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THIRD COMMITTEE  
72nd meeting  
held on  
Monday, 9 December 1985  
at 10.30 a.m.  
New York

SUMMARY RECORD OF THE 72nd MEETING

Chairman: Mr. ZADOR (Hungary)

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COMPLETION OF THE COMMITTEE'S WORK

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The meeting was called to order at 11 a.m.

AGENDA ITEM 12: REPORT OF THE ECONOMIC AND SOCIAL COUNCIL (continued)  
(A/C.3/40/L.48/Rev.1, L.54, L.59/Rev.2, L.72, L.75, L.80, L.81 and L.85)

1. The CHAIRMAN invited those delegations that wished to do so to explain their vote after the vote on the draft resolutions submitted under item 12.
2. Mr. CALERO RODRIGUES (Brazil) said that his delegation had abstained on draft resolutions A/C.3/40/L.81 and L.75 because it had difficulties with some of the wording and not because it rejected the reports mentioned in the draft resolutions or considered the assessment of human-rights situations contained therein as unjustified interference in the internal affairs of the countries concerned. The international community had a significant role to play in fostering respect for human rights and Brazil would continue to work closely with the United Nations in that area. His delegation hoped that all the Governments concerned would co-operate fully with the special rapporteurs appointed by the Commission on Human Rights.
3. Mr. RUSI (Finland) said that his delegation had voted in favour of draft resolutions A/C.3/40/L.54, L.59/Rev.2, L.75 and L.81 because violations of basic human rights and fundamental freedoms were still a common practice in the countries concerned. The work of the special rapporteurs provided an indispensable service to the international community by making it possible to determine how Governments discharged their human-rights obligations, and his delegation therefore regretted that the Governments of Chile and the Islamic Republic of Iran had not co-operated with them by permitting their entry into their respective territories. The Government of El Salvador had authorized the visit of the Special Representative, but only in his personal capacity, which fell short of what was needed. Only the Government of Guatemala had co-operated with the Special Rapporteur, and it should be commended. Refusal to co-operate with the special rapporteurs immediately created suspicion of a cover-up.
4. By voting in favour of those draft resolutions, his delegation did not wish to suggest that the countries concerned were the only ones in which human-rights violations occurred, but the fact was that the situation in those countries urgently needed improvement.
5. His delegation had joined the consensus on draft resolution A/C.3/40/L.80, entitled "Declaration on the human rights of individuals who are not nationals of the country in which they live", but wished to stress that Member States should fully observe their obligations under the existing human-rights instruments concerning the rights of individuals who were not nationals of the country in which they lived. Although the Declaration did not broaden the scope of application of existing rights, it might at least draw international attention to the problems of non-citizens in different parts of the world.

6. Mr. PAPAJORGJI (Albania) said that his delegation had voted in favour of draft resolutions A/C.3/40/L.48/Rev.1, L.54, L.59/Rev.2 and L.81 because it supported the struggle of the peoples concerned to achieve justice and democracy and because it opposed Soviet imperialism in Afghanistan. However, it had serious reservations with regard to the draft resolutions as a whole and with respect to specific paragraphs.

7. Mr. KYELEM (Burkina Faso) said that his delegation had abstained on draft resolution A/C.3/40/L.48/Rev.1 because it objected in principle to any interference in the internal affairs of Afghanistan. The Special Rapporteur had not visited Afghanistan, which raised doubts about the impartiality of his report. Paragraph 3 of the draft resolution referred to the Afghan authorities when it should have referred to the Afghan Government, to be consistent with the third preambular paragraph. He also objected to the fact that the Special Rapporteur had not been appointed by the Commission on Human Rights. Lastly, his delegation's abstention reflected his country's firm commitment to a position of non-alignment.

8. Mrs. SANTHOSO (Indonesia) said that her delegation had voted against draft resolutions A/C.3/40/L.54, L.59/Rev.2, L.75 and L.81, despite its own firm commitment to human rights, because they infringed upon the sovereignty and domestic jurisdiction of the countries concerned.

9. Mrs. KING-ROUSSEAU (Trinidad and Tobago) said that, despite her country's well-documented commitment to human rights, her delegation had abstained on draft resolutions A/C.3/40/L.48/Rev.1, L.54, L.59/Rev.2, L.75 and L.81 because it objected to the selective and politicized manner in which they dealt with human rights.

10. Mr. DIRAR (Sudan) said that, despite the great importance his country attached to human rights and the obligation of all States to implement them, his delegation had voted against draft resolution A/C.3/40/L.75, because its positive elements were outweighed by great selectivity and many defects which had not been eliminated by the sponsors.

11. His delegation welcomed, however, the adoption of draft resolution A/C.3/40/L.72 because it reflected the importance attached by the international community to the situation of refugees in his country, whose continued ability to help refugees owed so much to the international community.

12. Ms. CLARK (New Zealand) said that her delegation had joined in the consensus on draft resolution A/C.3/40/L.80 without actually endorsing it because it had not had sufficient time to make a close study of the text.

13. Mr. VAMOS-GOLDMAN (Canada) said that his delegation had supported draft resolution A/C.3/40/L.54 but that it also recognized and encouraged the initiatives taken by the Government of El Salvador to protect human rights, and objected to the reference in paragraph 6 to a "negotiated comprehensive political solution", which could imply equality of constitutional legitimacy between the Government and the opposition forces, which had not participated in the electoral process.

(Mr. Vamos-Goldman, Canada)

14. His Government had joined the consensus on draft resolution A/C.3/40/L.80, but was greatly concerned that the language of the Declaration was inconsistent in many respects with the relevant international human-rights instruments; it therefore interpreted article 2, paragraph 2, of the Declaration as preserving the existing rights laid down in applicable international conventional law. The objectives of the Declaration would be best met by acceptance of and respect for the norms and principles embodied in the existing international instruments, particularly the human-rights covenants.

15. Mrs. KUROKOCHI (Japan) said that her delegation had joined in the consensus on document A/C.3/40/L.80 because the Declaration could make a useful contribution, but objected to some of the inconsistencies in it. Her delegation had abstained in draft resolution A/C.3/40/L.75 because it was not timely to express its views on the conflict between Iraq and Iran at a time when diplomatic efforts were being made to resolve it. Japan was concerned over the human-rights situation in the Islamic Republic of Iran and hoped that the Special Representative would be allowed to visit the country.

16. Her delegation had abstained on draft resolution A/C.3/40/L.81 because the text did not fully reflect in a balanced manner the welcome announcement by the Chilean authorities that they would permit a visit of the Special Rapporteur and would co-operate with him.

17. Miss BYRNE (United States of America) said that her delegation had joined the consensus on draft resolution A/C.3/40/L.80, but wished to make specific comments concerning the text. It understood the reference to aliens "lawfully residing" in the territory of a State to correspond to the category of "permanent resident aliens" under United States law, as the presence of non-immigrant aliens was, in principle, temporary. Her delegation noted that the Declaration must be interpreted in a manner consistent with article 2, paragraph 1, to which she drew attention. Her delegation accordingly understood article 5, paragraph 1 (c), as referring to the general principle of equal justice, and not as prohibiting appropriate distinctions in law and procedure based on alien status or on the terms and lawfulness of entry and stay. Similarly, article 5, paragraph 3, did not limit a State's right to establish lawful restrictions on travel and residence relating to terms and conditions of entry and stay.

18. With reference to article 8, paragraph 1 (a), it was her delegation's understanding that the Declaration did not mean that aliens should enjoy conditions more favourable than those enjoyed by citizens, and with respect to article 8, paragraph 1 (c), her delegation noted that citizenship might in some cases be a relevant requirement for participation in social benefit programmes.

19. Miss ARCHER (United Kingdom of Great Britain and Northern Ireland) said that her delegation had voted in favour of draft resolution A/C.3/40/L.54 because the situation in El Salvador, despite positive developments, continued to warrant concern. The draft resolution was considerably more balanced than previous ones on the subject and she regretted that it had not been adopted by consensus. Even so, the text did not accurately reflect the findings of the Special Representative and

(Miss Archer, United Kingdom)

did not give sufficient credit to the efforts made by the Salvadorian Government to improve the human-rights situation in the face of a destructive insurgent campaign which was resorting increasingly to terrorism.

20. Her delegation had also voted in favour of draft resolution A/C.3/40/L.81 because of the poor record of the Chilean Government in dealing with human rights. It welcomed the sponsors' recognition of the importance of the Chilean Government's decision to permit the Special Rapporteur to visit Chile but regretted that the text made no reference to the increase in terrorist violence in Chile and did not include an appeal for resumption of the political dialogue. It also regretted that the text contained a reference to the Special Rapporteur which prejudged the decision of the Commission on Human Rights regarding his mandate. The human-rights situation in Chile should be treated in the same way as in the case of all other countries concerning whose situations the Committee had adopted draft resolutions without such references.

21. Mr. CERMAK (Austria) said that his delegation had voted in favour of draft resolution A/C.3/40/L.48/Rev.1 because of Austria's concern over the human-rights situation in Afghanistan and its support of all efforts to improve that situation and reach a political settlement. It had also voted in favour of draft resolution A/C.3/40/L.85 despite serious reservations. It deeply regretted that the sponsors had failed to draft the text in a way that would have ensured consensus. The draft resolution was seriously defective in failing to stress the importance of opposing all kinds of totalitarianism, not just nazism and fascism. His delegation had cast a vote in favour, however, because it approved of the underlying principles.

22. Mrs. HAGLUND (Sweden) said that her delegation had joined in the consensus on draft resolution A/C.3/40/L.80 because the annexed Declaration should improve the situation of non-nationals, but regretted that it was in some respects inconsistent with, and even limited, the rights embodied in the human-rights covenants.

23. Mr. YEDID (Israel) said that his delegation had voted against draft resolution A/C.3/40/L.85 because its language was not strong enough and because the sponsors had failed to include an essential provision regarding the obligation of all States to detect and bring to justice Nazi war criminals - an obligation that had been clearly stated in paragraph 4 of the previous text on the question, General Assembly resolution 39/114.

24. He said that Alois Brunner, a notorious Nazi war criminal, had been sheltered by the Syrian Government for the past 30 years, and that it had accordingly failed to implement General Assembly resolution 39/114 and had even hypocritically paid lip service to the struggle against nazism and the hunt for Nazi war criminals by co-sponsoring Commission on Human Rights resolution 1985/31 on the subject.

25. His delegation would have voted in favour of draft resolution A/C.3/40/L.85 had it been amended in both the preambular and operative parts to include a reference to the Syrian Government's role in harbouring Brunner.

26. Mr. SCHWANDT (Federal Republic of Germany) said that his delegation had joined the consensus on draft resolution A/C.3/40/L.80, despite its reservations about giving recognition to any legal status for illegal aliens that was distinct from the status they had as a result of obligations under the applicable international human-rights instruments. It further believed that article 5, paragraph 1, of the Declaration upheld the principle that a State's domestic legislation had to comply with its international obligations.

27. His delegation had voted in favour of draft resolution A/C.3/40/L.81 because of what it saw as a deterioration of the human rights situation in Chile over the past year. However, there were a number of positive trends in Chile which, in his delegation's view, should have been reflected in the draft resolution, particularly in paragraphs 5 and 9. Among those were the growing readiness of the Chilean Government to co-operate with the Special Rapporteur, the efforts by certain Chilean magistrates to assert the judiciary's position as an independent third power, and the welcome agreement by a broad spectrum of the democratic political parties in Chile on a national covenant on transition to full democracy. His Government hoped that the Chilean Government would avail itself of that important initiative by reopening a dialogue with the democratic opposition forces, thus paving the way to restoring democratic conditions in the country.

28. His delegation had also voted in favour of draft resolution A/C.3/40/L.75 because it shared the concern over the specific and detailed allegations of violations of human rights in the Islamic Republic of Iran, as reported by the Special Representative. The moderate and balanced language of the draft resolution, should, indeed be an encouragement to the Iranian authorities to extend their full co-operation to the Special Representative.

29. Mrs. MOIZ (Pakistan) said that delegations had not had sufficient time to seek instruction on draft resolution A/C.3/40/L.80 and the Declaration annexed thereto. Although her delegation had joined in the consensus in a spirit of co-operation, the draft resolution did not truly reflect her Government's position.

30. Mr. MADAR (Somalia) expressed his country's gratitude to the many sponsors of draft resolution A/C.3/40/L.64 on assistance to refugees in Somalia. Now that the international community was fully alerted to the existing situation, everyone in his country anticipated its positive response. Although the major burden of refugee flows fell on the countries of asylum, the donor countries had expended great efforts to assist Somalia's refugees. Special tribute should also be paid to the staff of the Office of the United Nations High Commissioner for Refugees and to officials of the United Nations, its specialized agencies and other voluntary agencies which had lent their assistance.

31. Mr. HOUFFANE (Djibouti) expressed his thanks to the sponsors of draft resolution A/C.3/40/L.67 on humanitarian assistance to refugees in Djibouti and to the Committee for having adopted it by consensus.

32. Mr. BERAUN UGAS (Peru) said that draft resolutions on human rights merited careful and objective consideration and should not be introduced for exclusively political purposes. His delegation had therefore, on ethical grounds, abstained in

(Mr. Beraun Ugas, Peru)

the vote on draft resolutions A/C.3/40/L.59/Rev.2 and A/C.3/40/L.81 on the situation of human rights and fundamental freedoms in Guatemala and Chile respectively.

33. Mr. LY (Senegal) said that notwithstanding the East-West tensions reflected in the debate, his delegation had voted in favour of draft resolution A/C.3/40/L.48/Rev.1 on the question of human rights and fundamental freedoms in Afghanistan, because of its traditional attachment to human rights and its humanitarian concern for Afghan refugees. In particular, he wished to commend the work of the Special Rapporteur, whose intellectual competence was well known and appreciated by his countrymen.

34. The Chairman of the Working Group established for the purpose of concluding the elaboration of the draft declaration should also be commended for her tireless efforts in working towards a consensus on draft resolution A/C.3/40/L.80. Although the Declaration might seem less generous than such earlier instruments as the Universal Declaration of Human Rights and the two International Covenants on Human Rights, it in no way called their implementation into question or compromised the preparation of other human-rights instruments.

35. Mrs. KOZAKOU-MARCOULLIS (Cyprus) congratulated the Working Group, in particular its Chairman, on its hard work in preparing draft resolution A/C.3/40/L.80. However, the Declaration could not cover the thousands of Turkish settlers from the Turkish mainland who had been illegally implanted in the occupied part of Cyprus by the Turkish Government against her Government's will. The mere presence of more than 50,000 illegal settlers violated the human rights of the 200,000 Cypriot refugees who had been forcibly expelled from the occupied area and denied their right to return. The fact that the illegal settlers had been imported into Cyprus to colonize that area and change the country's demographic structure had even been deplored by the Turkish Cypriots themselves.

36. Mr. TSHERING (Bhutan) requested that his delegation's position on draft resolution A/C.3/40/L.81 on the situation of human rights and fundamental freedoms in Chile should be recorded as an abstention.

37. The CHAIRMAN replied that it would be so recorded in the summary record.

38. Mrs. DOWNING (Secretary of the Committee) said that, in accordance with rule 154 of the rules of procedure, she wished to inform the Committee that the financial implications of the draft resolutions adopted by the Committee during the current session would total \$4,014,000, including conference-servicing costs, subject to subsequent adjustment by the Fifth Committee.

#### Rights of reply

39. Mr. GLAIEL (Syrian Arab Republic), speaking in exercise of the right of reply, said that the representative of the zionist entity had decided to continue uttering lies against his country.

40. Mr. YEDID (Israel), speaking on a point of order, said that, as the Syrian representative seemed to be ignoring the Chairman's earlier appeals to refer to States by their proper names, he requested a ruling from the Chair.
41. The CHAIRMAN renewed the appeal that he had made to the members of the Committee on previous occasions to call all Member States by their official names.
42. Mr. GLAIEL (Syrian Arab Republic) said that the representative of zionism and the so-called State of Israel had levelled accusations against his country, but that his country could in turn produce evidence of crimes of neo-fascism, neo-Nazism and zionism committed by the zionist entity, which continued to ignore the reality of the existing situation.
43. Mr. YEDID (Israel), speaking on a point of order, said that, since the Syrian representative refused to respond to the Chairman's appeal, he once again asked for a ruling concerning the correct use of States' names.
44. The CHAIRMAN said that his position was clear with regard to the use of countries' official names and urged all Member States to co-operate with him.
45. Mr. GLAIEL (Syrian Arab Republic) said that no one could oblige him to say that Israel was a peace-loving State when in fact it was a racist entity. His delegation had given the Secretary-General a formal note outlining its position on fascism and zionism. The delegation of Israel should have read that note as well as relevant United Nations resolutions.
46. Mr. AKYOL (Turkey), speaking in exercise of the right of reply, said that his delegation rejected all the false allegations made by the Greek Cypriot representative.
47. Mr. PHEDONOS-VADET (Cyprus), speaking on a point of order, said that the Turkish representative should refer to his State by its proper name.
48. The CHAIRMAN once again renewed his appeal to Member States to refer to States by their official names.
49. Mr. AKYOL (Turkey) said that the allegations concerning the so-called Turkish settlers constituted yet another item in the long list of lies put forward by the Cypriot delegation, which had done everything within its power to impede the achievement in the months ahead of a peaceful solution to the Cyprus problem. The Cypriot delegation could no longer deceive the international community and claim to be seeking rapprochement with the Turkish Cypriots with a view to establishing a federation within a single State.
50. Mr. PHEDONOS-VADET (Cyprus), speaking on a point of order, said that the Committee was now considering rights of reply to explanations of vote under item 12. The Turkish representative should therefore not be allowed to introduce a new agenda item, the question of Cyprus, at the present time.



51. The CHAIRMAN reminded members of the Committee to restrict their comments to the item under consideration.
52. Mr. AKYOL (Turkey) said that Cyprus' suicidal policy did not help the two Cypriot communities to move any closer to a definitive solution as it destroyed any confidence and loyalty that might still exist between them.
53. Mr. PHEDONOS-VADET (Cyprus), speaking on a point of order, said that Turkey had the right to reply to his delegation's explanation of vote on draft resolution A/C.3/40/L.80. His reference to inter-community relations in Cyprus had nothing to do with that draft resolution or even with the item under consideration.
54. Mr. AKYOL (Turkey) said that it had become apparent that, in view of the Greek Cypriot delegation's ill will, the Cyprus problem could not be solved in the near future.
55. Mr. PHEDONOS-VADET (Cyprus) said that he had expected such an answer from the representative of the Ankara régime, since he had no choice but to defend the actions of the Government of a country which had made it a serious offence under its Penal Code to criticize the State, and was known to have sentenced a critic of its Kurdish policy to 10 years in prison. He himself, in explanation of his delegation's position on draft resolution A/C.3/40/L.80, had been referring to something which had nothing to do with the talks between the Cypriot and Turkish Governments, namely, the well-known policy of the Turkish Government to continue to settle thousands of its own nationals permanently and illegally in Cypriot territory.
56. Mr. AKYOL (Turkey) observed that no one would be convinced by the astonishing charge just made regarding human-rights practices in his country, or by the Greek Cypriot representative's lies regarding fictitious settlers. That representative's intentions were clear: after massacring Turkish inhabitants, his Government now wanted to sabotage the Secretary-General's efforts to settle the question of Cyprus peacefully.
57. Mr. PHEDONOS-VADET (Cyprus) pointed out that five Western European countries, all allies of Turkey, had submitted to the European Commission of Human Rights, of which Turkey was a member, complaints regarding torture and other human-rights violations in Turkey, concerning which that Commission had issued a report in 1976.
58. Mr. AKYOL (Turkey), interrupting on a point of order, asked whether the Greek Cypriot representative was not supposed to be speaking in explanation of position on draft resolution A/C.3/40/L.80.
59. The CHAIRMAN agreed that all speakers should restrict their remarks to subjects under agenda item 12.
60. Mr. PHEDONOS-VADET (Cyprus) went on to say that the European Commission of Human Rights had provided evidence in its 1976 report of massacres and other human-rights violations by Turkish army personnel, which it judged the Turkish Government had not taken adequate steps to prevent or punish.

61. Mr. AKYOL (Turkey), speaking on a point of order, said that the Greek Cypriot representative was still not restricting his remarks to the draft resolution in question.

62. Mr. PHEDONOS-VADET (Cyprus) said that it was the representative of the bloody Ankara régime who had not stuck to the subject and had instead made accusations against the Government of Cyprus. He was merely answering that attack. There was no time, however, for him to go on cataloguing the list of massacres of which the Turkish Government was guilty.

#### COMPLETION OF THE COMMITTEE'S WORK

63. The CHAIRMAN, summing up the work of the Committee during the fortieth session, said that it could once again claim credit for serious accomplishments, particularly in view of the cultural, social and political divergence of the delegations that composed it and its extremely varied agenda. The Committee had charted the course for the implementation of the Forward-looking Strategies adopted at the World Conference to Review and Appraise the Achievements of the United Nations Decade for Women; it had endorsed the conclusions of the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders; and it had decided to convene an international conference on narcotic drugs in 1987. The Committee's discussions and decisions on questions such as the rights of the child and the problems of the aging, the disabled, refugees, women and youth had reflected the significance which the international community attached to those matters.

64. He believed that, in its other major field of endeavour, that of human rights, the Committee should take a balanced approach to all factors that could help promote human rights throughout the world. There was nothing to be gained by singling out some rights at the expense of others. He expressed the hope that the declaration on the right to development, desired by so many, would remain on the international agenda, and that more States would before long accede to the international human rights instruments. He was convinced that, faced with the growing need for international co-operation in matters of social development, human rights and fundamental freedoms, the United Nations - and more particularly the Third Committee - would respond favourably to the rising expectation of millions of human beings for a world which would have fewer arms, more social development and fuller enjoyment of human rights and fundamental freedoms.

65. After an exchange of courtesies, the CHAIRMAN declared that the Committee had completed its work for the fortieth session.

The meeting rose at 1.05 p.m.