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New York

SUMMARY RECORD OF THE 77th MEETING

Chairman: Mr. PEDERSEN (Denmark)

later: Mrs. MAIR (Jamaica)

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The meeting was called to order at 11.05 a.m.

AGENDA ITEM 75: WORLD CONFERENCE TO COMBAT RACISM AND RACIAL DISCRIMINATION
(continued)

1. Mr. MOMPOINT (Secretary of the Committee) drew attention to the fact that the estimates of the financial implications of the Conference had been revised slightly since they had first been submitted to the General Assembly at its thirty-first session. The Secretary-General was likely to appoint a senior official of the United Nations as Secretary-General of the Conference, stationed at Headquarters; however, that would not add to the expenditures for the remainder of 1977, as any travel attributable to his duties as Secretary-General would be met from available resources. The cost of the Conference itself would remain as originally estimated.

AGENDA ITEM 12: REPORT OF THE ECONOMIC AND SOCIAL COUNCIL (continued)
(A/C.3/32/L.60, L.61, L.63/Rev.1, L.70)

2. The CHAIRMAN invited the Committee to continue its consideration of draft resolution A/C.3/32/L.63/Rev.1, concerning regional arrangements for the promotion and protection of human rights, as orally revised at the preceding meeting.

3. Mr. AYENI (Nigeria) observed that some delegations might have overlooked the fact that some of the steps advocated in the draft resolution had already been carried out. He would draw attention, for instance, to paragraphs 93-97 of the report of the Secretary-General on alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms (A/10235). Paragraph 96 of the report referred to a seminar on the establishment of regional commissions on human rights, held in Cairo in 1969. The report of the seminar had been transmitted to the Commission on Human Rights, which had advised the Secretary-General to contact the Organization of African Unity with a view to finding ways and means of carrying out the wishes of the countries which had participated in the seminar. The suggestion concerning regional arrangements was therefore far from new. The General Assembly could only invite States in areas where no arrangements existed to study the possibility and advisability of establishing such arrangements or similar ones.

4. Mr. RAKOTONAIIVO (Madagascar) said that, despite the clarification given by the representative of Nigeria, his delegation still strongly supported the amendments submitted by the representative of Yugoslavia.

5. Miss ILIĆ (Yugoslavia) thanked the sponsors of the draft resolution for accepting some of her delegation's amendments. However, if the Committee was to take a decision without further debate, her delegation would have to state that it was not satisfied. It was pursuing its consultations at the present time.

6. Mr. BOZA (Peru) thanked the sponsors for their efforts to accommodate the wishes of other delegations. Without prejudging the merits of the Yugoslav

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amendments, some of which had been accepted, or of other amendments that might be submitted, he believed that it would be difficult to accept any more amendments at the present stage. While his delegation would have preferred a text which could be adopted by consensus, it could support the draft resolution as contained in document A/C.3/32/L.63/Rev.1.

7. Mr. ALFONSO (Cuba) expressed appreciation for the sponsors' efforts to resolve some of the difficulties which certain delegations had with the text. One element, however, could still be improved. The term "suitable regional machinery" in paragraph 1 was rather vague. The sponsors' intention would have been better reflected if the term "regional agreements" had been used, since that would signify the contractual kind of arrangement which was the appropriate form for such machinery. In practice, regional machinery had been based on binding regional agreements that were arrived at by an act of sovereignty on the part of the States involved.

8. Mr. AL-HUSSAINY (Syrian Arab Republic) said that, while the original text of the draft resolution had not been very acceptable, his delegation had believed that it might be able to support it with the Yugoslav amendments. So far, however, not all the amendments had been accepted. It would be more appropriate to speak of regional arrangements than of regional machinery, since the word "machinery" could be used only at the national level. He asked whether the sponsors were prepared to accept all the Yugoslav amendments, or only those that related to paragraph 1 of the draft resolution.

9. Mrs. WARZAZI (Morocco) felt that the term "mécanismes régionaux" would be more appropriate than "systèmes régionaux" in the French version. Her delegation would have no difficulty in accepting the revised draft resolution.

10. Mr. MUTHAURA (Kenya) said that his delegation was sympathetic towards the amendments submitted by the representatives of Yugoslavia and Cuba, but hoped that they would not press their proposals. The reference in the third preambular paragraph to resolution 7 (XXIV) of the Commission on Human Rights seemed to cover their concerns regarding the regional machinery or arrangements. The main thrust of the draft resolution was to seek to establish regional machinery for dealing with human rights problems. If the reference to regional machinery was omitted from the operative part of the draft resolution, its purpose would be defeated.

11. Mr. SMIRNOV (Union of Soviet Socialist Republics) asked what was the position of the sponsors with regard to the third preambular paragraph.

12. Mr. AYENI (Nigeria) said the sponsors had accepted the Yugoslav representative's proposal that paragraph 3 of resolution 7 (XXIV) should be quoted in full. The third preambular paragraph of the draft resolution would therefore read as follows:

"Recalling resolution 7 (XXIV) of the Commission on Human Rights, which requested the Secretary-General to consider the possibility of arranging suitable regional seminars under the programme of advisory

(Mr. Ayeni, Nigeria)

services in the field of human rights in those regions where no regional commission on human rights exists at present, for the purpose of discussing the usefulness and advisability of the establishment of regional commissions on human rights".

13. Operative paragraph 1 would stand as orally revised, subject to further accommodations that might be made to the representative of Yugoslavia. As a result of consultations since the 76th meeting, the sponsors were prepared to make further use of the wording of resolution 7 (XXIV) of the Commission on Human Rights by changing the end of paragraph 2 to read as follows: "seminars for the purpose of discussing the usefulness and advisability of the establishment of regional commissions on human rights." The change was a gesture of further co-operation with those States that genuinely felt such a toning down to be necessary.

14. Miss SHAHKAR (Iran) commended the sponsors for their initiative in submitting the draft resolution and for their efforts to accommodate the views of others. Her delegation could accept the latest version of draft resolution A/C.3/32/L.63/Rev.1; however, as some members still had difficulties with the text, she suggested a brief suspension of the meeting to enable interested delegations to resolve their outstanding difficulties and to reach a consensus.

15. Mr. ALFONSO (Cuba) supported that suggestion.

16. Mr. SMIRNOV (Union of Soviet Socialist Republics) thanked the representative of Nigeria for his spirit of co-operation and his efforts to accommodate the views of other delegations. He supported the suggestion of the representative of Iran.

The meeting was suspended at 11.50 a.m. and resumed at 12.10 p.m.

17. Mr. AYENI (Nigeria) announced that, as a result of informal consultations, the sponsors of the draft resolution had agreed to insert the words "agreements with a view to" after the word "consider" in operative paragraph 1, in order to take into account the change proposed by the representative of Cuba.

18. Miss ILIĆ (Yugoslavia) said her delegation was still not satisfied that all its difficulties were met in the latest version of the draft resolution. However, it would not press the remaining amendments which it had proposed and would not oppose a consensus. She reserved the right to make a further statement, once the draft resolution had been adopted.

19. Miss BEAGLE (New Zealand) said that her delegation would have preferred to retain the original text of draft resolution A/C.3/32/L.63/Rev.1, and felt that the latest revisions did not improve it; indeed, they weakened its impact. However, it welcomed the fact that a consensus had been reached on so important an issue and wished to become a sponsor of the draft resolution.

20. Mr. EDIS (United Kingdom) said that his delegation had for many years been in favour of establishing regional human rights procedures and bodies, provided that

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(Mr. Edis, United Kingdom)

they were not regarded as replacing existing international procedures and bodies or as pre-empting new ones. His delegation would support the draft resolution, although it would have preferred to retain the original text of draft resolution A/C.3/32/L.63/Rev.1.

21. Mrs. CASTRO DE BARISH (Costa Rica) applauded the positive initiative taken by the sponsors in submitting a draft resolution on an issue as important as regional arrangements for the promotion and protection of human rights, and commended the considerable efforts they had made to adopt a co-operative and flexible approach. Although her delegation would have preferred to retain the original text of draft resolution A/C.3/32/L.63/Rev.1, it would support the latest version in the belief that it represented a major step forward in the promotion and protection of human rights throughout the world.

22. Mr. TYSON (United States of America) commended the sponsors for their initiative in submitting the draft resolution, which his delegation could accept in its latest form, although it would have preferred to retain the original text contained in document A/C.3/32/L.63/Rev.1. It would also like to become a sponsor of the draft resolution.

23. For many years, the United States had been active within its own regional human rights body, the Inter-American Commission on Human Rights. Although no panacea, that body had acted fairly and prudently and had achieved a level of integrity which gave it great regional prestige. He hoped that the draft resolution would encourage other regions to adopt human rights machinery tailored to their own needs. Their experience should serve as a source of mutual reinforcement and encouragement.

24. However, the existence of regional machinery should not reduce or replace the part played by the United Nations in the area of human rights. On the contrary, the United Nations and the regional bodies should work in harmony so that the international community could defend human rights at the world and regional levels.

25. His delegation hoped that the draft resolution would be adopted by consensus.

26. Mr. SMIRNOV (Union of Soviet Socialist Republics) said that his delegation would not oppose the draft resolution, as orally revised, if it was adopted by consensus, as it believed that regional agreements could help to promote respect for human rights. However, it was for each regional group to adopt such measures and conclude such agreements as the countries of the region considered most appropriate.

27. Mr. NOTHOMB (Belgium) said that his delegation could join in a consensus on the draft resolution, although it would have preferred to retain the original text in document A/C.3/32/L.63/Rev.1.

28. Mrs. KONGSHEM (Norway) and Mr. O'DONOVAN (Ireland) commended the representative of Nigeria for his initiative in presenting the draft resolution, which they could support in its latest form, although they would have preferred to retain the original text contained in document A/C.3/32/L.63/Rev.1.

29. Mr. RAKOTONIAIVO (Madagascar) said that his delegation could support the latest version of the draft resolution, although it would have preferred the word "systèmes" in the French version of the third preambular paragraph and operative paragraphs 1 and 2 to be replaced by the word "arrangements".

30. The CHAIRMAN said that, if there was no objection, he would take it that the draft resolution, as orally revised, was adopted by consensus.

31. Draft resolution A/C.3/32/L.63/Rev.1, as orally revised, was adopted without a vote.

32. Miss ILIĆ (Yugoslavia) said that, although her delegation had joined in the consensus, it would not have supported the draft resolution if it had been put to the vote, for a number of reasons. First, her delegation believed that, while the question of regional arrangements for the promotion and protection of human rights was extremely important, it was also very sensitive and must be approached in different ways in the different regions. Accordingly, it would have been better if the draft resolution had been submitted and considered in depth much earlier in the session in order to give delegations enough time to consult with their Governments and with one another and thus to overcome their difficulties. Secondly, her delegation believed that it was extremely difficult for the General Assembly to adopt a blanket recommendation with regard to regional human rights arrangements, when it was clear that the situation differed from region to region. Finally, it believed that the draft resolution should have been submitted under agenda item 76 rather than item 12.

33. Her delegation was none the less generally satisfied with the draft resolution. However, its adoption should in no way prejudice the competence of the Commission on Human Rights or any other United Nations body.

34. Mr. ALFONSO (Cuba) said that his delegation had not opposed the consensus and was extremely grateful to the sponsors for accommodating its position and that of other delegations in order to facilitate the adoption of the draft resolution. He particularly appreciated the withdrawal of operative paragraphs 3 and 4 of the original text (A/C.3/32/L.63), which had clearly contradicted his delegation's criterion with regard to the powers currently exercised by the regional commissions and their Executive Secretaries. The draft resolution should not be interpreted as in any way reducing or contradicting the powers of United Nations bodies, particularly the Commission on Human Rights, the Economic and Social Council and the General Assembly, to deal with questions which, according to the Charter of the United Nations or their respective statutes, came within their competence.

35. His delegation wished to stress that any regional system which was established must be based on the contractual agreement of the countries of the region, which thereby confirmed that the machinery in question conformed to their interests. At the same time, his delegation's support for the draft resolution should on no account be interpreted as signifying recognition of existing so-called regional bodies such as the Inter-American Commission on Human Rights, the powers of which in relation to Cuba his Government did not recognize.

36. Mr. LAMB (Australia) said that, although his delegation had joined in the consensus on draft resolution A/C.3/32/L.63/Rev.1 and would have supported it if it had been put to the vote, lack of time had prevented his Government from giving the draft resolution the detailed consideration it deserved. Australia's position on the general question would therefore be dependent on the outcome of further consideration by the Government, and of consultations with its regional partners in Asia and the Pacific.

37. Mrs. MARICO (Mali) said that, since draft resolution A/C.3/32/L.63/Rev.1 had been submitted on the initiative of an African country with which Mali engaged in friendly bilateral and multilateral co-operation in various regional organizations and groupings, her delegation had joined in the consensus on it. Nevertheless, it believed that the subject-matter of the draft resolution was of such importance that it should have been referred to the Organization of African Unity, and regretted that that had not been done. In the coming years the question of human rights was likely to predominate in the discussions of United Nations bodies, and her delegation therefore believed that the question should be approached with much greater seriousness and circumspection in order that it might be considered in all its aspects.

The meeting was suspended at 12.35 p.m. and resumed at 12.50 p.m.

38. Mrs. Mair (Jamaica) took the Chair.

39. The CHAIRMAN drew attention to draft resolutions A/C.3/32/L.60 and A/C.3/32/L.61 and to document A/C.3/32/L.70, containing a statement of the administrative and financial implications of draft resolution A/C.3/32/L.60, of which El Salvador had become a sponsor. After full consultations with interested delegations, she had produced a draft consolidated text on the question of missing persons in Cyprus, which took into account the two draft resolutions.

40. The draft consolidated text was adopted without a vote.

41. Mr. SHERIFIS (Cyprus) said his delegation was glad that the Committee's grave concern about the fate of persons missing as a result of the conflict in Cyprus had been translated into a substantive and meaningful draft resolution. He believed and hoped that, through the implementation of that draft resolution, the plight of his compatriots who had missing relatives would at long last be alleviated.

42. Mr. TURKMEN (Turkey) said that his delegation had accepted the draft resolution because it represented support for the negotiating process which was taking place between the parties in Cyprus with a view to resolving a problem that concerned both communities and all missing persons in Cyprus.

43. Mr. AHLANDER (Sweden) said that, as his delegation had stressed on a number of occasions, Sweden believed that the subject of the draft resolution was a humanitarian problem of great importance which had caused considerable suffering and tragedy to the families and individuals affected. Those people had a legitimate right to be informed about the fate of their missing relatives, and it

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(Mr. Ahlander, Sweden)

was important that both communities should give full support to and co-operate with the Secretary-General and his special representative in establishing the investigatory body. He appealed to both parties to assume their responsibilities and, under the good offices of the Secretary-General, resume talks on the humanitarian issue of missing persons in Cyprus.

44. Mr. PAPOULIAS (Greece) said that his delegation had supported the draft consolidated text, particularly as some of the missing persons in Cyprus were Greek nationals.

45. The CHAIRMAN said that the Committee had completed its consideration of item 12, and therefore its work for the thirty-second session.

46. Mr. BYKOV (Union of Soviet Socialist Republics), speaking in exercise of the right of reply, said that he wished to comment on a number of statements made by the Israeli delegation. While many representatives had taken a constructive approach to the discussion of the report of the Economic and Social Council, the representative of Israel had displayed a very different attitude to that item, as well as to other items on the agenda. For many years, the representatives of Israel had been concerned only with making insinuations against Member States and attacks on the United Nations. At the 64th meeting, the representative of Israel had taken advantage of the discussion of the report of the Economic and Social Council for patently unsavoury purposes which had nothing to do with the item under consideration.

47. Mrs. BEN-AMI (Israel), speaking on a point of order, asked why the Soviet Union was speaking on an item the consideration of which had already been completed.

48. The CHAIRMAN asked the representative of the Soviet Union to indicate which item he was discussing.

49. Mr. BYKOV (Union of Soviet Socialist Republics) said that the Israeli delegation had used the Committee for the sole purpose of making attacks on other delegations and countries in the course of discussions on item 12 and other items, and the Soviet delegation claimed its right to reply to that slander. All the statements of the Israeli delegation had consisted entirely of fabrications disseminated by Zionist propaganda bodies, and his delegation categorically refuted the false and slanderous fabrications regarding the situation of Jews in the Soviet Union.

50. Mrs. BEN-AMI (Israel), speaking on a point of order, said she did not see why the representative of the Soviet Union should be speaking after completion of the consideration of item 12, and requested the Chairman to call him to order.

51. The CHAIRMAN said that, although the consideration of item 12 had been concluded, it had been the last item on the agenda and the Soviet delegation could therefore exercise its right of reply.

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52. Mr. BYKOV (Union of Soviet Socialist Republics) said that, in refuting the slanderous fabrications of the Israeli delegation, his delegation wished to recall that in the Soviet Union, as everyone knew, full equality of rights for all citizens, irrespective of nationality or race, was effectively guaranteed. Soviet citizens of Jewish nationality enjoyed full democratic rights and freedoms guaranteed by the Constitution of the USSR on an equal basis with citizens of all other nationalities within the Soviet Union. Like other citizens, they actively participated in all spheres of economic, political, social and cultural life and in the development of the economy, science and culture. However refined Zionist propaganda became, it could not hide that reality. Soviet citizens of Jewish nationality enjoyed full rights as citizens of the multinational Soviet State and were patriots of their native land, the Soviet Union, and that infuriated the Zionist propaganda bodies. In their evil slander against the Soviet Union, the representatives of Israel even went so far as to attempt to defend persons guilty of criminal offences punishable under the laws of any country. The evil fabrications of the representative of Israel concerning alleged anti-Semitism were positively blasphemous in relation to a country which had made enormous sacrifices to defend the freedom and independence of peoples during the Second World War and in which any direct or indirect limitation of rights, any direct or indirect privileges afforded to citizens on grounds of race or nationality and any propagation of racial or national exclusiveness were punishable by law.

53. The representatives of Israel were trying to conceal the extent of the gross and massive violations of human rights committed by Israel behind a smokescreen of lies and slander. The United Nations had adopted a number of decisions calling for an immediate and unconditional end to gross and massive violations of human rights in the occupied Arab territories, including resolution 1 (XXXIII) of the Commission on Human Rights and a number of recent resolutions recommended by the Special Political Committee; yet the representative of Israel had said not a word about whether anything was being done to comply with those innumerable United Nations resolutions. Israel's gross and massive violations of elementary human rights were not limited to the occupied territories; in Israel itself, the population was divided into first-class and second-class citizens and a policy of racism and racial discrimination was pursued. Israel was also developing a criminal alliance with the racist régimes of southern Africa and was trying to suppress the struggle of the peoples for self-determination. It was for that reason that the General Assembly and the international community had rightly condemned zionism as a form of racism and racial discrimination.

54. Mrs. BEN-AMI (Israel) said that the statement made by the representative of the Soviet Union had been so absurd and out of place in the discussions of the Third Committee, and had constituted such evident propaganda, that it was not necessary for her delegation to reply. It was a pity that the representative of the Soviet Union had introduced so disagreeable a note at the last meeting of the current session.

COMPLETION OF THE COMMITTEE'S WORK

55. After an exchange of courtesies, the CHAIRMAN declared that the Committee had completed its work for the thirty-second session.

The meeting rose at 1.30 p.m.