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SUMMARY RECORD OF THE 38th MEETING

Chairman: Mr. SOBHY (Egypt)

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The meeting was called to order at 3.20 p.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 and L.25)

1. Mrs. SIBAL (India) said that, having examined the United Kingdom amendments, the sponsors of draft resolution A/C.3/34/L.20 could accept the broad principles but would like to suggest a slightly different wording.

2. In the new paragraph 2 proposed by the United Kingdom, the sponsors would ask that the words "of guaranteeing" be deleted, to bring out more clearly the concept of the independence of national institutions. They would also suggest the addition of the words "in accordance with national legislation" at the end of the new paragraph, the full text of which would then read: "Emphasizes the importance of the integrity and independence of such national institutions, in accordance with national legislation."

3. The United Kingdom representative had stated that the new paragraph 3 referred to non-governmental organizations in the country. The sponsors of draft resolution A/C.3/34/L.20 could agree to the wording of the new paragraph if the word "national" were added before "non-governmental organizations". The proposed new paragraph would then read: "Draws attention to the constructive role which national non-governmental organizations can play in the work of national institutions."

4. Mr. EDIS (United Kingdom) thanked the sponsors of draft resolution A/C.3/34/L.20 for incorporating the amendments proposed by the United Kingdom. Although he could agree to the inclusion of the expression "in accordance with national legislation", he considered it might be dangerous since it could result in national institutions becoming the instruments of certain régimes in some countries.

5. Mrs. LORANGER (Canada) said she welcomed the proposed United Kingdom amendments, in particular new paragraph 2, and agreed that the expression "in accordance with national legislation" detracted from the force of the provision.

6. Mr. DABO (Guinea) proposed that operative paragraph 1 of draft resolution A/C.3/34/L.20 be amended to read: "Invites all Member States to consider the creation of national institutions for the promotion and protection of human rights and to take appropriate steps for the establishment of such institutions in accordance with resolution A/C.3/34/L.15/Rev.2, bearing in mind the guidelines referred to above."

7. Mrs. SIBAL (India) said that the sponsors of draft resolution A/C.3/34/L.20 could agree in part to the Guinean amendment. Perhaps it would be better not to refer to draft resolution A/C.3/34/L.15/Rev.2, since that text made no mention of national institutions for the promotion and protection of human rights. She

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(Mrs. Sibal, India)

therefore proposed that operative paragraph 1 read: "Invites all Member States where national institutions for the promotion and protection of human rights do not yet exist to consider taking appropriate steps for the establishment of such institutions, bearing in mind the guidelines referred to above."

8. Mr. DABO (Guinea) said his delegation's main concern was that national human rights institutions should be effective. That was why it insisted on the reference to draft resolution A/C.3/34/L.15/Rev.2, which had already been adopted by the Committee and which provided for important measures that could serve as the starting point for achieving the desired objective.

9. At the request of Mrs. SIBAL (India) the CHAIRMAN announced that consideration of draft resolution A/C.3/34/L.20 would be postponed until the sponsors had held further consultations on the matter.

AGENDA ITEM 82: IMPORTANCE OF THE UNIVERSAL REALIZATION OF THE RIGHT OF PEOPLES TO SELF-DETERMINATION AND OF THE SPEEDY GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES FOR THE EFFECTIVE GUARANTEE AND OBSERVANCE OF HUMAN RIGHTS (continued) (A/C.3/34/L.27 and L.30)

10. Mr. AL-JABERI (Iraq) said that draft resolution A/C.3/34/L.27 was strengthened by the references in the preamble to the Ninth Islamic Conference of Foreign Ministers, the Sixth Conference of Heads of State or Government of Non-Aligned Countries, the resolutions on Zimbabwe and Namibia adopted by the OAU Council of Ministers and the situation of the Palestinian people.

11. Introducing the amendments proposed in document A/C.3/34/L.30 on behalf of the sponsors, he said that their adoption would make for a more balanced text, the amendments were to be effective. That a reference should be included, in the preamble, to resolution CM/725 (XXXIII) on the Palestine question and that a new operative paragraph 4, based on paragraph 2 of that resolution should be added. He trusted that those amendments would receive the support of all members of the Committee.

12. Mrs. GUELMAN (Uruguay) said that, despite the efforts of the sponsors to draft a text that would be generally acceptable, her delegation had certain reservations about draft resolution A/C.3/34/L.27. It would for instance have difficulty in accepting operative paragraph 4. The Fourth Committee, which had studied the matter in detail, had adopted draft resolution A/C.4/34/L.2/Rev.1, in operative paragraph 2 of which it took note of the decision adopted by the Assembly of Heads of State and Government of the OAU at its sixteenth regular session held in Monrovia. The Third Committee had neither the time nor the necessary information to give the question the attention it deserved. It could hardly "endorse" a document that it had not examined.

13. Her delegation therefore proposed, first, that, in operative paragraph 4, the word "endorses" be replaced by "takes note of" and, secondly, that the last part of operative paragraph 4, after the words "on the question of Western Sahara", be deleted. The paragraph would then read: "4. Takes note of the decision

(Mrs. Guelman, Uruguay)

of the sixteenth Assembly of Heads of State and Government of the Organization of African Unity held in Monrovia, Liberia, in July 1979, on the question of Western Sahara."

14. Mrs. MORRISON (Lesotho) said that the sponsors of draft resolution A/C.3/34/L.27 would like to hear the views of other delegations and, in particular, to receive specific proposals for amendments. They would then meet briefly to consider all those proposals.

15. Miss RICHTER (Argentina) commended the sponsors of draft resolution A/C.3/34/L.27 on their efforts to prepare a text that was acceptable to all members of the Committee.

16. Although her delegation would vote for the draft resolution as a whole, operative paragraph 4 called for some comment. The Fourth Committee, after examining in detail the question of the Western Sahara, had adopted draft resolution A/C.4/34/L.2/Rev.1 in which it had taken note of the relevant decision of the OAU Assembly. The Third Committee had not, however, had time to analyse the documentation before the Fourth Committee. She would therefore urge the sponsors of draft resolution A/C.3/34/L.27 to agree, in a spirit of friendship, to the suggestion that the word "Endorses" be replaced by "Takes note of" in operative paragraph 4 of the draft resolution.

17. Mr. MUCORLOR (Liberia), referring to the amendments submitted in document A/C.3/34/L.30, said that the proposals in question had been rejected by the African Group of the Third Committee in 1978. In October 1979, the African Group had decided not to oppose the decision, which it considered reasonable, taken by the Heads of State and Government of the OAU regarding the question of the Palestinian people and their representative, the PLO. Nothing had happened to change that decision. The position of the African Group was firm, and the sponsors of the proposed amendments would do well to withdraw them as a tribute to African unity. If, however, they insisted on those amendments, his delegation, and many others too, considered that the plenary of the General Assembly was the appropriate forum for considering them.

18. Mr. MAKKI (Oman) pointed out that, in the Arabic version of draft resolution A/C.3/34/L.27, a correction should be made to operative paragraph 9 since it was not an exact rendering of the original English and might be misinterpreted.

19. His delegation would vote for draft resolution A/C.3/34/L.27, although it had some reservations about the wording. It would not take part in the vote on the proposed amendments or in any other separate vote that might be requested on specific paragraphs of the draft resolution, since the consensus on it was already virtually unanimous.

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20. Mrs. MORRISON (Lesotho) announced that Angola and Sierra Leone had joined the sponsors of draft resolution A/C.3/34/L.27.

21. The proposals put forward in the draft amendments contained in document A/C.3/34/L.30 were actually additions to draft resolution A/C.3/34/L.27. The final version of the draft resolution was the one which allowed for the greatest possibility of a consensus within the African group. The new paragraph proposed in the draft submitted by the 11 Arab countries, while reflecting an OAU decision, was unfortunate because it quoted that decision out of context. Consequently, her delegation rejected the draft amendments and appealed to the sponsors to withdraw them.

22. The difficulties which the draft amendments in document A/C.3/34/L.30 had presented for the African Group were now public knowledge. She wondered why amendments by non-African States which had been examined and rejected by the African group were being submitted to the Committee. Draft resolution A/C.3/34/L.27 was not completely satisfactory to all the African States, but it represented an acceptable minimum on which a consensus could be reached. If the sponsors of the amendments insisted on their being put to the vote, her delegation would be obliged to vote against them.

23. The CHAIRMAN, replying to a question by Mr. AMINI (Comoros), explained that, under the rules of procedure, the proposals in document A/C.3/34/L.30 were amendments to draft resolution A/C.3/34/L.27. The two documents should be discussed jointly and the amendments would be put to the vote before the draft resolution.

24. Mr. ADAM (Observer, League of Arab States) said that the amendments proposed in document A/C.3/34/L.30 showed the Arab States' respect for the unanimously endorsed position of the African States on the question of Palestine, as manifested at the meeting of the OAU Council of Ministers held in Monrovia in July 1979. The amendments had been proposed in the light of the outcome of the discussions held by the African countries and represented a genuine effort to reflect the viewpoint expressed by the African countries with regard to the rights of the Palestinian people, which were set forth only in broad and general terms in document A/C.3/34/L.27, without any mention of the negative effects of certain events on the self-determination of the Palestinian people. The amendments would improve the draft resolution and were entirely in keeping with the Committee's mandate, since the issue with which they dealt was not a political one but rather an issue of principle. In a spirit of compromise, the Arab States sponsoring the amendments had reproduced literally the wording on the subject used by the African countries.

25. Mrs. MORRISON (Lesotho) suggested that the Observer for the League of Arab States should leave it to the African countries to explain what was their position on the problem.

26. Mr. NSAH LAI (United Republic of Cameroon) said that the African group had tried, in a spirit of compromise, to cover all the problems relating to the self-determination of peoples. After lengthy discussion, it had decided that the paragraph proposed in document A/C.3/34/L.30 was not appropriate. That conclusion was not at variance with the African countries' support of the cause of the Palestinian people. He suggested that the sponsors of the amendments should meet

27. Mr. ERRAZURIZ (Chile) said that his delegation would vote in favour of draft resolution A/C.3/34/L.27 despite the fact that it had certain reservations of a legal nature with regard to the text. He endorsed the comments made by the representative of Uruguay on paragraph 4. As to the amendments proposed in document A/C.3/34/L.30, his delegation would prefer the question to be discussed in conjunction with the item on the question of Palestine.

28. Mr. OBADI (Democratic Yemen) said that, in the view of his delegation, draft resolution A/C.3/34/L.27 contained elements based on the purposes and principles of the United Nations, but did not reflect the viewpoints of all the African States. That was why certain delegations had considered it advisable to strengthen the draft resolution with the amendments in document A/C.3/34/L.30, sponsored by his and other delegations. These amendments were taken word for word from a document approved by the Council of Ministers of the Organization of African Unity, at its meeting in Monrovia, Liberia, in July 1979.

29. Mr. RAKOTOZAFY (Madagascar) said that his delegation wished to join the sponsors of draft resolution A/C.3/34/L.27.

30. Ms. MARKUS (Libyan Arab Jamahiriya) said that her delegation was one of the sponsors of draft resolution A/C.3/34/L.27 and had taken part in its drafting. She had no difficulty in accepting the amendments in document A/C.3/34/L.30. It was worth mentioning that the proposed new operative paragraph 4 had already been accepted by the Council of Ministers of the Organization of African Unity at its meeting in Monrovia. Her delegation felt that the proposed amendments would considerably improve the text of draft resolution A/C.3/34/L.27, particularly with regard to the rights of the Palestinian people. She appealed to the African delegations to vote in favour of the draft amendments.

31. Mr. EDIS (United Kingdom) said that draft resolution A/C.3/34/L.27 dealt with self-determination and human rights, which were concepts enshrined in the Charter. Since the founding of the United Nations, the United Kingdom had brought 40 States to independence, in most cases on friendly terms. There could be no clearer testimony of the commitment of successive United Kingdom Governments to the principle of self-determination.

32. Draft resolution A/C.3/34/L.27 was yet another example of the approach of those who saw only what they wished to see, for it did not take into account several situations. One example was the situation in Namibia: the United Kingdom supported the right of the Namibian people to self-determination and independence and, together with four other Western Powers and with the Secretary-General, was working to achieve the implementation of Security Council resolution 435 (1978), which had been widely supported by the international community. However, draft resolution A/C.3/34/L.27 did not mention that resolution, which provided the framework for a peaceful and negotiated solution to the problem of Namibia. Another example was that of the Rhodesian situation: document A/C.3/34/L.27 contained several references to the question of Rhodesia, but did not mention the efforts being made by the United Kingdom Government to reach a settlement of the problem, an effort which had been broadly supported by the international community, including all members of the Commonwealth.

(Mr. Edis, United Kingdom)

33. His delegation respected the convictions and feelings of the African countries with regard to the situation in southern Africa. Those feelings had led them to express themselves in strong terms, but his delegation did not think such language was realistic or helpful; consequently, it could not support draft resolution A/C.3/34/L.27, for the same reasons that had made it unable to support General Assembly resolution 33/24.

34. Mrs. HOUNGAVOU (Benin) said that her delegation had not authorized any other delegation to speak on its behalf. Her delegation had no difficulty in accepting the amendments in document A/C.3/34/L.30.

35. Mr. OUEËDRAOGO (Upper Volta) said that his delegation had no difficulty in voting in favour of draft resolution A/C.3/34/L.27. He supported those delegations which had proposed that the word "endorses" should be replaced by the words "takes note of". His delegation could not vote in favour of the draft amendments in document A/C.3/34/L.30 and appealed to the sponsors to withdraw them.

36. Mr. PARDO PARRA (Colombia) said that, in the last preambular paragraph of draft resolution A/C.3/34/L.27, the word "indignant" should be replaced by the word "concerned", which was more appropriate for a United Nations resolution. He also requested a separate vote on paragraphs 2 and 4. His delegation would abstain in the vote on paragraph 2 because the United Nations had been established for the purpose of seeking peaceful solutions to international problems and it would be inappropriate to recommend the use of armed struggle. Also, his delegation would abstain in the vote on paragraph 4 because it felt that the Committee could not endorse the decision of the sixteenth Summit Conference of Heads of State and Government of the Organization of African Unity; that was an organization independent from the United Nations and its decision had not been examined in the Committee. He would vote in favour of paragraph 4 if the Committee accepted the amendment submitted by the delegation of Uruguay.

37. Mr. NYIRONGO (Zambia) said that his delegation would vote in favour of draft resolution A/C.3/34/L.27, although it was not entirely satisfied with the wording of operative paragraph 2, which differed from paragraph 2 of General Assembly resolution 33/24, in that the expression "particularly armed struggle" had been replaced by the expression "including armed struggle". The change of wording was not justified, as armed struggle had been a decisive factor in bringing the colonial rulers to the negotiating table.

38. Mr. OULD SID'AHMED VALL (Mauritania) said it was unfortunate that certain problems of the African group should be aired in the Committee. It was also regrettable that certain delegations should try to exaggerate the supposed problem of relations between the African countries and the Arab countries.

39. The amendments proposed in document A/C.3/34/L.30 should be judged on their merits and their contents should not be prejudged. The proposed new paragraph, which had been included in a resolution of the Council of Ministers of the Organization of African Unity, had been accepted by Mauritania in Monrovia and,

(Mr. Ould Sid'Ahmed Vall, Mauritania)

in principle, his delegation accepted it now. The paragraph should not give rise to controversy because it was worded in general terms and condemned all violations of the aspirations of the Palestinian people, of the principles of the Charter and of the resolutions of the United Nations. He reminded the Committee that the aspirations of the Palestinian people had been reaffirmed several times by the General Assembly.

40. Mr. HOLLWAY (Australia) said that so far most of the statements had been made by African and Arab delegations, which was understandable, given the item under consideration. In his delegation's view, the draft amendments in document A/C.3/34/L.30 introduced an atmosphere of dissension into the Committee, and he therefore proposed that they should be withdrawn. The Liberian and Chilean delegations and others had argued that the Committee was not the appropriate forum for consideration of such questions. He urged the African and Arab delegations to consider whether the current debate was constructive and contributed to the Committee's work.

41. After a procedural debate in which Mr. BEKELE (Ethiopia) and Mr. AL-JABERI (Iraq) took part, the CHAIRMAN explained to the Committee that Lesotho had presided over the discussions of the African group when draft resolution A/C.3/34/L.27 was being prepared. Although Lesotho was not a sponsor of that draft resolution, its representative, as Chairman of the African group, had submitted it to the Committee. Following the customary practice, the Bureau had asked that representative to give her response to the amendments and proposals made with regard to the draft resolution under consideration.

42. Miss ABOUL NAGA (Egypt), whose delegation was a sponsor of draft resolution A/C.3/34/L.27, said that there was no consensus regarding the inclusion of the new paragraph which appeared as one of the draft amendments in document A/C.3/34/L.30. There were precedents against the trend towards reproducing resolutions adopted outside the United Nations, and, moreover, the Third Committee was not the appropriate forum for consideration of the question. Her delegation would vote against the draft amendments in document A/C.3/34/L.30.

43. Miss BOA (Ivory Coast) said that operative paragraph 11 of draft resolution A/C.3/34/L.27 corresponded to the thirteenth preambular paragraph and proposed that, in the last line but one of paragraph 11, the word "Africa" should be replaced by the words "Zimbabwe and Namibia".

44. Her delegation was prepared to accept the amendments proposed by Uruguay. The Ivory Coast had not participated in the decision taken by OAU in Monrovia because, as President Felix Houphouet-Boigny had always affirmed, nothing should be done that might impede a final solution of the question of Sahara.

45. With regard to the problem of the Middle East, it should be recalled that more had been achieved through the efforts made by various individuals interested in the question, such as President Sadat and Dr. Kreisky, Prime Minister of Austria, than through the resolutions adopted by the United Nations over 15 years. Her delegation therefore rejected the draft amendments in document A/C.3/34/L.30.



46. Mr. AL-HUSSAMY (Syrian Arab Republic) said that draft resolution A/C.3/34/L.27 could not be regarded as relating only to African countries, because agenda item 82 and, in particular, the universal realization of the right of peoples to self-determination concerned the whole world and not just one single region. Nor could any country be denied the right to invoke the decisions adopted by the OAU Council of Ministers. The amendments proposed in document A/C.3/34/L.30 were based on the decisions of that and other international conferences. Their adoption was necessary because draft resolution A/C.3/34/L.27 did not reflect certain recent important events, particularly with regard to the Palestinian problem. He requested that a recorded vote should be taken on document A/C.3/34/L.30.

47. Mr. RAMAZANIE (Zaire) said that he supported Uruguay's proposal regarding paragraph 4 of draft resolution A/C.3/34/L.7 but could not support the amendments in document A/C.3/34/L.30.

48. Mrs. BIKE (Gabon) said that her delegation would vote against the amendments proposed in document A/C.3/34/L.30. In that regard she drew attention to her country's support for the peace initiatives in the Middle East.

49. She expressed her support for the underlying spirit of draft resolution A/C.3/34/L.27, although she had some reservations regarding paragraph 4. Gabon's position on the question of Western Sahara had been set forth in the debates of the Fourth Committee.

50. Mr. AL-JABERI (Iraq) emphasized that the basis for the new paragraph proposed in document A/C.3/34/L.30 was resolution CM/Res.725, adopted by the Council of Ministers of the Organization of African Unity at its sixteenth meeting. His delegation did not understand why some delegations maintained that the Third Committee was not the appropriate forum for discussion of an OAU resolution. The Committee was concerned with the self-determination of peoples, and that was what the paragraph emanating from the Monrovia resolution referred to.

51. He emphasized the historic solidarity between the Arab and the African peoples. The resolutions adopted by the African leaders in Liberia were an expression of that solidarity. The Arab group insisted on maintaining the draft amendments in document A/C.3/34/L.30 and hoped that they would receive the Committee's support.

52. Mrs. FLORES (Cuba) said that her delegation, which was a sponsor of draft resolution A/C.3/34/L.27, fully supported the amendments in document A/C.3/34/L.30. Cuba particularly welcomed the new paragraph strongly condemning all partial agreements and separate treaties. As President Castro had said in the General Assembly, Cuba believed that the cause of the Palestinian people was one of the most just causes of the age. It could never be solved by any agreement which ignored the legitimate representative of that people, namely, the Palestine Liberation Organization. The proposed amendments were therefore entirely appropriate.

53. Mr. PARDOS (Spain) said that his country had given adequate proof of its conviction, in theory and in practice, of the importance of the defence of human rights in relation to the universal realization of the right of peoples to self-determination and the speedy granting of independence to colonial countries and peoples. His delegation accepted in principle draft resolution A/C.3/34/L.27 and the amendments in document A/C.3/34/L.30. Nevertheless, although they include many positive points, they also included many controversial ones and some positions that were set forth in differing ways. His delegation would therefore abstain in the vote on the draft resolution and the amendments.

54. After a procedural discussion in which Mrs. SEMICHI (Algeria), Mrs. MORRISON (Lesotho) and Mrs. LORANGER (Canada) took part, the CHAIRMAN suggested that the meeting should be adjourned. That would allow the sponsors of draft resolution A/C.3/34/L.27 to meet to consider the proposed amendments.

55. It was so decided.

The meeting rose at 6.15 p.m.