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THIRD COMMITTEE  
58th meeting  
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Tuesday, 23 November 1976  
at 3 p.m.  
New York

SUMMARY RECORD OF THE 58th MEETING

Chairman: Mr. von KYAW (Federal Republic of Germany)

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

AGENDA ITEM 12: REPORT OF THE ECONOMIC AND SOCIAL COUNCIL (A/31/3 /chaps. II, III (sects. F, G and L), IV (sect. A), V, VI (sects. B to D) and VII (sect. D) /, A/31/64, A/31/74, A/31/99, A/31/253; A/C.3/31/1, A/C.3/31/4, A/C.3/31/5, A/C.3/31/6 and Add.1, A/C.3/31/10, A/C.3/31/11; A/C.3/31/L.19, L.26/Rev.1, L.29) (continued)

1. The CHAIRMAN invited the Committee to take up the draft resolutions contained in documents A/C.3/31/L.26/Rev.1 and A/C.3/31/L.29 and called upon the Director of the Division of Human Rights to comment on the financial implications of the former.

2. Mr. SCHREIBER (Director, Division of Human Rights) said that under paragraph 5 (a) of draft resolution A/C.3/31/L.26/Rev.1 the General Assembly would invite the Commission on Human Rights to extend the mandate of the Ad Hoc Working Group, as presently constituted, so as to enable it to report to the thirty-second session of the General Assembly and to the Commission's thirty-fourth session with such additional information as might be necessary. After consultation with the Chairman/Rapporteur of the Ad Hoc Working Group, the Secretariat had considered the possibility of submitting the relevant financial estimates to the General Assembly at the current session so that those expenditures might be approved as part of the normal appropriations, but it appeared that that might not be the most acceptable course of action under the present text of the draft resolution. He would therefore limit himself to stating that when the Commission on Human Rights acted at the invitation of the General Assembly a detailed statement of financial implications would be submitted. It was at present expected that the cost of the Ad Hoc Working Group and accompanying staff members would be somewhere between \$140,000 and \$180,000, depending on whether a mission to Chile materialized in 1977, plus conference servicing costs which were tentatively estimated at \$150,000. He had been assured that there would be no delays in enabling the Ad Hoc Working Group to undertake its activities when the Commission on Human Rights gave effect to the above-mentioned provision of the draft resolution as submitted for the General Assembly's approval.

3. Mr. MOSQUERA CHAUX (Colombia) said that his delegation would like a separate vote on the sixth and eleventh preambular paragraphs and operative paragraphs 2 (a), 4 and 5 (b) and (c) of draft resolution A/C.3/31/L.26/Rev.1.

4. His delegation did not feel that the Working Group, for all of its goodwill and ability, had been able to prepare a full and impartial report because it had failed to reach an agreement enabling it to visit Chile and therefore had had to rely on hearsay evidence. The draft resolution also failed to acknowledge the fact that the Chilean Government had not completely ignored the appeals for a restoration of human rights in that country. The recent release of detainees accompanied by a promise to release even more was an encouraging sign.

5. Operative paragraph 2 (a) of the draft resolution implied intervention in matters essentially within the domestic jurisdiction of States, as referred to in Article 2, paragraph 7, of the Charter. It was unquestionably the right of each

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(Mr. Mosquera Chaux, Colombia)

Member State to determine the reasons which in specific circumstances obliged it to take emergency measures in conformity with its constitutional system.

6. Operative paragraph 4 contained an invitation which could lead to the imposition of economic sanctions or similar measures that might interfere with Chile's fulfilment of certain treaty obligations. Specifically, Chile was linked with Venezuela, Ecuador, Peru, Bolivia and Colombia by the Andean Pact which established a regional structure for economic development, and although Chile had left it for the time being, there was nothing to prevent it from re-establishing its contractual bonds when it felt the time was right.

7. With respect to paragraph 5 (b), his delegation feared that the seemingly humanitarian aid proposed would not go exclusively to those who were arbitrarily detained or in exile but rather would go to support political movements hostile to the principle of self-determination of peoples which Colombia supported just as adamantly as it supported respect for human rights. Paragraph 5 (c) was unacceptable because his delegation did not feel that any kind of co-operation with the Chilean people through its authorities, with which many countries maintained diplomatic and consular relations, meant complicity in the violation of human rights. Although his delegation had not asked for a separate vote on paragraph 5 (a), it wished to observe that an extension of the mandate of the Ad Hoc Working Group would be justified if the obstacles which had prevented it from accomplishing its task in a fuller and more reliable manner could be removed so that it might have access to all the background material necessary for an objective assessment of the situation and its conclusions would not be subject to fruitless and self-defeating controversy.

8. If its request for a separate vote on those paragraphs was not accepted, his delegation would reserve the right to explain its vote after the vote.

9. Mr. DIEZ (Chile) requested a roll-call vote on all the paragraphs which were to be voted upon separately and on draft resolution A/C.3/31/L.26/Rev.1 as a whole.

10. The CHAIRMAN invited those delegations which wished to do so to explain their votes before the vote.

11. Mrs. MISOFFE (France) observed that the resolution emphasized previous United Nations resolutions because of the Chilean Government's alleged failure to respond to previous appeals for the restoration of freedoms and because of the two reports of the Ad Hoc Working Group, the second of which suggested that the situation in Chile had deteriorated. However, there was a contradiction between the sixth, ninth and twelfth preambular paragraphs, which sought to establish the basis for the resolution, and the tenth preambular paragraph and operative paragraph 5 (a). Paragraph 5 (a) indicated, in effect, that in the view of the sponsors the reports had been inadequate, for it called for the extension of the Working Group's mandate. The tenth preambular paragraph took note of the statement of the Chilean Government in document A/C.3/31/11, but without drawing the appropriate conclusion, which was that operative paragraphs 2 (d) and (e) had thereby been rendered obsolete.

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(Mrs. Misoffe, France)

12. Her delegation also could not subscribe to the philosophy underlying operative paragraphs 4 and 5 (c), for it regarded those provisions as marking the beginning of a political approach based on a questionable interpretation of the concept of assistance, as it had already explained during the Committee's discussion of agenda item 70.

13. Her delegation deeply regretted that the sponsors of the resolution, by failing to take its views into account, had made it impossible for it to support the text of the resolution, especially since it was able to support all humanitarian measures, and particularly those which called for respect for the provisions of the Covenants to which Chile was a party. It would also have been able to vote in favour of an extension of the mandate of the Working Group, in spite of its reservations with respect to certain aspects of the Group's work.

14. Her delegation's attitude to the draft resolution was determined mainly by the Chilean Government's response to previous appeals, in the form of the release of detainees. The Chilean Government should not, however, lose sight of the fact that in the Committee's view that decision could be only a first step towards the cessation of violations of human rights and the restoration of fundamental freedoms in a pluralistic democracy.

15. Her delegation would therefore abstain in the vote, and would do so reluctantly because that was the first time since the introduction of the item that France had not taken a stand on a resolution on Chile.

16. Mr. MERKEL (Federal Republic of Germany) said that his delegation would abstain in the vote on resolution A/C.3/31/L.26/Rev.1 because it felt that its wording was not balanced and that it was not likely to contribute to the main objective, which was to improve the situation of human rights in Chile. However, it welcomed the fact that the Chilean Government had released 304 political prisoners and was thus in effect responding at least partially to the appeal addressed to it in operative paragraph 2 (d). Such an action should not be dismissed by the Committee as a quantité négligeable, but should rather be reflected in the wording of the draft resolution. His delegation's suggestion that the sponsors should adapt the text of the resolution to that new situation had been taken into account only to a limited extent. The sponsors had taken note of the Chilean Government's decision in the tenth preambular paragraph but had left operative paragraph 2 (d) and the sixth preambular paragraph unchanged.

17. His delegation still viewed the situation of human rights in Chile with utmost concern and appealed to the Chilean Government to take further important steps to restore human rights for everyone in Chile. In that connexion it felt that it was urgently necessary to permit the Ad Hoc Working Group to visit Chile in order to verify the factual situation there on the spot.

18. His delegation did not think that strong words would be of much help to the suffering people concerned. His country was striving through bilateral contacts

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(Mr. Merkel, Federal Republic of Germany)

and by accepting refugees to improve the situation of human rights in Chile and did not believe that that objective could be reached by singling out and isolating certain countries. It would therefore have appreciated the use of more balanced language in the draft.

19. It also felt that there was a danger of a biased interpretation of operative paragraphs 4 and 5 (c). Accordingly, the Assembly should not request the Commission on Human Rights to issue a public report on that matter. His delegation was prepared to contribute the following year to the drafting of a resolution in language which would truly serve the cause of human rights in Chile and elsewhere.

20. Ms. SHAHANI (Philippines) said that her delegation had noted with regret the continuing violation of fundamental human rights and freedoms in Chile described in the report of the Ad Hoc Working Group. The draft resolution before the Committee, however, contained new elements which were not present in previous resolutions on the subject, which her delegation had supported.

21. Her delegation had reservations with respect to operative paragraph 2 (f) concerning the full guarantee of the right of habeas corpus because her country recognized that in certain circumstances the privilege - as it was termed in the Philippine Constitution - of habeas corpus could be suspended when public safety so required. It also had reservations with respect to operative paragraphs 5 (b) and (c). Paragraph 5 (b) was vaguely worded, leaving unanswered the basic questions of who should decide who was arbitrarily arrested and therefore qualified to receive humanitarian, legal and financial aid, what standards should be used to determine the definition of political prisoners, and what would be the sources of financial aid in connexion with something which was not only a humanitarian matter but also had definite political implications. The vague wording of paragraph 5 (c) raised questions as to whether assistance under bilateral agreements between Chile and individual countries should be forbidden and whether Chile could receive technical assistance under United Nations auspices.

22. Her delegation hoped that the Chilean authorities would redress the situation with regard to human rights, but it felt that the draft resolution went beyond what the United Nations should properly do in the way of action against a Member State. It would therefore abstain in the vote on the draft resolution as a whole.

23. Mr. ALBORNOZ (Ecuador) said that his delegation supported the request made by the representative of Colombia for a separate vote on certain paragraphs of draft resolution A/C.3/31/L.26/Rev.1 and hoped that it would be accepted out of respect for diversity of opinion.

24. His delegation's position on the draft resolution was based on its tradition of respect for human rights and on its respect for the members of the Ad Hoc Working Group. At the same time it felt that the United Nations had to safeguard its moral authority by remaining objective and impartial and refraining from selective recriminatory actions in respect of violations of human rights. It should instead direct its criticisms simultaneously against all violations of human rights everywhere.

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(Mr. Albornoz, Ecuador)

25. Furthermore, his country maintained the most cordial relations with Chile and was aware of the strength of its institutions and the high cultural level of its people. Like other South American countries, it also shared a common legal heritage with Chile. It therefore hoped that the problem of human rights in Chile would soon find a solution. Although it regretted that the Chilean Government had not permitted the Ad Hoc Working Group to visit the country in order to carry out its mandate, it hoped that that situation would be remedied in the near future. It warmly welcomed Chile's decision to release more than 300 persons held under the state of siege and had no doubt that that step would considerably improve the climate in which the matter was being discussed. In treating such delicate matters an international organization should avoid a hardening and polarization of positions and should rather welcome all progress and facilitate agreement so as to bring national practices into line with universal principles.

26. His delegation therefore found some of the wording of the draft resolution redundant and unacceptable. First of all, it could not accept any language which would affect the sovereignty and domestic jurisdiction of a State, as was the case in operative paragraph 2 (a), or anything which could lead to the imposition of unjust and inopportune sanctions against Chile, which would only harm the Chilean people. It would therefore have preferred wording more conducive to alleviating doubt and to promoting agreement on so important a matter.

27. For all of those reasons his delegation, although it agreed with the principles embodied in the first three preambular paragraphs of the resolution, could not support the fourth one. Ecuador had expressly dissociated itself from the mention of the institutionalized practice of torture in the vote on General Assembly resolution 3448 (XXX).

28. His delegation likewise could not accept paragraph 5 (c) concerning the consequences of aid extended to the Chilean authorities without any qualification whatever, for that could pave the way for the imposition of sanctions, which it rejected. With those reservations, Ecuador would vote in favour of the draft resolution.

29. It would also vote in favour of draft resolution A/C.3/31/L.29 submitted by various Latin American countries.

30. Mr. AHMED VALL (Mauritania) said with respect to the vitally important subject under discussion that his own country was opposed to all violations of human rights and did not subject its citizens to arbitrary detention.

31. The two draft resolutions before the Committee had features in common. They appealed to the Chilean Government to restore and safeguard basic human rights and to comply with those Covenants to which Chile was a party. His delegation therefore supported them but had reservations with respect to some of the paragraphs of draft resolution A/C.3/31/L.26/Rev.1.

32. Miss LIAK (Singapore) said that her delegation deplored the fact that human rights were still being violated in Chile and it appealed to the Chilean

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(Miss Liak, Singapore)

Government to redress the situation. It was encouraged by the recent release of detainees, which it hoped was a first step in that direction. It was unfortunate, however, that the debate in the Committee had focused on Chile, since human rights were being violated in a number of countries. To single out one country for selective criticism smacked of hypocrisy. Violations of human rights should be criticized wherever they occurred. Her delegation would therefore not participate in the vote on draft resolution A/C.3/31/L.26/Rev.1.

33. Mr. HSING (China) said that his delegation would not participate in the vote on draft resolution A/C.3/31/L.26/Rev.1 and A/C.3/31/L.29. His country supported the just struggle of peoples against colonialism, imperialism and hegemonism and struggles for national liberation and independence, and it consistently opposed the suppression of such struggles. It had called for the release of Chilean patriots. The Chilean question, however, reflected the rivalry between the two super-Powers in South America, a rivalry which had caused the Chilean people much turmoil and suffering. The Chilean people and the rest of the world should draw the proper lessons from that situation and should realize that true national liberation required the elimination of all super-Power control. Only through the elimination of hegemonism, colonialism and imperialism could human rights in Chile be restored.

34. Mr. MYERSON (United States of America) said that his delegation would abstain in the vote on draft resolution A/C.3/31/L.26/Rev.1 for valid and significant reasons, but that that in no way implied any diminished concern over the situation of human rights in Chile. The human rights principles embodied in the Charter and in the Universal Declaration of Human Rights should apply equally to all countries, including Chile. The draft resolutions under consideration, however, were deficient because they focused exclusively on Chile. Draft resolution A/C.3/31/L.26/Rev.1 was especially deficient and unfair in that it gave no more than token acknowledgement of the fact that nearly all political prisoners in Chile had been released. When a Government responded to such international pressure it should receive due credit.

35. His delegation also could not accept operative paragraph 4 of that draft resolution, because it contained a vague and open-ended invitation which would constitute another step towards politicizing international organizations and agencies and thereby undermine their effectiveness. Also, operative paragraph 5 (c), inviting the Commission on Human Rights to consider the consequences of the various forms of aid extended to the Chilean authorities, referred to a matter which had already been debated and did not represent a practical effort on behalf of human rights in Chile.

36. Mr. BARREIRO (Paraguay) said he would vote against draft resolution A/C.3/31/L.26/Rev.1, which was thoroughly unsatisfactory. The United Nations could not investigate violations of human rights in one country and not in another. Furthermore, the text itself was contradictory. There was a reference to the release of political prisoners in the tenth preambular paragraph, but the operative part of the draft resolution did not take that development into account. It would be absurd to extend the mandate of the Working Group, which the Chilean Government had refused to allow into Chile because of its obvious bias. It would

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(Mr. Barreiro, Paraguay)

be a waste of money to pay subsistence and travel for the Group to visit exiled Chileans wherever they liked. It made no sense for countries where human rights were not respected, with or without a state of siege, to sponsor a draft resolution deploring the state of siege in Chile.

37. Mr. NAIR (Fiji) said that his country had pledged itself to work in the United Nations for the restoration of human rights wherever they were violated, and it would continue to do so as long as all alleged violations, wherever they might occur, were looked at and investigated with equal seriousness. Fiji was in favour of investigation by such groups as the present Ad Hoc Working Group. That body was to be commended for its report, which had been compiled on the basis of the best available information. His delegation was very disappointed that the Government of Chile had not allowed the Working Group to visit Chile, although it had co-operated with it in many ways. The international community could not but be concerned when a country denied allegations but would not allow a United Nations group to investigate on the spot.

38. After studying the Working Group's report and listening to the statements made by the representative of Chile, his delegation had come to the conclusion that there was evidence of violations of human rights in Chile. It welcomed the recent release of detainees by the Chilean Government, about which it would be glad to have more information. His delegation would vote for draft resolution A/C.3/31/L.26/Rev.1, which had been revised by the sponsors to reflect recent developments in Chile. It was the hope of his delegation that all the supporters of the draft resolution would co-operate to ensure that violations of human rights in other parts of the world would be investigated also; the United Nations could not then be accused of hypocrisy in focusing only on Chile.

39. Mrs. WARZAZI (Morocco) said that some parts of draft resolution A/C.3/31/L.26/Rev.1 would not have been accepted if the violations had occurred in a country other than Chile, for instance, in some of the countries that were sponsoring the draft resolution. Her delegation did not think it would be much use to extend the mandate of the Working Group; it had drafted its report without having visited Chile, which greatly detracted from its value. Its mandate should be extended only on condition that it continued its investigation in Chile.

40. The changes that had been made in the original draft did not do justice to the importance of recent decisions, such as the release of political prisoners, announced by Chile. If the sponsors had drafted their text mainly with the idea of compelling the Chilean Government to restore human rights in Chile, and inter alia to release the political prisoners, they should be overjoyed at the news and that should be reflected in the draft resolution. There were Chileans, the Auxiliary Bishops of Santiago, for instance, who had had no hesitation in stating that they had received the news with gladness and hope, and there were many other groups in Chile which were of the same mind. Her delegation regretted that, whereas groups of Chileans made no secret of their joy, thus encouraging the Chilean Government to continue on that path, the sponsors of the draft resolution merely acknowledged the news conveyed in document A/C.3/31/11. Furthermore, other parts of the resolution which should have been redrafted in the light of that fact had been left unchanged. For that reason, the draft resolution did not have the

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(Mrs. Warzazi, Morocco)

impartiality to be expected of a United Nations resolution. Every Member State was entitled to criticize acts which called for reprobation but it also had the duty to make a positive contribution to the restoration of human rights by emphasizing all improvements in the situation. Only thus could a Member State claim to be an impartial judge and sponsor a given draft resolution. For the reasons she had stated, her delegation was unable to support the draft resolution and would abstain on it.

41. Mr. UCLES RAMIREZ (Guatemala) said that the revised draft resolution did not achieve its purpose, which was to protect human rights in Chile. Despite the reference to the General Assembly's responsibility for promoting and encouraging respect for human rights in the first preambular paragraph, it did nothing to encourage the Chilean Government to promote respect for those rights. Furthermore, it had not been updated in the light of the Chilean Government's recent decision to release political prisoners. The operative part was accusatory in tone and did not invite the Chilean Government to continue its efforts to improve respect for human rights in Chile. The text reflected the report of the Working Group, which, although long, was far from complete. In addition, the contradictions it contained cast doubt on its impartiality. The draft was aimed at the Government of Chile but it ignored violations of human rights in many other countries. Lastly, it seemed to be aimed more at condemning the Government of Chile than at expressing concern for violations of human rights in Chile. He would therefore vote against it.

42. Mr. NOTHOMB (Belgium) said his delegation would vote for the draft resolution but would abstain on paragraph 5 (c). His Government understood that there might be a link between the attitude of the Chilean Government to human rights and the various forms of aid extended to the Chilean authorities, and it had drawn the logical conclusion from that fact; for instance, it had interrupted the export of arms to Chile towards the end of 1973. However, it was of the opinion that that was a field where each Government should take its own responsibilities in full exercise of its sovereignty.

43. The CHAIRMAN invited the Committee to vote on draft resolution A/C.3/31/L.26/Rev.1. He recalled that the representative of Colombia had asked for separate votes on the sixth and eleventh preambular paragraphs and on operative paragraphs 2 (a), 4 and 5 (b) and (c).

44. At the request of the representative of Chile, a vote was taken by roll-call on the sixth preambular paragraph.

45. Malawi, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Malawi, Mali, Malta, Mauritania, Mauritius, Mexico, Mongolia, Mozambique, Netherlands, New Zealand, Norway, Papua New Guinea, Philippines, Poland, Portugal, Qatar, Romania, Rwanda, Sao Tome and Principe, Senegal, Sri Lanka, Sudan, Swaziland, Sweden, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, /...

Upper Volta, Venezuela, Yemen, Yugoslavia, Zambia, Afghanistan, Algeria, Australia, Austria, Bahamas, Bahrain, Barbados, Belgium, Benin, Botswana, Bulgaria, Burma, Burundi, Byelorussian Soviet Socialist Republic, Canada, Cape Verde, Chad, Comoros, Congo, Cuba, Cyprus, Czechoslovakia, Democratic Yemen, Denmark, Equatorial Guinea, Ethiopia, Fiji, Finland, German Democratic Republic, Ghana, Greece, Guinea, Guinea-Bissau, Guyana, Hungary, Iceland, India, Iraq, Ireland, Italy, Jamaica, Kenya, Kuwait, Lao People's Democratic Republic, Lesotho, Libyan Arab Republic, Luxembourg, Madagascar.

Against: Morocco, Nicaragua, Paraguay, Uruguay, Argentina, Bolivia, Brazil, Chile, Costa Rica, Dominican Republic, Guatemala, Haiti, Honduras.

Abstaining: Malaysia, Nepal, Niger, Nigeria, Panama, Peru, Saudi Arabia, Sierra Leone, Spain, Surinam, Turkey, Uganda, United Republic of Cameroon, United States of America, Zaire, Bhutan, Colombia, Ecuador, Egypt, France, Germany (Federal Republic of), Indonesia, Iran, Israel, Ivory Coast, Japan, Liberia.

46. The sixth preambular paragraph was adopted by 87 votes to 13, with 27 abstentions.

47. At the request of the representative of Chile, a vote was taken by roll-call on the eleventh preambular paragraph.

48. The United Republic of Tanzania, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: United Republic of Tanzania, Upper Volta, Venezuela, Yemen, Yugoslavia, Zaire, Zambia, Afghanistan, Algeria, Australia, Austria, Bahamas, Bahrain, Barbados, Belgium, Benin, Botswana, Bulgaria, Burma, Burundi, Byelorussian Soviet Socialist Republic, Canada, Cape Verde, Chad, Comoros, Congo, Cuba, Cyprus, Czechoslovakia, Democratic Yemen, Denmark, Ecuador, Egypt, Equatorial Guinea, Ethiopia, Fiji, Finland, German Democratic Republic, Germany (Federal Republic of), Ghana, Greece, Guinea, Guinea-Bissau, Guyana, Hungary, Iceland, India, Iran, Iraq, Ireland, Italy, Jamaica, Japan, Kenya, Kuwait, Lao People's Democratic Republic, Lesotho, Libyan Arab Republic, Luxembourg, Madagascar, Malawi, Mali, Malta, Mauritania, Mexico, Mongolia, Mozambique, Netherlands, New Zealand, Nigeria, Norway, Pakistan, Papua New Guinea, Poland, Portugal, Qatar, Romania, Rwanda, Sao Tome and Principe, Senegal, Sierra Leone, Sri Lanka, Sudan, Swaziland, Sweden, Syrian Arab Republic, Togo, Trinidad and Tobago, Tunisia, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Cameroon.

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Against: Uruguay, Argentina, Bolivia, Chile, Costa Rica, Dominican Republic, Guatemala, Honduras, Nicaragua, Paraguay.

Abstaining: United States of America, Colombia, France, Haiti, Indonesia, Israel, Ivory Coast, Liberia, Malaysia, Nepal, Niger, Panama, Peru, Philippines, Saudi Arabia, Spain, Surinam, Thailand, Uganda.

49. The eleventh preambular paragraph was adopted by 95 votes to 10, with 19 abstentions.

50. At the request of the representative of Chile, a vote was taken by roll-call on paragraph 2 (a).

51. Nicaragua, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Nigeria, Norway, Pakistan, Poland, Portugal, Qatar, Romania, Rwanda, Sao Tome and Principe, Senegal, Sri Lanka, Sudan, Swaziland, Sweden, Syrian Arab Republic, Togo, Trinidad and Tobago, Tunisia, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Cameroon, United Republic of Tanzania, United States of America, Upper Volta, Venezuela, Yemen, Yugoslavia, Zaire, Zambia, Afghanistan, Algeria, Australia, Austria, Bahamas, Bahrain, Barbados, Belgium, Benin, Bhutan, Botswana, Bulgaria, Burma, Burundi, Byelorussian Soviet Socialist Republic, Canada, Cape Verde, Chad, Comoros, Congo, Cuba, Cyprus, Czechoslovakia, Democratic Yemen, Denmark, Egypt, Equatorial Guinea, Ethiopia, Fiji, Finland, German Democratic Republic, Germany (Federal Republic of), Ghana, Greece, Guinea, Guinea-Bissau, Guyana, Hungary, Iceland, India, Iran, Iraq, Ireland, Italy, Jamaica, Japan, Kenya, Kuwait, Lao People's Democratic Republic, Lesotho, Libyan Arab Republic, Luxembourg, Madagascar, Mali, Malta, Mauritania, Mexico, Mongolia, Morocco, Mozambique, Netherlands, New Zealand.

Against: Nicaragua, Paraguay, Uruguay, Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Dominican Republic, Ecuador, Guatemala, Honduras.

Abstaining: Niger, Panama, Papua New Guinea, Peru, Philippines, Saudi Arabia, Sierra Leone, Spain, Surinam, Thailand, Turkey, Uganda, France, Haiti, Indonesia, Israel, Ivory Coast, Liberia, Malawi, Malaysia, Nepal.

52. Paragraph 2 (a) was adopted by 93 votes to 13, with 21 abstentions.

53. At the request of the representative of Chile, a vote was taken by roll-call on paragraph 4.

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54. Comoros, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Comoros, Congo, Cuba, Cyprus, Czechoslovakia, Democratic Yemen, Denmark, Equatorial Guinea, Ethiopia, Fiji, Finland, German Democratic Republic, Ghana, Greece, Guinea, Guinea-Bissau, Guyana, Hungary, Iceland, India, Iraq, Ireland, Italy, Jamaica, Kenya, Kuwait, Lao People's Democratic Republic, Lesotho, Libyan Arab Republic, Luxembourg, Madagascar, Mali, Malta, Mexico, Mongolia, Mozambique, Netherlands, New Zealand, Nigeria, Norway, Pakistan, Papua New Guinea, Poland, Portugal, Qatar, Romania, Rwanda, Sao Tome and Principe, Senegal, Sierra Leone, Somalia, Sri Lanka, Sudan, Swaziland, Sweden, Syrian Arab Republic, Togo, Trinidad and Tobago, Tunisia, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Cameroon, United Republic of Tanzania, Upper Volta, Venezuela, Yemen, Yugoslavia, Zaire, Zambia, Afghanistan, Algeria, Australia, Austria, Bahrain, Barbados, Belgium, Benin, Bhutan, Botswana, Bulgaria, Burma, Burundi, Byelorussian Soviet Socialist Republic, Canada, Cape Verde, Chad.

Against: Costa Rica, Ecuador, Guatemala, Honduras, Israel, Nicaragua, Paraguay, United States of America, Uruguay, Argentina, Bolivia, Brazil, Chile.

Abstaining: Dominican Republic, Egypt, France, Germany (Federal Republic of), Haiti, Indonesia, Iran, Ivory Coast, Japan, Liberia, Malawi, Malaysia, Mauritania, Morocco, Nepal, Niger, Panama, Peru, Philippines, Saudi Arabia, Spain, Surinam, Thailand, Turkey, Uganda, Bahamas, Colombia.

55. Paragraph 4 was adopted by 88 votes to 13, with 27 abstentions.

56. At the request of the representative of Chile, the vote was taken by roll-call on paragraph 5 (b) of draft resolution A/C.3/31/L.26/Rev.1.

57. Egypt, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Egypt, Equatorial Guinea, Ethiopia, Fiji, Finland, German Democratic Republic, Germany (Federal Republic of), Greece, Grenada, Guinea, Guinea-Bissau, Guyana, Hungary, Iceland, India, Iran, Iraq, Ireland, Italy, Jamaica, Kenya, Kuwait, Lao People's Democratic Republic, Lesotho, Libyan Arab Republic, Luxembourg, Madagascar, Mali, Malta, Mexico, Mongolia, Mozambique, Netherlands, New Zealand, Nigeria, Norway, Pakistan, Poland, Portugal, Qatar, Romania, Rwanda, Sao Tome and Principe, Senegal, Somalia, Sri Lanka, Sudan, Swaziland, Sweden, Syrian Arab Republic, Togo, Trinidad and Tobago, Tunisia, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Kingdom of Great Britain and Northern

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Ireland, United Republic of Cameroon, United Republic of Tanzania, Upper Volta, Venezuela, Yemen, Yugoslavia, Zaire, Zambia, Afghanistan, Algeria, Australia, Austria, Bahamas, Bahrain, Barbados, Belgium, Benin, Bhutan, Botswana, Bulgaria, Burma, Burundi, Byelorussian Soviet Socialist Republic, Canada, Cape Verde, Chad, Comoros, Congo, Cuba, Cyprus, Czechoslovakia, Democratic Yemen, Denmark, Ecuador.

Against: Guatemala, Honduras, Nicaragua, Paraguay, Uruguay, Argentina, Bolivia, Brazil, Chile, Costa Rica.

Abstaining: France, Ghana, Haiti, Indonesia, Israel, Ivory Coast, Japan, Liberia, Malawi, Malaysia, Mauritania, Morocco, Nepal, Niger, Panama, Papua New Guinea, Peru, Philippines, Saudi Arabia, Sierra Leone, Spain, Surinam, Thailand, Turkey, Uganda, United States of America, Colombia, Dominican Republic.

58. Paragraph 5 (b) of draft resolution A/C.3/31/L.26/Rev.1 was adopted by 91 votes to 10, with 28 abstentions.

59. At the request of the representative of Chile, the vote was taken by roll-call on paragraph 5 (c) of draft resolution A/C.3/31/L.26/Rev.1.

60. Bahrain, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Bahrain, Benin, Botswana, Bulgaria, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cape Verde, Chad, Comoros, Congo, Cuba, Cyprus, Czechoslovakia, Democratic Yemen, Denmark, Equatorial Guinea, Ethiopia, Fiji, Finland, German Democratic Republic, Ghana, Greece, Grenada, Guinea, Guinea-Bissau, Guyana, Hungary, Iceland, India, Iraq, Ireland, Italy, Jamaica, Kenya, Kuwait, Lao People's Democratic Republic, Lesotho, Libyan Arab Republic, Luxembourg, Madagascar, Mali, Malta, Mexico, Mongolia, Mozambique, Netherlands, New Zealand, Nigeria, Norway, Pakistan, Poland, Portugal, Qatar, Romania, Rwanda, Sao Tome and Principe, Senegal, Somalia, Sri Lanka, Sudan, Swaziland, Sweden, Syrian Arab Republic, Togo, Trinidad and Tobago, Tunisia, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Cameroon, United Republic of Tanzania, Upper Volta, Venezuela, Yemen, Yugoslavia, Zambia, Afghanistan, Algeria, Australia, Austria.

Against: Bolivia, Brazil, Chile, Costa Rica, Ecuador, Egypt, France, Guatemala, Haiti, Honduras, Israel, Nicaragua, Paraguay, United States of America, Uruguay, Argentina.

Abstaining: Barbados, Belgium, Bhutan, Canada, Colombia, Dominican Republic, Germany (Federal Republic of), Indonesia, Iran, Ivory Coast,

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Japan, Liberia, Malawi, Malaysia, Mauritania, Morocco, Nepal, Niger, Panama, Papua New Guinea, Peru, Philippines, Saudi Arabia, Sierra Leone, Spain, Surinam, Thailand, Turkey, Uganda, Zaire, Bahamas.

61. Paragraph 5 (c) of draft resolution A/C.3/31/L.26/Rev.1 was adopted by 82 votes to 16, with 31 abstentions.

62. At the request of the representative of Chile, the vote was taken by roll-call on draft resolution A/C.3/31/L.26/Rev.1 as a whole.

63. Greece, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Greece, Guinea, Guinea-Bissau, Guyana, Hungary, Iceland, India, Iran, Iraq, Ireland, Italy, Jamaica, Japan, Kenya, Kuwait, Lao People's Democratic Republic, Lesotho, Liberia, Libyan Arab Republic, Luxembourg, Madagascar, Mali, Malta, Mauritania, Mauritius, Mexico, Mongolia, Mozambique, Netherlands, New Zealand, Nigeria, Norway, Pakistan, Papua New Guinea, Poland, Portugal, Qatar, Romania, Rwanda, Sao Tome and Principe, Senegal, Sierra Leone, Somalia, Sri Lanka, Sudan, Swaziland, Sweden, Syrian Arab Republic, Togo, Trinidad and Tobago, Tunisia, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Cameroon, United Republic of Tanzania, Upper Volta, Venezuela, Yemen, Yugoslavia, Zaire, Zambia, Afghanistan, Algeria, Australia, Austria, Bahamas, Bahrain, Barbados, Belgium, Benin, Bhutan, Botswana, Bulgaria, Burma, Burundi, Byelorussian Soviet Socialist Republic, Canada, Cape Verde, Chad, Colombia, Comoros, Congo, Cuba, Cyprus, Czechoslovakia, Democratic Yemen, Denmark, Ecuador, Egypt, Equatorial Guinea, Ethiopia, Fiji, Finland, German Democratic Republic, Ghana.

Against: Grenada, Guatemala, Haiti, Honduras, Nicaragua, Panama, Paraguay, Uruguay, Argentina, Bolivia, Brazil, Chile, Costa Rica, Dominican Republic.

Abstaining: Indonesia, Israel, Ivory Coast, Malawi, Malaysia, Morocco, Nepal, Niger, Peru, Philippines, Saudi Arabia, Spain, Surinam, Thailand, Uganda, United States of America, France, Germany (Federal Republic of).

64. Draft resolution A/C.3/31/L.26/Rev.1 as a whole was adopted by 98 votes to 14, with 18 abstentions.

65. Mrs. MARICO (Mali) proposed that, under rule 131 of the rules of procedure, draft resolution A/C.3/31/L.29 should not be put to the vote.

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66. Mr. NOTHOMB (Belgium) said that his delegation greatly regretted the motion put forward by the representative of Mali. Whatever the motives, the move to prevent delegations from expressing their views on draft resolution A/C.3/31/L.29 was unjust to the group of States that sponsored it. His delegation would therefore vote against the motion. Its negative vote was without prejudice to the substance of the draft resolution, on which his delegation would abstain, principally because the draft resolution did not request Chile to admit the Working Group to its territory. His delegation's opposition to the Malian motion was simply a reflex action in support of democracy.

67. Mr. BROAD (United Kingdom) said that, although it had co-sponsored draft resolution A/C.3/31/L.26/Rev.1, his delegation considered it an essential question of principle that the Committee should be permitted to vote on draft resolution A/C.3/31/L.29. It was unacceptable for a majority to use its power to prevent delegations from expressing themselves. Draft resolution A/C.3/31/L.29 had been introduced in a moderate and humanitarian spirit and the tenor of the draft was likewise reasonable. The fact that his delegation did not fully share the views expressed in the draft resolution only fortified its conviction that delegations should be permitted to vote on the substance of that text. Acceptance of the Malian motion would be an unfair and dangerous procedure which could redound to the detriment of any member of the Committee.

68. Mr. de FARIA (Portugal) took the view that, after the vote just taken, no vote should be taken on draft resolution A/C.3/31/L.29. He would therefore vote in favour of the Malian motion.

69. Mr. GIAMBRUNO (Uruguay) said he was somewhat surprised by the Malian motion, coming as it did from an African country. The application of the second sentence of rule 131 of the rules of procedure would have been justified had the two draft resolutions been contradictory, or, at the least, had the adoption of one draft resolution rendered the other superfluous. In the present case, however, the second draft resolution in no way contradicted the first, nor was it superfluous. It should therefore be put to the vote.

70. Draft resolution A/C.3/31/L.29 referred in its last preambular paragraph to a resolution adopted by the General Assembly of the Organization of American States. The members of that organization that were sponsoring draft resolution A/C.3/31/L.29 were entitled to request that it should be put to the vote. The motion to prevent them from doing so was in bad taste and was obstructionist, and his delegation would strenuously oppose it. If, however, the Malian motion was put to the vote, his delegation would request a roll-call vote.

71. Mr. ALFONSO MARTINEZ (Cuba) said that, following the adoption of draft resolution A/C.3/31/L.26/Rev.1 by an overwhelming majority, there was no need to vote on draft resolution A/C.3/31/L.29. As the representative of Paraguay had indicated in his explanation of vote before the vote, the two texts were contradictory, since they each represented a totally different approach. The representative of Paraguay, whose delegation was co-sponsoring draft resolution A/C.3/31/L.29, had totally rejected the work of the Ad Hoc Working Group. On the

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(Mr. Alfonso Martinez, Cuba)

other hand, the eleventh preambular paragraph of draft resolution A/C.3/31/L.26/Rev.1, which had been opposed only by the sponsors of the other draft resolution, commended the Working Group for its report. Thus, the basic aim of draft resolution A/C.3/31/L.29 was to undermine the Group's future work. Furthermore, it sought gradually to eliminate United Nations responsibility for human rights in Chile under the Charter and to replace it by that of a so-called regional organization.

72. While the representative of Uruguay defended that organization, his Government had repeatedly ignored the appeals of an African regional organization to desist from collaboration with South Africa. Accordingly, he supported the Malian motion.

73. Mr. BELOUSOV (Ukrainian Soviet Socialist Republic) supported the Malian motion not to put draft resolution A/C.3/31/L.29 to the vote: the vote just taken convincingly demonstrated that a majority in the Committee preferred such a course of action. Draft resolution A/C.3/31/L.29 was not only extraneous but also contradicted the draft resolution just adopted.

74. Mrs. WARZAZI (Morocco), supported by Mr. ALFONSO MARTINEZ (Cuba), pointed out that, under rule 131 of the rules of procedure, it was for the Committee to decide whether to vote on the next proposal. The Malian motion should therefore be put to the vote.

75. Mr. BAROODY (Saudi Arabia) considered that draft resolution A/C.3/31/L.29 was the subject of unnecessary controversy. The procedural motion put forward by the representative of Mali did not serve the cause of freedom for those delegations wishing to express certain ideas in a draft resolution. Those delegations were entitled to know the positions of the members of the Committee with respect to that draft resolution. In any case, Chile might not co-operate with the United Nations in implementing draft resolution A/C.3/31/L.26/Rev.1. What was the use of a paper victory? Chile might well turn its back on the Organization, with the result that the situation in that country, which was due to a new kind of civil war triggered from outside, might become worse. Those who wished to serve the cause of human rights should therefore give the Latin American countries an opportunity to seek new approaches in an effort to exercise some leverage on Chile.

76. Adoption of the Malian motion would set a dangerous precedent whereby the majority muzzled a minority belonging to a region directly concerned with the issue. He appealed to Members, especially to the major Powers, not to politicize human rights. He had repeatedly proposed the formation of national committees to safeguard human rights in each country. Instead, there had been a proliferation of United Nations bodies dealing with human rights questions.

77. In conclusion, he appealed to Chile to be more generous by releasing the remaining 18 detainees; he himself, a monarchist, had personally interceded for the unconditional release of Luís Corvalán. He strongly opposed the Malian motion, and would strive to uphold the right of each sovereign State to express its views.

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78. Mr. SMIRNOV (Union of Soviet Socialist Republics) supported the Malian motion.
79. Mrs. CASTRO DE BARISH (Costa Rica) appealed to the representative of Mali to refrain from pressing her motion to the vote and thus permit the free expression of opinion. There were many precedents for consecutive votes on draft resolutions embodying different approaches, such as those adopted on the question of Korea and the review of the Charter.
80. The CHAIRMAN invited the Committee to vote on the Malian motion that a vote should not be taken on draft resolution A/C.3/31/L.29.
81. At the request of the representative of Uruguay, the vote was taken by roll-call.
82. Greece, having been drawn by lot by the Chairman, was called upon to vote first.
- In favour: Guinea, Guinea-Bissau, Guyana, Hungary, India, Iraq, Jamaica, Kenya, Kuwait, Lao People's Democratic Republic, Lesotho, Madagascar, Mali, Mexico, Mongolia, Mozambique, Norway, Poland, Portugal, Qatar, Romania, Rwanda, Sao Tome and Principe, Senegal, Somalia, Sri Lanka, Sudan, Sweden, Syrian Arab Republic, Togo, Trinidad and Tobago, Tunisia, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Tanzania, Upper Volta, Yemen, Yugoslavia, Zambia, Algeria, Austria, Bahrain, Barbados, Benin, Bulgaria, Burundi, Byelorussian Soviet Socialist Republic, Cape Verde, Comoros, Congo, Cuba, Cyprus, Czechoslovakia, Democratic Yemen, Equatorial Guinea, Ethiopia, Finland, German Democratic Republic, Ghana.
- Against: Grenada, Guatemala, Haiti, Honduras, Indonesia, Israel, Italy, Japan, Luxembourg, Malawi, Malaysia, Mauritania, Morocco, Nepal, Nicaragua, Niger, Paraguay, Peru, Philippines, Saudi Arabia, Singapore, Spain, Surinam, Thailand, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Argentina, Belgium, Bolivia, Brazil, Canada, Chile, Colombia, Costa Rica, Denmark, Dominican Republic, Ecuador, France, Germany (Federal Republic of).
- Abstaining: Greece, Iceland, Iran, Ireland, Ivory Coast, Liberia, Malta, Netherlands, New Zealand, Nigeria, Pakistan, Panama, Papua New Guinea, Sierra Leone, Turkey, Uganda, United Republic of Cameroon, Venezuela, Zaire, Afghanistan, Australia, Bahamas, Burma, Chad, Egypt, Fiji.
83. The Malian motion was adopted by 60 votes to 40, with 26 abstentions.

The meeting rose at 6.45 p.m.