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New York

SUMMARY RECORD OF THE 54th MEETING

Chairman: Mr. RITTER (Panama)

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The meeting was called to order at 3.45 p.m.

AGENDA ITEM 102: REPORTING OBLIGATIONS OF STATES PARTIES TO UNITED NATIONS CONVENTIONS ON HUMAN RIGHTS (continued) (A/C.3/42/L.54)

1. Miss KAMAL (Secretary of the Committee) announced that the delegations of The Bahamas and Norway had become sponsors of draft resolution A/C.3/42/L.54. With regard to the request contained in operative paragraph 4 (a), it was expected that no costs would be incurred over and above the provisions already requested under sections 23 and 29 of the proposed programme budget for the biennium 1988-1989. The venue of the requested meeting would be Geneva, not New York, and an editorial amendment to that effect would be made to the text.
2. M. GOLEMANOV (Bulgaria) reiterated his delegation's view that the chairmen of all treaty bodies relating to United Nations human rights instruments were entitled to attend meetings of the kind contemplated in paragraph 4; he hoped that the Secretariat would interpret the proposal in that light and make arrangements accordingly.

3. Draft resolution A/C.3/42/L.54 was approved without a vote.

AGENDA ITEM 106: NEW INTERNATIONAL HUMANITARIAN ORDER (continued) (A/C.3/42/L.57, L.63/Rev.1)

Draft resolution A/C.3/42/L.57

4. Miss KAMAL (Secretary of the Committee) announced that the delegation of Samoa had become a sponsor.
5. Draft resolution A/C.3/42/L.57 was adopted without a vote.

Draft resolution A/C.3/42/L.63/Rev.1

6. Miss KAMAL (Secretary of the Committee) read out a number of amendments submitted by the delegation of the Soviet Union to draft resolution A/C.3/42/L.63/Rev.1.
7. Ms. UMANA (Colombia), speaking on a point of order, said that the amendments being read out were too extensive, and too difficult to follow in the various language versions, to be introduced orally.
8. The CHAIRMAN suggested that consideration of draft resolution A/C.3/42/L.63/Rev.1 should be postponed pending circulation of the amended text.
9. It was so decided.

AGENDA ITEM 107: TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT: REPORT OF THE SECRETARY-GENERAL (continued) (A/C.3/42/L.56, L.60, L.66)

Draft resolution A/C.3/42/L.56

10. Draft resolution A/C.3/42/L.56 was adopted without a vote.

Draft resolution A/C.3/42/L.60

11. Miss KAMAL (Secretary of the Committee) announced that the delegations of Portugal and Samoa had become sponsors.

12. Draft resolution A/C.3/42/L.60 was adopted without a vote.

Draft resolution A/C.3/42/L.66

13. Ms. FUNDAFUNDA (Zambia) announced that the delegations of Australia, Austria, New Zealand, Norway, Samoa and Sudan had become sponsors. In operative paragraph 2, the words "all child detainees" should be replaced by the words "children held in detention".

14. Mrs. WARZAZI (Morocco), supported by Mr. DIRAR (Sudan), noted that the draft resolution would be the first resolution on the item to be adopted solely on the subject of children, and urged the Committee to adopt it by acclamation.

15. Draft resolution A/C.3/42/L.66, as orally amended, was adopted by acclamation.

AGENDA ITEM 101: INTERNATIONAL COVENANTS ON HUMAN RIGHTS (continued)
(A/C.3/42/L.49/Rev.1, L.51 and L.55)

Draft resolution A/C.3/42/L.55

16. Mr. BOLD (Mongolia) announced that the delegations of the Federal Republic of Germany and Samoa had become sponsors of draft resolution A/C.3/42/L.55.

17. At the request of the representative of the United States of America, a recorded vote was taken on operative paragraph 5 of draft resolution A/C.3/42/L.55.

In favour: Afghanistan, Albania, Algeria, Argentina, Australia, Austria, The Bahamas, Bahrain, Bangladesh, Barbados, Belgium, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Canada, Central African Republic, Chad, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Fiji, Finland, France, German Democratic Republic, Germany, Federal Republic of, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Israel, Italy, Japan, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya,

Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mexico, Mongolia, Morocco, Mozambique, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Romania, Rwanda, Samoa, Saudi Arabia, Senegal, Sierra Leone, Singapore, Solomon Islands, Somalia, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia, Zimbabwe.

Against: None.

Abstaining: United States of America.

18. Operative paragraph 5 of draft resolution A/42/L.55 was adopted by 136 votes to none, with one abstention.

19. Draft resolution A/C.3/42/L.55 as a whole was adopted without a vote.

20. Mr. STIRLING (United States of America), speaking in explanation of vote after the vote, said that his delegation had abstained in the vote on operative paragraph 5 of resolution A/C.3/42/L.55 since the United States had withdrawn from membership of UNESCO.

Draft resolution A/C.3/42/L.49/Rev.1

21. Mr. FRAMBACH (German Democratic Republic) said that the text of new paragraphs 4 and 5 and the oral amendment previously introduced to new paragraph 6 had been circulated to all delegations. Paragraph 4 of the existing text should therefore be deleted, new paragraphs 4, 5 and 6 inserted, and existing paragraphs 5, 6 and 7 renumbered as paragraphs 7, 8 and 9.

22. Mr. HAMER (Netherlands) said that the delegation of the German Democratic Republic had shown commendable flexibility and consideration for the proposals and viewpoints put forward during the informal consultations. Unfortunately, his own delegation still had difficulty with operative paragraph 3, particularly in the light of the sixth preambular paragraph, it seemed inappropriate, in a resolution on the indivisibility and interdependence of rights, to mention only one category of rights only. He suggested that operative paragraph 3 should be amended to include a reference to civil and political rights or else that the words "under the relevant agenda items" should be added at the end of the paragraph.

23. Mr. FRAMBACH (German Democratic Republic) said that the text as revised was the outcome of lengthy negotiations. Operative paragraph 3 reflected the wording of General Assembly resolution 41/117. He thought that the sponsors would have no

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Democratic Republic)

difficulty in adding the proposed reference to civil and political rights, provided that further wording was added to reflect the point, made in the eleventh preambular paragraph, that the implementation, promotion and protection of economic, social and cultural rights had not received sufficient attention within the framework of the United Nations system.

24. Mr. QUINN (Australia) suggested, as a compromise solution, that paragraph 3 might read: "Requests the Commission on Human Rights to give more attention to the realization of economic, social and cultural rights under the relevant agenda items)".

25. Mr. FRAMBACH (German Democratic Republic) said that the Australian proposal would be acceptable.

26. Mr. HAMER (Netherlands) said that, since he heard no objections from the sponsors, he would accept the suggestions made by the German Democratic Republic and Australia for improving the text.

27. Mr. HOUFANE (Djibouti) observed that it was against the rules of procedure to distribute proposed amendments in only one language.

28. The CHAIRMAN explained that the proposals had been circulated among the sponsors in one language because they involved only minor changes.

29. Mr. HOPPE (Denmark), speaking in explanation of vote before the vote on behalf of the twelve member States of the European Community, said that although the Twelve recognized that the text of draft resolution A/C.3/42/L.49/Rev.1 marked some improvement over the previous year's resolution, the Twelve would abstain in the voting because they had a number of serious reservations about the text. Firstly, they could not accept the assertion in the title and in the fifth preambular paragraph that all human rights were "interdependent". The enjoyment of economic, social and cultural rights - the implementation of which was gradual - could not be a pre-condition for the enjoyment of civil and political rights, which must be implemented in full and immediately. Nor could the Twelve accept the implicit claim in the seventh preambular paragraph that the principal obstacles to the full realization of human rights were those listed in that paragraph. A complete list would include other elements, such as totalitarian practices.

30. The Twelve were unable to support the eighth preambular paragraph, since its language did not correspond to that of the International Covenant on Economic, Social and Cultural Rights. The Twelve also had difficulties with the ninth preambular paragraph, which painted an overly simplistic picture of what was, in fact, a complex triangular relationship between disarmament, security and development and which had no place in a resolution on the item under consideration. Lastly, the Twelve felt that a single, comprehensive resolution on the International Covenants on Human Rights, as contained in draft resolution A/C.3/42/L.51, was sufficient to deal with the issues arising in that regard.

31. A separate recorded vote was taken on the eighth preambular paragraph of draft resolution A/C.3/42/L.49/Rev.1.

In favour: Afghanistan, Algeria, Antigua and Barbuda, Argentina, Australia, The Bahamas, Bahrain, Bangladesh, Barbados, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Central African Republic, Chad, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Czechoslovakia, Democratic Yemen, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Fiji, German Democratic Republic, Grenada, Guatemala, Guinea, Guinea-Bissau, Haiti, Honduras, Hungary, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mexico, Mongolia, Morocco, Mozambique, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Qatar, Romania, Rwanda, Samoa, Saudi Arabia, Senegal, Sierra Leone, Singapore, Solomon Islands, Somalia, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia, Zimbabwe.

Against: Belgium, France, Germany, Federal Republic of, Israel, Italy, Luxembourg, Netherlands, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Austria, Canada, Denmark, Finland, Greece, Iceland, Ireland, Japan, New Zealand, Norway, Portugal, Spain, Sweden.

32. The eighth preambular paragraph of draft resolution A/C.3/42/L.49/Rev.1 was adopted by 117 votes to 9, with 13 abstentions.

33. A recorded vote was taken on draft resolution A/C.3/42/L.49/Rev.1 as a whole.

In favour: Afghanistan, Albania,* Algeria, Antigua and Barbuda, Argentina, Australia, The Bahamas, Bahrain, Bangladesh, Barbados, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Central African Republic, Chad, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Czechoslovakia, Democratic Yemen, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Fiji, German

* See para. 35 below.

Democratic Republic, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Haiti, Honduras, Hungary, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mexico, Mongolia, Morocco, Mozambique, Nepal, New Zealand, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Qatar, Romania, Rwanda, Samoa, Saudi Arabia, Senegal, Sierra Leone, Singapore, Solomon Islands, Somalia, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia, Zimbabwe.

Against: United States of America.

Abstaining: Austria, Belgium, Canada, Chile, Denmark, Finland, France, Germany, Federal Republic of, Greece, Iceland, Ireland, Israel, Italy, Japan, Luxembourg, Netherlands, Norway, Portugal, Spain, Sweden, Turkey, United Kingdom of Great Britain and Northern Ireland.

34. Draft resolution A/C.3/42/L.49/Rev.1 as a whole was adopted by 118 votes to 1, with 22 abstentions.

35. Mr. VITO (Albania) said that his delegation had not voted on the draft resolution as a whole.

Draft resolution A/C.3/42/L.51

36. Mr. HOPPE (Denmark), speaking on behalf of the sponsors, said that two changes must be made in paragraph 14. In the fourth line after the phrase "the Commission on Human Rights", the words "the Commission on the Status of Women" should be added. In the seventh line, after the words "where appropriate," the words "other functional commissions of the Economic and Social Council and" should be added.

37. Mr. GOLEMANOV (Bulgaria) said that he hoped that the Committee would adopt the draft resolution without a vote. His delegation wished to be added to the list of sponsors.

38. Draft resolution A/C.3/42/L.51, as orally amended, was adopted without a vote.

AGENDA ITEM 91: 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: REPORTS OF THE SECRETARY-GENERAL (continued) (A/C.3/42/L.15/Rev.3, L.69/Rev.1)

39. The CHAIRMAN said that the first name on the list of speakers was Democratic Yemen.

40. Mr. HOPPE (Denmark), speaking on a point of order, moved under rule 116 [74] of the rules of procedure that no action should be taken on the proposal for a new paragraph 7 in draft resolution A/C.3/42/L.15/Rev.3 (A/C.3/42/L.69/Rev.1), nor ...

41. Mr. AL-ASHTAL (Democratic Yemen), speaking on a point of order, ...

42. The CHAIRMAN appealed to delegations to make the best possible use of points of order, which must refer to the way in which the debate was being conducted and not to the substance of the matter under discussion. Nor should they be used to propose amendments.

43. Mr. AL-ASHTAL (Democratic Yemen) moved under rule 116 [74], that no action should be taken on the Belgian sub-amendment to new paragraph 7, proposed orally at the 42nd meeting (A/C.3/42/SR.42).

44. Mr. HOPPE (Denmark), speaking on a point of order, said that in accordance with the rules of procedure Denmark, as the first speaker in the debate on the item, had made a formal motion that the Committee should take no action on the proposal for a new paragraph 7 and no action on the Belgian sub-amendment thereto. That motion took precedence.

45. The CHAIRMAN said that there were three speakers on the list: Democratic Yemen, United States of America and Denmark. The representative of Denmark had asked to speak on a point of order which was actually not a point of order. Democratic Yemen had been making a proposal.

46. Mr. ROSENSTOCK (United States of America) said that it was unarguable that Denmark had made his motion using the procedural method by which a motion under rule 116 was traditionally made, i.e., by way of a point of order. His motion should take priority. As the Chairman had correctly pointed out, his motion had nothing to do with matters of substance, for which speakers were duly entered on the list of speakers.

47. Mr. KATEKA (United Republic of Tanzania) said that it was normal for a delegation to enter its name on the list with a view to making a point of order, which was exactly what Democratic Yemen had done. When there was a conflict between two points of order, the Chairman must make a ruling under rule 113.

48. Mr. SCHWANDT (Federal Republic of Germany) said that Denmark had made a motion under rule 116, and that rule stated that "the motion shall be immediately put to the vote". Denmark's motion therefore took precedence over Democratic Yemen's motion.

49. Mr. AL-ASHTAL (Democratic Yemen) confirmed Tanzania's interpretation that Democratic Yemen had entered its name on the list in order to make a point of order. The Chairman had already ruled, apparently, in favour of Democratic Yemen when he had said that an interruption on a point of order was not valid.

50. Democratic Yemen had made its proposal under rule 116 [74] because the Belgian sub-amendment introducing a reference to Afghanistan and Kampuchea was completely irrelevant to the item under discussion. It was also anti-climactic to the discussion which had already taken place in the General Assembly concerning Afghanistan and Kampuchea. His delegation strongly supported draft resolution A/C.3/42/L.15/Rev.3 and felt that, in the interest of consensus, its motion should take precedence and be put to the vote immediately.

51. Mr. TREIKI (Libyan Arab Jamahiriya) moved that, since Democratic Yemen's motion had been made before that of Denmark, it should be put to the vote.

52. Mr. HOPPE (Denmark), supported by Mr. ROSENSTOCK (United States of America), said that when the Chairman had given Democratic Yemen the floor, it had not been on a point of order but simply in order to speak. Denmark had made its motion before Democratic Yemen had begun to speak. Since two representatives had spoken in favour of the motion, and two against, it should be put to the vote under rule 116.

53. Mr. SCHWANDT (Federal Republic of Germany) said that Democratic Yemen should recall that, at the previous session of the General Assembly, a similar situation had arisen in the Second Committee. It had been necessary to call on the advice of the Legal Counsel, who had ruled that the first motion indeed had precedence.

54. The CHAIRMAN said that he would consult the Legal Counsel and report back to the Committee.

The meeting was suspended at 5.05 p.m. and resumed at 6.15 p.m.

55. The CHAIRMAN, reporting on his consultation with the Legal Counsel, said that the Counsel had agreed that it was legitimate for the representative of Denmark to have invoked rule 116 of the rules of procedure in order to make a motion while speaking on the point of order by which he had interrupted the representative of Democratic Yemen. Although the latter had himself then interrupted the representative of Denmark by raising a second point of order, it was the Legal Counsel's opinion that one point of order could not be used to override another point of order already in progress and that the motion made on the first point of order must take precedence when it came to a vote.

56. He would therefore invite the Committee to vote on the motion of the representative of Denmark, after hearing two speakers in favour and two against.

57. Mrs. CASTRO de BARISH (Costa Rica) said that her delegation supported the motion made by Denmark.

58. Mr. AL-ASHTAL (Democratic Yemen), speaking on a point of order, said that he believed that the Chairman should instead be asking the Committee to decide which of the two motions, both of which had been made on points of order, took precedence: the motion that the Committee should not take action on the Belgian sub-amendment, or the motion that the Committee should not take action on the entire amendment, including the Belgian sub-amendment.

59. Mr. HOPPE (Denmark), supported by Mr. BORG OLIVIER (Malta), said that the Chairman had already established that the Danish motion took precedence. Accordingly, three more speakers should be heard, followed immediately by a vote.

60. The CHAIRMAN, supported by Mr. OGURTSOV (Byelorussian Soviet Socialist Republic) and responding to a request for clarification by Mr. SEIFU (Ethiopia), read out rule 116 of the rules of procedure and recalled that two successive motions invoking rule 116 had been made on points of order. The first motion, that of Denmark, would be voted on first, and the second motion, that of Democratic Yemen, would be voted on next.

61. Mr. GBEHO (Ghana) said that his delegation opposed the Danish motion because Ghana was always wary of procedural motions designed to deny delegations the right to put proposals before the Committee and to rob the Committee of the right to reach a democratic decision on such proposals.

62. Miss AIOUAZE (Algeria) said that her delegation opposed the use of anti-democratic motions to prevent States from presenting amendments to resolutions which, as they stood, challenged established principles regarding the inalienable right of peoples to freedom and independence and the free choice of their economic, political and social systems.

63. Mrs. KAMAL (Secretary of the Committee) read out the amendments to draft resolution A/C.3/42/L.15/Rev.3 contained in document A/C.3/42/L.69/Rev.1, as well as the Belgian sub-amendment thereto which consisted of adding the words "Afghanistan and Kampuchea" after the words "Namibia and Palestine" in the proposed new paragraph 7.

64. A recorded vote was taken on the Danish motion not to vote either on the amendments contained in document A/C.3/42/L.69/Rev.1 or on the Belgian sub-amendment.

In favour: Afghanistan, Australia, Austria, Belgium, Bulgaria, Byelorussian Soviet Socialist Republic, Canada, Chile, Costa Rica, Czechoslovakia, Denmark, Dominican Republic, El Salvador, Finland, France, German Democratic Republic, Germany, Federal Republic of, Greece, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Japan, Luxembourg, Malta, Morocco, Netherlands, New Zealand, Norway, Philippines, Poland, Portugal, Samoa, Singapore, Solomon Islands, Spain, Sweden, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay.

Against: Algeria, Bahrain, Bangladesh, Benin, Botswana, Brunei Darussalam, Burkina Faso, Burundi, Cameroon, China, Congo, Côte d'Ivoire, Cuba, Democratic Yemen, Djibouti, Ethiopia, Ghana, Guinea, Haiti, Indonesia, Iran (Islamic Republic of), Jamaica, Jordan, Kenya, Kuwait, Lebanon, Lesotho, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Mauritania, Mexico, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Peru, Qatar, Saudi Arabia, Sierra Leone, Somalia, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Togo, Uganda, United Arab Emirates, United Republic of Tanzania, Yemen, Zambia, Zimbabwe.

Abstaining: Argentina, Barbados, Bolivia, Brazil, Central African Republic, Chad, Cyprus, Ecuador, Egypt, Lao People's Democratic Republic, Mali, Paraguay, Rwanda, Senegal, Thailand, Trinidad and Tobago, Tunisia, Venezuela, Viet Nam, Yugoslavia, Zaïre.

65. The Danish motion was rejected by 56 votes to 45, with 21 abstentions.

66. Mr. STIRLING (United States of America) observed that the sponsors of the amendments had demonstrated their ability to have them inserted. He regretted that he must now withdraw draft resolution A/C.3/42/L.15/Rev.3 from further consideration at the current session of the General Assembly. Of all the positions that Member States took in the United Nations, none were so well known as those contained in the proposed new operative paragraph 7 and its sub-amendment.

67. In withdrawing the draft resolution, however, he wondered whether the principal sponsors of the amendments were pleased with what had just occurred. It was clear that the Committee had been prevented from fulfilling its primary function under the Charter - that of encouraging respect for human rights and fundamental freedoms. The Committee was well known for its ability to tackle difficult issues that went straight to the heart of cherished values and ideals; and if after debating and negotiating in good faith the Committee was not able to settle its differences, votes were taken on draft resolutions. What the Committee had just witnessed was a different story. The draft resolution had not been debated on its merits. Unable to refute its arguments, the principal sponsors of the amendments had sought to defeat it by force. A few delegations had made demand after demand in the course of the negotiations, probably assuming that the sponsors of the draft resolution did not share their concerns or values. They had been proved wrong, however: the revised draft resolution had in one way or another incorporated every conceptual concern expressed to its sponsors. The sponsors had been extraordinarily flexible yet, in the end, a few delegations had insisted on amendments which were clearly designed to sabotage the draft resolution and make it unacceptable to its own sponsors. Such amendments, which were not unknown in the United Nations, breached the Committee's good faith.

68. The outcome had been a defeat for the Committee and the General Assembly. They had lost an opportunity to take a conceptual leap forward for, as the text of the draft resolution had evolved, all sides had been pulled and tugged forward to what would have been a landmark resolution. Unfortunately, the intransigence of a

(Mr. Stirling, United States)

handful of delegations had prevailed. However, the sponsors of the draft resolution rested secure in the knowledge that the vast majority of delegations had been prepared to take the significant step of adopting their draft resolution.

69. Mr. AL-ASHTAL (Democratic Yemen), speaking on behalf of the sponsors of document A/C.3/42/L.69/Rev.1, expressed deep regret at the United States delegation's withdrawal of draft resolution A/C.3/42/L.15/Rev.3, a text which the sponsors of the amendments fully and indeed enthusiastically endorsed. In proposing the insertion of a new paragraph 7, they had wished to uphold the inalienable rights to self-determination and independence of the peoples of Namibia and Palestine. What was good for the general membership of the United Nations was surely also good for those two peoples. He hoped that a draft resolution incorporating the proposed amendments would be reintroduced at the next session and would be adopted without a vote.

70. Mrs. de la MAZA (Dominican Republic) associated herself with the statement made by the United States representative and withdrew her delegation's sponsorship of draft resolution A/C.3/42/L.15/Rev.3. The mention of specific cases in the context of a general text of a conceptual nature would have diminished the draft resolution's scope.

71. Mr. HAMER (Netherlands) said that amendments such as those proposed in document A/C.3/42/L.69/Rev.1 were known as "killer" amendments and their sponsors must have been aware that they would result in the draft resolution's withdrawal. As a sponsor of draft resolution L.15/Rev.3, his delegation had spared no effort in trying to incorporate the views of other delegations into the text as originally conceived. It was difficult to escape the impression that some delegations simply did not want to see the draft resolution adopted. That situation was unprecedented in his long experience of United Nations practice and he found it particularly distasteful that those responsible should be invoking the virtues of democratic procedure. It was with deep regret that his delegation felt obliged to withdraw its sponsorship and the text of the draft resolution itself.

72. Mr. BENNOUNI (Morocco) said that, as the representative of a democratic people which had been deeply committed to the electoral process ever since its independence, his delegation had supported both the draft resolution and the amendments in document A/C.3/42/L.69/Rev.1. However, it had been opposed to the Belgian proposal to introduce what it regarded as a completely irrelevant reference to Kampuchea and Afghanistan and, under the circumstances, had chosen to vote in favour of the Danish motion to drop all amendments not yet incorporated in the draft resolution. The regrettable confusion which had arisen and which certainly did not facilitate the work or enhance the prestige of the United Nations might perhaps have been avoided if the draft resolution had been considered under another agenda item, for instance, human rights or the International Covenants on Human Rights. He hoped that the Committee would have an opportunity to discuss the draft resolution on a future occasion and would henceforth eschew the practice of amalgamating unrelated topics.

73. Mr. GBEHO (Ghana) said that his delegation also deplored the withdrawal of the draft resolution, as well as the vituperative comments made. Those who were unprepared to stand the rigours of democratic procedure had no business submitting draft resolutions on free elections. His delegation saw no reason to be anything but proud of the outcome of the vote on the Danish motion, which proved that, in the United Nations, decency prevailed in the end. It was to be hoped that a landmark resolution on the subject, arrived at as a result of more extensive consultations, would one day be adopted by a consensus of the international community.

74. Mr. DIRAR (Sudan) said that his delegation, representing as it did a people which had recently acceded to a democratic form of government after a long period of dictatorship, had unequivocally supported the draft resolution from the outset. It deeply regretted the sponsors' decision to withdraw a text which would have offered great moral support to democracy in the Sudan and other countries. However, it had felt obliged to vote against the Danish motion, the effect of which would have been to eliminate the amendment in document A/C.3/42/L.69/Rev.1 mentioning the important and worthy causes of Namibia and Palestine.

75. Mr. WIJEWARDANE (Sri Lanka) said that he had voted against the Danish motion because he was firmly opposed to combining the cases of Namibia and Palestine with those of Kampuchea and Afghanistan, whether within the context of a draft resolution or of a procedural motion.

76. Ms. NGUYEN BINH THANH (Viet Nam) said that her delegation had abstained in the vote on the Danish motion. It agreed with the motion in so far as it sought to eliminate the Belgian sub-amendment which, in her view, represented a manoeuvre designed to confuse the issue. Whether certain countries liked it or not, Kampuchea was a sovereign independent State and had chosen its representatives freely. The move to eliminate the amendments in A/C.3/42/L.69/Rev.1 had been unacceptable to her delegation, however, and it wished to reiterate its firm support for the just struggles of the peoples of Namibia and Palestine for their inalienable rights.

77. Miss CHENG PHOBOL (Democratic Kampuchea) said that the statement by the representative of Viet Nam was simply another effort to distort the current situation in her country, where the inalienable right of the Kampuchean people to self-determination was being violated by the presence of more than 160,000 Vietnamese forces. Only when those forces had been withdrawn in accordance with General Assembly resolutions, in particular, General Assembly resolution 42/3, would the Kampuchean people be able to freely determine their own destiny.

78. Miss ARGUILLAS (Philippines) said that draft resolution A/C.3/42/L.15/Rev.3 was in keeping with her country's advocacy of the democratic process and its strong commitment to human rights and self-determination. While strongly upholding the inalienable rights of the peoples of Namibia, Palestine, Afghanistan and Kampuchea to self-determination and independence, her delegation also upheld the same rights of all other peoples in similar situations. Since the objective of the draft resolution was to advance the cause of self-determination in general, her

(Miss Arquillas, Philippines)

delegation believed that individual cases should not be singled out for mention. Consequently, her delegation had voted in favour of the motion not to take action on the amendments to draft resolution A/C.3/42/L.15/Rev.3.

79. Miss PEARCE (Austria) said that her delegation had supported the motion not to take action on the amendments to draft resolution A/C.3/42/L.15/Rev.3. In so doing, it had not intended to prevent the Committee from taking a position on the substance of the draft resolution but had been motivated by a reluctance to single out specific cases in a resolution which dealt with an issue of a general nature. As the representative of the Netherlands had rightly pointed out, the amendments did not seem intended to clarify the main issues of L.15/Rev.3. Her delegation's position on self-determination for all peoples, including those of Namibia and Palestine, was clear, as was its position on free elections and the right of association. It strongly regretted therefore that the intransigence of a few delegations had prevented the Third Committee from pronouncing itself on those important human rights issues. Furthermore, she wished to reject any suggestion that Austria, a country with a vigorous democratic system, had supported an undemocratic motion.

80. Ms. YOUNG (United Kingdom) said that her delegation had supported the motion not to take action on the amendments to draft resolution A/C.3/42/L.15/Rev.3. That resolution had taken a general approach to an important subject and should have been supported by the vast majority of delegations. Like Austria, her delegation very much regretted the manoeuvres which had prevented that support from being expressed. It took grave exception to some of the statements made by those who had been successful in securing the withdrawal of the draft resolution and, in particular, to any suggestion that those in favour of the motion had been behaving undemocratically.

AGENDA ITEM 103: OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES
(continued) (A/C.3/42/L.6, L.67, L.68)

Draft resolution A/C.3/42/L.6

81. The CHAIRMAN reminded the Committee that, on its recommendation, the General Assembly had decided by decision 41/428, to defer to the current session consideration of the draft resolution the text of which was contained in document A/C.3/42/L.6. If he heard no objection, he would take it that the Committee wished to take no action on draft resolution A/C.3/42/L.6.

82. It was so decided.

Draft resolution A/C.3/42/L.67

83. Mr. PHIRI (Malawi) said that, in the second preambular paragraph, the words "their liberation movements" should be replaced by "the liberation movements of South Africa and Namibia".

84. Draft resolution A/C.3/42/L.67, as orally amended, was adopted without a vote.

Draft resolution A/C.3/42/L.68

85. Draft resolution A/C.3/42/L.68 was adopted without a vote.

86. Ms. YOUNG (United Kingdom), speaking in explanation of vote, said that her delegation's support for resolution A/C.3/42/L.67 should not be construed as an endorsement of armed struggle or of the actions of liberation movements which espoused violence.

87. Mr. SCHWANDT (Federal Republic of Germany) said that his delegation had joined in the consensus on resolution A/C.3/42/L.67 but wished to emphasize that, like the United Kingdom, his delegation's support for the resolution and, in particular, for the second preambular paragraph did not in any way imply support for armed struggle. As his delegation had pointed out on various occasions, conflicts must be resolved by peaceful means only.

88. Miss BYRNE (United States of America) said that her delegation had not opposed the consensus on resolution A/C.3/42/L.67 because the resolution was basically humanitarian and endorsed decisions taken by the Executive Committee of UNHCR with which her delegation agreed. Nevertheless, she wished to state categorically that her delegation did not endorse what might be interpreted as a call for armed struggle, which could only increase the suffering of the oppressed non-white majority in southern Africa. The resolution, as adopted, gave the impression that the policies of the South African Government were the sole cause of refugee problems in southern Africa. While those policies were the fundamental cause, other factors also contributed to the human suffering in that area.

AGENDA ITEM 99: HUMAN RIGHTS AND SCIENTIFIC AND TECHNOLOGICAL DEVELOPMENTS:
REPORT OF THE SECRETARY-GENERAL (continued) (A/C.3/42/L.58, L.59)

89. Mr. LINDHOLM (Sweden), speaking on behalf of the Nordic countries in explanation of vote on draft resolution A/C.3/42/L.58, said that the Nordic delegations had repeatedly expressed their support for proposals which could contribute to the elimination of the arms race, nuclear as well as conventional. They felt, however, that consideration of those highly important issues should take place in the relevant fora, and had accordingly abstained from voting on the draft resolution. Furthermore, they had reservations with regard to some elements of the draft, in particular the third preambular paragraph which referred to certain General Assembly resolutions which they had not been able to support, and operative paragraph 6, in connection with which it should be recalled that the Nordic countries had entered reservations concerning article 20 of the International Covenant on Civil and Political Rights. That being said, they shared the concern shown in the resolution for the individual's right to life, and would therefore strongly support the resolution soon to be submitted on the subject of summary and arbitrary executions.

90. Mr. MIYATA (Japan) said that his delegation had abstained from voting on draft resolution A/C.3/42/L.58 because it did not believe that the main thrust of the draft was directly related to the subject-matter of agenda item 99. It had also abstained in the vote on draft resolution L.59 because its operative paragraph 6

(Mr. Miyata, Japan)

referred to resolutions of the Commission on Human Rights on which his delegation to the Commission had abstained previously.

AGENDA ITEM 101: INTERNATIONAL COVENANTS ON HUMAN RIGHTS (continued)
(A/C.3/42/L.47, L.51)

91. Mr. MOTTAGINEJAD (Islamic Republic of Iran), speaking in explanation of vote on draft decision A/C.3/42/L.47, said that, while duly respectful of the humanitarian considerations underlying the decision and while noting that the provisions it contained were doubtless applicable to man-made systems developed through ordinary legislative channels, his delegation had voted against the draft decision as being inconsistent with the divine laws of Islam and therefore unacceptable to his Government.

92. Ms. GHO YANPING (China), speaking in explanation of vote on draft decision A/C.3/42/L.47, said that like some other delegations, her delegation had reservations about the abolition of the death penalty at the present time. In view of current conditions in her country, the National People's Congress had, after careful consideration, decided to retain the death penalty as the most severe punishment, to be used only as a last resort, in conformity with the interests of the overwhelming majority of the Chinese people. Her delegation believed that individual Governments and peoples should decide the issue of abolition of the death penalty in ways most appropriate to their own national conditions.

93. Mr. DIRAR (Sudan), speaking in explanation of vote on draft resolution A/C.3/42/L.51 expressed his delegation's reservations with respect to paragraph 11. That paragraph left much to be desired, in particular, with regard to the right of States to determine matters according to their own national conditions. His delegation objected to the implication in paragraph 11 that States parties could collectively decide whether to uphold reservations made in respect of provisions of international conventions. That action was a matter of sovereignty and should not be subject to collective consideration by States parties to any convention.

94. Ms. PEARCE (Australia), speaking on behalf of Austria, Denmark, Norway, Sweden and the Netherlands, said that the issue of the elaboration of a second optional protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, deserved serious and urgent consideration. She hoped that the Commission on Human Rights, at its forty-fourth session, would pay special attention to the conclusion of the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities that international and regional developments were encouraging for the adoption of an international instrument proposing the abolition of the death penalty. While a number of countries had declared that they were unable to abolish the death penalty within their own jurisdiction, such national positions should not prevent the efforts of others to promote an optional international instrument to that end.

The meeting rose at 7.40 p.m.