not require a position to be taken on the question of creating a post of United Nations High Commissioner for Human Rights. It was unfortunate that the report of the Working Group of the Commission on Human Rights, which was reproduced in chapter IX of the Commission's report, made only a brief reference to the creation of the post of High Commissioner. Lack of consensus should not prevent detailed study of the matter, which her delegation considered to be very important. The debate should be widened, and to that end the question should be included in the agenda of the following session of the General Assembly.

21. Mr. BYKOV (Union of Soviet Socialist Republics) pointed out that his delegation had repeatedly stated that the creation of such a post was contrary to the purposes and principles of the United Nations Charter and would be prejudicial to international co-operation in human rights matters. It would be recalled that the question of creating a post of High Commissioner for Human Rights had been on the agenda of the General Assembly from the twentieth to the twenty-eighth sessions and that, because it had given rise to sharp differences of opinion, the Assembly had decided in resolution 3136 (XXVIII) to include in the provisional agenda of its thirtieth session an item entitled "Alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms".

* Owing to a breakdown in the voting equipment, details of the voting are not available.

(Mr. Bykov, USSR)

22. At an earlier meeting the Committee had approved draft resolution A/C.3/34/L.15/Rev.2, in which the General Assembly requested the Commission on Human Rights to continue the over-all analysis of alternative approaches and ways and means for improving the effective enjoyment of human rights and fundamental freedoms, and to consider in that context the proposal to create a post of United Nations High Commissioner for Human Rights. The Commission on Human Rights, a highly competent organ the membership of which had just been enlarged, should be the first to consider the matter. Draft resolution A/C.3/34/L.19 could only jeopardize its work, and his delegation would therefore be obliged to vote against it.

23. Mr. EDIS (United Kingdom of Great Britain and Northern Ireland) said that draft resolution A/C.3/34/L.19 in his view, dealt with a purely procedural matter. At the thirty-second session the General Assembly had referred to the Commission on Human Rights a proposal to establish a post of High Commissioner. In paragraph 2 of resolution 33/105 adopted by consensus, the Assembly had decided to consider the matter again after the Commission on Human Rights had submitted a report. Since the Commission had submitted its report, the Assembly would naturally be considering the question at the following session, without its necessarily being the subject of a separate agenda item.

24. Mr. MAKSIMOV (Byelorussian Soviet Socialist Republic) said that draft resolution A/C.3/34/L.19 was pointless. In resolution 33/105 the General Assembly had decided to reconsider a series of questions, including the creation of a post of United Nations High Commissioner for Human Rights, "after the Commission on Human Rights has completed the over-all analysis". The representative of Costa Rica knew very well, since her country was a member of the Commission on Human Rights, that the Commission had not been able to complete its over-all analysis. He therefore requested the sponsors of the draft resolution to withdraw it.

25. Mrs. MORRISON (Lesotho) said that the draft resolution submitted by the delegations of Costa Rica and Uganda was of particular importance to her delegation, and merited careful consideration. The argument that the proposal was contrary to the aims and principles of the Charter was by no means persuasive. Since those who professed to defend the principles of the Charter were more given to words than to action, any concrete proposal, however modest, deserved consideration.

26. She proposed that at the end of the sole operative paragraph the words "under the item entitled 'Alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms'" should be added. She trusted that her amendment, which was intended to dispel the fears of those delegations, including the delegation of the Byelorussian Soviet Socialist Republic, which thought that the sponsors' intention had been to propose the inclusion of a separate agenda item, would be acceptable to both sponsors.

27. Mr. OKOTH (Uganda) and Mrs. BARISH (Costa Rica) accepted the amendment proposed by the representative of Lesotho.

28. Mr. CARDWELL (United States of America) agreed with the view of the representative of Lesotho. However, the sponsors of the draft resolution had not, in fact, sought the inclusion of a new item in the agenda of the General Assembly - as they would have had a perfect right to do - but had endeavoured to ensure that the General Assembly continued to discuss an unfinished matter. To object to the logical continuation of that discussion was tantamount to obstruction. For that reason he urged the Committee to disregard such objections, in order to help the General Assembly to continue its consideration of so crucial an item.

29. Mr. OULD SIDI AHMED VALL (Mauritania) said that he did not recall whether mention had been made, in the resolutions approved by the Committee on the item under discussion, of the inclusion in the agenda of the General Assembly's thirty-fifth session of an item entitled "Alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms". It might well be that the amendment proposed by the representative of Lesotho would lead to the inclusion of a separate item in the agenda, and that had not been the purpose of the proposal of the representatives of Costa Rica and Uganda.

30. Mr. DANOVI (Italy) supported draft resolution A/C.3/34/L.19, as amended by the representative of Lesotho. He proposed that the Committee should proceed to vote on the draft resolution.

31. The CHAIRMAN said, in reply to the representative of Mauritania, that in draft resolution A/C.3/34/L.15/Rev.2 the Committee had decided to include an item entitled "Alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms".

32. He said that, in the absence of other procedural motions on the vote on draft resolution A/C.3/34/L.19, the Committee would proceed to the vote without voting on the motion by the representative of Italy.

33. Mr. GARVALOV (Bulgaria) said that he rejected the allegation that he had used obstructionist tactics to prevent the adoption of draft resolution A/C.3/34/L.19. Every delegation had the right to state its views on the documents submitted. The reason why the question of the creation of a post of United Nations High Commissioner for Human Rights had been on the agenda of the General Assembly for so long was that no consensus had ever emerged. Everyone knew that it was preferable in that case to avoid substantive discussion. Accordingly, since the delegation of Costa Rica did not seem willing to withdraw its proposal, all that his delegation could do was to express its opinion by voting against.

34. Mr. PAPADEMAS (Secretary of the Committee) read out, at the request of the representative of the Congo, the amendment proposed by the representative of Lesotho.

35. Mrs. MORRISON (Lesotho) said that the confusion which her amendment seemed to create for French-speaking delegations arose from the fact that the title of the draft resolution under consideration was not the same in English and French. In the French text, unlike the English text, the words "y compris la création d'un poste de Haut Commissaire des Nations Unies aux droits de l'homme" appeared after "libertés fondamentales". That was why the French-speaking delegations had some difficulty in understanding the purpose of her amendment.

36. A recorded vote was taken on draft resolution A/C.3/34/L.19.

In favour: Australia, Austria, Bahamas, Belgium, Botswana, Canada, Chile, Colombia, Comoros, Costa Rica, Denmark, Dominican Republic, Ecuador, El Salvador, Equatorial Guinea, Fiji, Finland, France, Germany, Federal Republic of, Ghana, Guatemala, Honduras, Iceland, Ireland, Israel, Italy, Ivory Coast, Jamaica, Japan, Kenya, Lesotho, Liberia, Luxembourg, Mexico, Morocco, Netherlands, New Zealand, Niger, Nigeria, Norway, Panama, Papua New Guinea, Peru, Portugal, Rwanda, Samoa, Senegal, Spain, Suriname, Swaziland, Sweden, Tunisia, Uganda, United Kingdom of Great Britain and Northern Ireland, United Republic of Cameroon, United States of America, Upper Volta, Uruguay, Venezuela, Zambia.

Against: Afghanistan, Bahrain, Bulgaria, Byelorussian Soviet Socialist Republic, Cape Verde, Cuba, Czechoslovakia, Democratic Yemen, Ethiopia, German Democratic Republic, Guinea, Hungary, Lao People's Democratic Republic, Madagascar, Mongolia, Mozambique, Oman, Poland, Qatar, Romania, Sao Tome and Principe, Saudi Arabia, Syrian Arab Republic, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, Viet Nam, Yugoslavia.

Abstaining: Algeria, Angola, Argentina, Bangladesh, Barbados, Benin, Bhutan, Brazil, Burma, Burundi, Central African Republic, Chad, Congo, Cyprus, Egypt, Gabon, Greece, Grenada, Guinea-Bissau, Guyana, India, Indonesia, Iraq, Jordan, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Nepal, Pakistan, Philippines, Singapore, Somalia, Sri Lanka, Sudan, Thailand, Togo, Trinidad and Tobago, Turkey, United Republic of Tanzania, Yemen, Zaire.

37. Draft resolution A/C.3/34/L.19 was approved, as amended, by 60 votes to 28, with 44 abstentions.

38. The CHAIRMAN announced that the following countries should be added to the list of 10 sponsors of draft resolution A/C.3/34/L.20: Mauritius, Norway, Peru and Philippines.

39. Mr. EDIS (United Kingdom) said that he attached particular importance to the idea of establishing national institutions for the promotion and protection of human rights and that he thought it essential to guarantee the effectiveness of

(Mr. Edis, United Kingdom)

such important measures. To that end he proposed two amendments to draft resolution A/C.3/34/L.20, the effect of which would be to add two new paragraphs between paragraphs 1 and 2 of the draft resolution. The first new paragraph would read: "Emphasizes the importance of guaranteeing the integrity and independence of such national institutions." The second paragraph would read: "Draws attention to the constructive role which non-governmental organizations can play in national institutions."

40. Mr. DABO (Guinea) said that at the most recent summit meeting of the Organization of African Unity at Monrovia, the African Heads of State had adopted a resolution on the adoption of an African Charter of Human Rights and had decided to convene a seminar which was to make a proposal to the African continent on that subject. His delegation therefore felt bound to refrain from giving its views for the time being on the establishment of national institutions for the promotion and protection of human rights. Furthermore, draft resolution A/C.3/34/L.15/Rev.2, which the Committee had approved at the previous meeting, had recommended that a whole series of measures should be specified and enacted. He therefore thought it premature to establish national institutions until those measures were enacted. He intended to propose an amendment to paragraph 1 of draft resolution A/C.3/34/L.20 after consultations with the Permanent Representative of Guinea.

41. Mrs. SIBAL (India) said that it was impossible for her to give her views on the proposals of the United Kingdom representative; it was unfortunate that they had been submitted at so late a stage. She hoped that the representative of Guinea would be able to announce his suggestions before too long.

42. Mr. RIOS (Panama) said that he was strongly in favour of draft resolution A/C.3/34/L.20, and in particular of paragraph 2, which provided for the inclusion in the agenda of the General Assembly's thirty-sixth session of an item on the establishment of national institutions for the promotion and protection of human rights. In discussing the item care must be taken to deal with the question in such a way as to ensure that national institutions were not the tool of political groups.

43. Mr. O'DONOVAN (Ireland) asked that the interpretation of draft decision A/C.3/34/L.32 given by Mr. Scott, Office of Legal Affairs, should be recorded in the Committee's report to the General Assembly.

44. Mr. GARVALOV (Bulgaria) congratulated the Union of Soviet Socialist Republics, the Byelorussian SSR and the Ukrainian SSR on the occasion of the sixty-second anniversary of the Great October Socialist Revolution, an event which had opened up the path to social progress and freedom for many nations. He wished the USSR every possible success in its work of building socialism and pursuing peace and security.

The meeting rose at 1.10 p.m.