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**Chairman:** Mrs. Turkia OULD DADDAH  
(Mauritania).

AGENDA ITEM 12

**Reports of the Economic and Social Council [A/7603, chapters VIII, IX, XI (sections A, B, E and I) and XIII; A/7203, paragraphs 764 to 770] (*continued*) (A/7561, A/7566, A/7695, A/C.3/618)**

**CONSIDERATION OF DRAFT RESOLUTIONS (*continued*) (A/C.3/L.1747, A/C.3/L.1748, A/C.3/L.1749/Rev.1, A/C.3/L.1750)**

1. Mr. SHERIFIS (Cyprus), introducing draft resolution A/C.3/L.1748 on behalf of the sponsors, said that the success of the International Seminar on Special Problems relating to Human Rights in Developing Countries, held in Cyprus, the Regional Seminar on the Effects of Scientific and Technological Developments on the Status of Women, held in Romania, and the Regional Seminar on the Establishment of Regional Commissions on Human Rights with special reference to Africa, held in the United Arab Republic,<sup>1</sup> had proved their importance in promoting human rights, and the sponsors of the draft resolution therefore felt they should be continued. The draft they were submitting would express appreciation to the Secretary-General for the able organization of the 1969 seminars and stress that the recommendations made should be taken into account by other international organizations. The word "expand" in operative paragraph 3 should be replaced by "promote".

2. The purpose of the seminars had not been to draw conclusions. Their purpose, as the Chairman of the Cyprus Seminar, Supreme Court Justice Triantafyllides, had said, had been the exchange of ideas and experience and the challenge of one mind to another amongst a group of people deeply concerned with the implementation of human rights and speaking out of a wide knowledge of the characteristics and the problems of their own countries; the implementation of human rights called for the utmost

effort both nationally and internationally and particularly from those who bore responsibility in the life of their countries.

3. The Government of Cyprus had considered it a pleasure and a privilege to act as host to the International Seminar on Special Problems relating to Human Rights in Developing Countries, which had been the first of its kind ever held, and to welcome participants representing all social systems and all continents. The present members of the Cypriot delegation in the Third Committee were particularly pleased that many of their colleagues—including the representatives of Bulgaria, the Democratic Republic of the Congo, Greece and Mauritania—had come to Cyprus to attend the seminar.

4. Mrs. BARISH (Costa Rica) said that her delegation had co-sponsored the draft resolution in document A/C.3/L.1750 because it thought that the Commission on the Status of Women should be permitted to meet every year. The Declaration on the Elimination of Discrimination against Women was still far from being implemented. If the Commission met annually, it would be better able to further the objectives for which it had been established; if it met only once every two years, as the Economic and Social Council had decided, much of the momentum of its work and much interest in it would be lost.

5. She would support draft resolution A/C.3/L.1748, but thought that it should include a paragraph expressing the General Assembly's appreciation to the Governments of Cyprus, Romania and the United Arab Republic for having acted as hosts to the seminars and thanking them for their generous hospitality and the welcome they had extended to the participants.

6. Mr. ARCHER (United Kingdom) said that his delegation was opposed to the draft resolution recommended to the General Assembly by the Economic and Social Council in resolution 1416 (XLVI). That draft resolution was based on the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity, which had been adopted by the General Assembly in resolution 2391 (XXIII), but which was not widely supported, as was shown by the fact that forty-three delegations had either voted against it or abstained from voting and the further fact that only very few States had so far become parties to it. His delegation for one had objected to the attempt made in the Convention to redefine the term "war crimes and crimes against humanity", which expressed two concepts that had long been established in international law and should not have been lightly passed over in order to solve what were essentially political difficulties. His delegation had also objected to the imprecise enumeration of new categories within those crimes. The inter-

<sup>1</sup> For the reports on the seminars, see documents ST/TAO/HR/36, ST/TAO/HR/37 and ST/TAO/HR/38 respectively.

national community should, for its own sake, observe certain standards even towards those suspected of war crimes, who should at least know with what offence they were being charged; otherwise, international law might degenerate into lynch law. His delegation could not, therefore, support the first three operative paragraphs of the draft resolution. Paragraph 3 was particularly objectionable, because it implied that States which had not become parties to the Convention were more sympathetic to war crimes and crimes against humanity than those which had.

7. From a procedural point of view, the Committee could hardly adopt the draft resolution recommended by the Economic and Social Council until it had received the study on the subject of the arrest, extradition and punishment of persons responsible for war crimes and crimes against humanity and the documents relating thereto which the Secretary-General had been asked to prepare and which had been submitted to the Commission on Human Rights at its twenty-fifth session but had not yet been considered by the Council.<sup>2</sup> The General Assembly should take up the matter at a subsequent session in the light of the recommendations made by subsidiary bodies. In any case, paragraph 8 of the draft resolution prejudged the question whether there would even be any basis for a discussion of the issue at the twenty-fifth session.

8. Paragraphs 6 and 7 represented a further imposition on Governments and on the Secretary-General by asking them for still more information on a subject on which they had already furnished voluminous information in the past two years; indeed, it might be wondered whether any fresh information was available.

9. On the other hand, his delegation could support paragraph 4, despite its peremptory language, because the United Kingdom Government had enacted the necessary legislation to become a party to the Convention on the Prevention and Punishment of the Crime of Genocide and expected to deposit its instrument of ratification in the near future.

10. His delegation supported draft resolutions A/C.3/L.1747 and A/C.3/L.1748. It also supported draft resolution A/C.3/L.1749/Rev.1, because it thought that the Second United Nations Development Decade would be unbalanced without an emphasis on the rights of the ordinary man, which should be specified. In particular, one of the objectives of the Second Development Decade should be the implementation of the Conventions on slavery.

11. Mr. OGURTSOV (Byelorussian Soviet Socialist Republic) expressed his delegation's satisfaction that the Commission on Human Rights had adopted its resolution 16 (XXV)<sup>3</sup> noting the significant practical and theoretical contribution of V. I. Lenin to the development and realization of economic, social and cultural rights and welcoming the resolution of the General Conference of UNESCO concerning the arrangements to be made on the

occasion of the centenary of Lenin and in particular to organize the symposium "V. I. Lenin and the problems of development of science, culture and education". Since the Commission on Human Rights had decided to send representatives to that seminar, he thought that the Third Committee should also find it possible to take part in some way in the centenary celebration.

12. The successful fulfilment of the programme for the Second Development Decade required the fullest possible use of human and material resources, the strengthening of government responsibility for the solution of social problems on a nation-wide scale, and comprehensive economic and social planning. The equitable distribution of national income and radical social reforms were prerequisites for social progress. In his view, the new five-year work programme of the Commission for Social Development<sup>4</sup> paid insufficient attention to such important social problems as the study of the role of the State and of the public sector in increasing the well-being of the population; job development and efforts to combat unemployment; the eradication of illiteracy; and the expansion of vocational and technical education. The social organs of the United Nations devoted too much attention to secondary questions to the detriment of activities aimed at resolving basic social problems. In particular, the Commission's draft five-year programme gave undue prominence to such questions as social defence and training of personnel.

13. The Economic and Social Council and the Commission for Social Development should not neglect old problems in order to deal with new ones. In particular, land reform, which had long been recognized as a historical necessity and an important impetus to development, had in many countries either not been begun or was proceeding slowly. The experience of the socialist countries and of a number of developing countries in that connexion was not sufficiently publicized, although its usefulness to many States beginning their social and economic development was becoming increasingly clear. It was only through the establishment of peasant co-operatives that the developing countries could quickly overcome the age-old economic and cultural stagnation in their rural areas and eliminate the vestiges of colonialism. That was shown by the results of the recently held Congress of Byelorussian and other Soviet collective farmers.

14. His delegation considered that social insurance should be considered an important element in measures adopted by States to raise the standards of living of their peoples. It had recommended in a draft resolution which had subsequently been adopted unanimously by the Commission for Social Development<sup>5</sup> that Governments should recognize the right of every individual to social insurance and should take legislative action to extend social insurance to all categories of workers, and had proposed that Governments should bear a greater share of responsibility for social insurance within the context of general social and economic planning.

15. The results of the adoption of Economic and Social Council resolution 1416 (XLVI) were still far from satis-

<sup>2</sup> Documents E/CN.4/983 and Add.1 and 2.

<sup>3</sup> See *Official Records of the Economic and Social Council, Forty-sixth Session*, document E/4621, p. 191.

<sup>4</sup> *Ibid.*, document E/4620 and Corr.1, annex II.

<sup>5</sup> *Ibid.*, document E/4620 and Corr.1, paras. 33 and 34.

factory. The problem of the punishment of war crimes was not exclusively legal in nature; it was directly linked to the maintenance of peace and security throughout the world. War criminals could not be exonerated on the grounds that they had merely been carrying out orders or that, as "desk soldiers", they had not killed anyone with their own hands. International law recognized no limitations on the prosecution of Nazi war crimes, as had been pointed out in many international legal documents.

16. His delegation was pleased to note that the peoples of the world demanded the prosecution and punishment of Nazi criminals and an end to crimes against humanity, regardless of where they were committed and by whom. The Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity laid upon States the obligation to take legislative and other measures necessary to ensure that statutory limitations did not apply to such crimes. The Convention thus protected human rights and fundamental freedoms, helped to ensure international peace and security, and was a stern warning to those who might forget the lessons of history. For that reason, his delegation again called upon all States to become parties to the Convention as soon as possible. He also hoped that the text set forth in Council resolution 1416 (XLVI) would be adopted by the Third Committee.

17. Mrs. IDER (Mongolia) said that the question of the punishment of war criminals was one of the most important items on the Committee's agenda and was especially timely in the light of the crimes committed by imperialist, colonialist and racist forces in South-East Asia, the Middle East and southern Africa. The United States interventionists, who were following a policy which called for the destruction of everything in their path, were committing monstrous crimes against the freedom-loving people of Viet-Nam and did not shrink from the mass extermination of children, women and old men. The recently disclosed facts of the premeditated massacre in the village of Songmy had aroused anger and indignation throughout the world and in the United States itself. But Songmy was only one link in a chain of crimes.

18. The Israeli occupiers were committing flagrant mass violations of the human rights of the Arab population in the territories they were illegally occupying; with a refined system of terror, coercion and repression they were appropriating new lands for Israel. The racist régimes of South Africa and Southern Rhodesia were ignoring the most elementary rights of millions of indigenous inhabitants.

19. The adoption by the General Assembly at its twenty-third session of the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity had been a positive step of great significance, because the Convention confirmed a principle of international law whereby no statute of limitations could apply to such crimes and imposed a duty on the States parties to it to take effective legislative and other measures to ensure that statutory limitations did not in fact apply to the prosecution and punishment of persons who had committed them. The prosecution and punishment of war criminals was not only a question of justice but also an important preventive measure which would help to protect

human rights and fundamental freedoms and strengthen peace and security.

20. The Mongolian People's Republic, which had fought against Germany and Japan during the Second World War, had been one of the first States to ratify the Convention. However, some countries were attempting to exempt war criminals from punishment. Although the just punishment of such criminals was an obligation of the Federal Republic of Germany, the authorities of that country had not yet settled accounts with them, more than twenty years after the Nürnberg trials. Some of them were even occupying high public positions in the Federal Republic and were playing a large part in determining its domestic and foreign policy. A number of legislative measures had also been adopted to reduce the sentences that could be imposed on war criminals.

21. The German Democratic Republic, on the other hand, had consistently taken all necessary measures to punish Nazi war criminals, as was clear from its statement addressed to the General Assembly at its twenty-third session.<sup>6</sup> As indicated in a similar statement to the twenty-fourth session of the Assembly (A/C.3/618), the German Democratic Republic was punishing all crimes against international law, such as war crimes and crimes against humanity, according to their gravity. Its Penal Code specifically stated that statutory limitations did not apply to such crimes, and the German Democratic Republic had been one of the first States to announce its willingness to become a party to the Convention.

22. In the circumstances, the importance of Economic and Social Council resolution 1416 (XLVI) could not be over-emphasized. Her delegation attached particular importance to paragraphs 2, 3 and 4—in the case of paragraph 3, because the States which had voted against the adoption of the Convention had included the United States and South Africa. Her delegation attached great importance to the earliest possible entry into force of the Convention and hoped that it would become an important international instrument to be used against aggressors, against the policy of *apartheid* and against all other crimes against humanity. Her delegation would therefore vote for the draft resolution recommended by the Council.

23. Miss MAKOLO (Democratic Republic of the Congo) said that her delegation supported draft resolution A/C.3/L.1747 because it was aware of the seriousness of the problem to which it related and which was daily assuming ever-greater dimensions, but felt that its form would be improved if the first three preambular paragraphs were replaced by the following text:

*"Considering the possibilities exercised by the United Nations in regard to the prohibition of the use of narcotic drugs and similar substances by virtue of Chapter IX of the Charter of the United Nations,*

*"Deeply concerned at the increasing and improper use of psychotropic substances not yet under international control, especially those of the amphetamine type which tend to stimulate the central nervous system,*

<sup>6</sup> Document A/C.3/611.

"*Convinced* that these non-medical practices, and in particular their rapid increase, constitute a great danger for the international community as a whole,

"*Considering* that immediate and effective action to combat this threat to the health of people everywhere requires the necessary co-operation of Governments".

24. Her delegation had co-sponsored draft resolution A/C.3/L.1749/Rev.1 because there could be no doubt that the objective of all progress and development was the development of every human being without distinction as to race, colour, creed or sex. Many Governments had already incorporated into their domestic legislation principles relating to public freedoms in accordance with the Universal Declaration of Human Rights, and a similar effort should be made internationally. She therefore strongly commended paragraph 2 of the draft resolution.

25. She also supported draft resolution A/C.3/L.1748. With regard to the draft resolution contained in Economic and Social Council resolution 1416 (XLVI), she pointed out that the Democratic Republic of the Congo had already signed the Convention on the Prevention and Punishment of the Crime of Genocide.

26. Mr. NENEMAN (Poland) said that the resolution contained in Council resolution 1416 (XLVI) was not as controversial as the United Kingdom representative had suggested, since only two votes had been cast against it in the Economic and Social Council. Many delegations had reservations regarding the inclusion of a reference to *apartheid*, but those who had experienced *apartheid* recognized that it was one of the gravest crimes against humanity.

27. The draft resolution recommended by the Council represented a new milestone in the development of international penal law. The second preambular paragraph introduced the concept of the prevention of genocide and similar crimes. That was an important aspect of the draft resolution because, while the suffering and losses of the past could not be forgotten, what was of paramount importance was to guard against the recurrence of such crimes now or in the future. The recent massacre of the population of a village in South Viet-Nam might prompt those who experienced doubts to ratify the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity and the Convention on the Prevention and Punishment of the Crime of Genocide. It was urgent that the former should be ratified by as many States as possible, and in particular by the United States, so that it might soon enter into force.

28. Mrs. BLACK (United States of America) said that the international community had already adopted a Single Convention on Narcotic Drugs, 1961, providing for the effective international control of narcotic drugs. However, there was a vast difference between narcotic drugs, such as opium, and psychotropic substances. The latter were artificially produced, and control of their use presented different problems; indeed, the use of such substances was a very pressing and growing problem in her own country. Her Government looked forward to the finalizing of the draft Protocol on Psychotropic Substances by the Commission

on Narcotic Drugs at its first special session in January 1970, and it fully supported draft resolution A/C.3/L.1747.

29. Mr. PIPARSANIA (India) said that, although an increasing number of countries had achieved their freedom and independence from colonialism, it was still necessary to ensure their full economic and social freedom, and his delegation therefore welcomed draft resolution A/C.3/L.1749/Rev.1.

30. His delegation noted with satisfaction that the Commission on Human Rights at its twenty-fifth session had appointed a Special Rapporteur to submit a comprehensive report on the realization of economic, social and cultural rights, taking particular account of the special problems of the developing countries.<sup>7</sup> His delegation looked forward to the early completion of the report.

31. The international community's concern for human rights was reflected in the Universal Declaration of Human Rights, in the records of the proceedings of the International Conference on Human Rights and in the two International Covenants. It was therefore to be hoped that the Preparatory Committee for the Second United Nations Development Decade would comply with the request made in draft resolution A/C.3/L.1749/Rev.1.

32. His delegation supported the draft resolutions contained in Council resolution 1416 (XLVI) and in documents A/C.3/L.1747 and A/C.3/L.1748, as well as the oral amendments proposed to the latter two. However it could not support draft resolution A/C.3/L.1750, as it considered that the final decision on the question it raised must rest with the Economic and Social Council.

33. Miss GICHURU (Kenya) said that her delegation supported draft resolution A/C.3/L.1750. It considered that, if the Commission on the Status of Women was to achieve its goals and do full justice to the items that came before it, it would need to meet at least once a year.

34. Her delegation also supported draft resolutions A/C.3/L.1747, A/C.3/L.1748 and A/C.3/L.1749/Rev.1.

35. Mr. PAOLINI (France) said that he would support draft resolution A/C.3/L.1748 and that his delegation for one would be willing to accept the Congolese oral amendment to draft resolution A/C.3/L.1747.

36. The draft resolution recommended by the Economic and Social Council was a logical follow-up to the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity. Although his delegation supported the Convention in principle, it had been forced to abstain from voting on its adoption at the twenty-third session because of the imprecise manner in which crimes against humanity were defined in the Convention. Furthermore, its provisions were incompatible with the French Penal Code. Although he would be obliged similarly to abstain from voting on the draft resolution, France would co-operate in every possible way in the

<sup>7</sup> See *Official Records of the Economic and Social Council, Forty-sixth Session*, document E/4621, resolution 14 (XXV), p. 188.



expulsion and extradition of such criminals, in accordance with its domestic legislation.

37. He was categorically opposed to the provisions of draft resolution A/C.3/L.1750, which challenged the Economic and Social Council's decision that, with the exception of the Commission on Human Rights and the Sub-Commission on Prevention of Discrimination and Protection of Minorities, the subsidiary organs of the Council should meet biennially in accordance with the recommendations of the Committee on the Reorganization of the Secretariat<sup>8</sup> and the Committee on Conferences.<sup>9</sup> The Commission on Human Rights was in fact the only justifiable exception to that rule, since it rarely completed its agenda and had to postpone consideration of extremely pressing problems. He recognized the excellent work done by the Commission on the Status of Women, but pointed out that its agenda varied little from year to year and was usually completed in due time. If the Commission met biennially, the Secretariat would probably be in a better position to prepare substantive studies on various items which would enable them to be considered in greater depth. His delegation was also opposed to the suggestion that, in any year when the Commission did not meet, a seminar on the status of women should be held at the headquarters of a regional economic commission. The Organization should not be obliged to hold seminars regularly; when a Government offered to act as host to a seminar on a given subject, that was a reflection of the interest of the world community. The holding of seminars at the headquarters of regional economic commissions would be an additional financial burden on the United Nations, and it should also be borne in mind that the regional commissions were more concerned with the economic aspects of development than with the social aspects of the status of women.

38. As a matter of principle, the Third Committee should not question the almost unanimous decision of the Economic and Social Council, which did not require the approval of the General Assembly. His delegation was surprised that it should be called upon at the last moment to vote on such a proposal and considered that, since members of the Committee might not have had sufficient time to study all available information—such as the reports of the Committee on the Reorganization of the Secretariat<sup>8</sup> and the Committee on Conferences<sup>9</sup>—and since the financial implications of a reversal of the decision were not known, draft resolution A/C.3/L.1750 should not be put to the vote at the current session.

39. Mr. EL-FATTAL (Syria) said that the selective approach to the question of war criminals and persons guilty of crimes against humanity was motivated by the fact that the international community was witnessing a rebirth of Nazi and neo-Nazi ideologies and practices which twenty years previously had been condemned as crimes against humanity. The representatives of Algeria and Cuba had drawn the Committee's attention to the war crimes and crimes against humanity being committed daily in Vietnam, the Middle East and southern Africa, proving that nazism, genocide and militarism were as rampant as ever before.

<sup>8</sup> Official Records of the General Assembly, Twenty-third Session, Annexes, addendum to agenda item 74 (A/7359), annex.

<sup>9</sup> Ibid., agenda item 75, documents A/7361 and Add.1.

40. The draft resolution contained in Economic and Social Council resolution 1416 (XLVI) was proof of the determination of freedom-loving States to remain actively seized of the question of war crimes and crimes against humanity in their historical continuity. The draft resolution represented a further milestone in the sustained efforts of the international community to prevent and punish such crimes. The definition in article 1 of the 1968 Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity consolidated the foundations of national and international law for the prosecution and punishment of persons guilty of such international crimes. His delegation was sure that the adoption of the draft resolution would constitute a deterrent against war crimes and would protect human rights and fundamental freedoms.

41. Mrs. DE GONZALEZ GALVEZ (Mexico) said that her delegation would vote for the draft resolution recommended to the General Assembly by the Economic and Social Council, despite the fact that paragraph 2 did not expressly include the standard phrase "in accordance with their respective constitutional processes" included by the General Assembly in its requests to Governments to become parties to an international instrument.

42. She noted that Mexico had already signed the Convention and that it was at present being considered by the Mexican Senate.

43. Mrs. DAES (Greece) said that she had certain reservations regarding the formulation of paragraph 3 of the draft resolution contained in Council resolution 1416 (XLVI). The sacrifices made by the Greek people during the Second World War were well known, as was the position of the Greek Government regarding the Convention on the Prevention and Punishment of the Crime of Genocide. However, it considered that there were certain undesirable political aspects to the provisions of the draft resolution.

44. Her delegation fully supported draft resolutions A/C.3/L.1747 and A/C.3/L.1749/Rev.1. It hoped that during the Second United Nations Development Decade every effort would be made to secure implementation of all the international instruments concerning human rights, particularly the International Covenant on Economic, Social and Cultural Rights. With regard to draft resolution A/C.3/L.1750, her delegation understood the French delegation's reservations but considered that, because of the immense tasks still to be accomplished in relation to the status of women, the Commission on the Status of Women might be considered exceptional.

45. Her delegation agreed with the Costa Rican suggestion concerning draft resolution A/C.3/L.1748, and she therefore proposed the insertion of a new operative paragraph 1, reading as follows:

*"Expresses its appreciation to the Governments of Cyprus, Romania and the United Arab Republic for their offers to act as host countries for the seminars, their co-operation with the United Nations, which ensured the success of these seminars, and for the generous hospitality extended to all participants"*.

46. Miss MARTINEZ (Jamaica) said that her delegation's attitude to the work done at the forty-sixth session of the

Economic and Social Council was not one of unqualified admiration. She regretted that, in Council resolution 1422 (XLVI), action had been suspended on the procedures for dealing with communications relating to violations of human rights and fundamental freedoms. Moreover, no agreement had been reached on the question of the establishment of temporary machinery within the United Nations for co-ordinating activities to combat *apartheid*. She also felt that the Council had been rather too hasty in suspending the mandate of the Special Rapporteur on *apartheid*.<sup>10</sup>

47. Despite the fact that Jamaica had not been in a position to support the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity, it would endorse the resolution recommended by the Council on its resolution 1416 (XLVI). However, such endorsement must be interpreted as a token of good faith and of the importance her delegation attached to the matter. The representative of Mongolia had stated that it had been necessary to insert paragraph 3, in view of the fact that such countries as the Republic of South Africa had not supported the Convention. She wished to point out that her own Government, which had not become a party to the Convention, had clearly stated from the beginning that an obligation to enact retroactive penal legislation would have posed grave constitutional difficulties. It was a pity that those who were in agreement with the spirit of the original resolution and the Convention should, by implication, be linked with countries whose policies were abhorrent.

48. As a member of the Economic and Social Council, Jamaica had supported the decision regarding the periodicity of the sessions of the Commission on the Status of Women and, consequently, it would be acting inconsistently if it voted for draft resolution A/C.3/L.1750. Nevertheless, she was fully aware of the importance of the work of that Commission and considered that it might be possible to ask the Council to reconsider its decision. In the meanwhile, it would be useful for the Committee to be informed of what savings would be achieved if the draft resolution was not pressed to the vote.

49. She would vote in favour of draft resolutions A/C.3/L.1747, A/C.3/L.1748 and A/C.3/L.1749/Rev.1.

50. Mr. HEYMAN (Sweden) thanked all those delegations which had expressed support for resolution A/C.3/L.1747 and announced that the Democratic Republic of the Congo, the United States and Yugoslavia had become co-sponsors. There would be no difficulty in accepting the suggestions which had been made earlier by the representative of the Democratic Republic of the Congo, and it also had been decided that, in the operative paragraph, the words "with the development of an international instrument" would be replaced by "to complete the draft protocol".

51. Mr. TEKLE (Ethiopia) said that his country had supported the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity. Although Ethiopia observed the principles of

non-retroactivity and *nulla poena sine lege*, it would endorse the draft resolution recommended by the Council because those who had committed war crimes and crimes against humanity should not be allowed to go free as a result of mere technicalities.

52. He would vote in favour of draft resolutions A/C.3/L.1747 and A/C.3/L.1748, and he failed to see how anyone could possibly object to the provisions of draft resolution A/C.3/L.1749/Rev.1.

53. Mr. EL-FATTAL (Syria) said he had been informed that, at the very time when the Committee was discussing humanitarian matters, the premises of the Permanent Mission of Syria to the United Nations had been invaded by a large number of American delinquents. It had been impossible to remove them until two hours later, despite the presence of the police. His country had always clearly affirmed its support of the cause of justice and freedom; yet a similar incident had occurred in 1966, and those responsible had remained unpunished. He wished to make the strongest protest against such practices. If the United States Government was unable to permit Permanent Missions to carry on their activities unmolested, it should be deprived of the privilege of acting as host to the United Nations.

54. Mr. UMRATH (Netherlands) said that the people of his country had strong feelings on the question of the punishment of war criminals and of persons who committed crimes against humanity. Consequently, his Government had recently submitted to Parliament a bill which aimed at excluding the application of statutory limitations to such persons. Furthermore, it had become a Party to the Convention on the Prevention and Punishment of the Crime of Genocide in 1964. It had also informed the Secretary-General that the United Nations could make a positive contribution to the reformulation of the laws on extradition, by drawing up a convention which would consolidate the rules of existing international judicial assistance in respect of war criminals and remove existing obstacles. Nevertheless, with regard to the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity, his delegation had stated at the twenty-third session that it had grave doubts regarding a document containing standards which were not strictly juridical. Certain elements had been included in the text of the Convention, and particularly in article 1, which went beyond the original terms of reference, and the text as a whole did not, in his opinion, satisfy the standards of juridical precision required of a legal instrument. He feared the possible impairment of the rule of law—the most important factor in the protection of human rights and democratic freedoms. It was doubtful whether the Convention could contribute successfully to the codification of international law and his delegation would therefore abstain from voting on the resolution recommended by the Council in its resolution 1416 (XLVI).

55. The decision to convene most of the functional commissions and standing committees of the Council once every two years had been a general one, taken for a very important reason. Accordingly, he supported the French representative's appeal to the sponsors of draft resolution A/C.3/L.1750 not to press it to a vote. The other draft

<sup>10</sup> Appointed by the Commission on Human Rights under resolutions 7 (XXIII) and 3 (XXIV).

resolutions now before the Committee contained valuable provisions and caused no difficulties for his delegation.

56. Mr. TEPAVICHAROV (Bulgaria) said that he had taken part personally in the International Seminar on Special Problems Relating to Human Rights in Developing Countries which had been held in Cyprus, and shared the view that it had offered great opportunities for exchanges of views and the establishment of important contacts. He thanked the sponsors of draft resolution A/C.3/L.1748 for their initiative and supported the Costa Rican representative's suggestion regarding the insertion of a paragraph expressing gratitude for the hospitality received.

57. Mr. CALOVSKI (Yugoslavia) said that his country had been among the first to sign the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity and would therefore vote in favour of the resolution recommended by the Council. As the representative of Poland had observed, the draft resolution was in no sense a new one, having been discussed at great length in other bodies. His delegation had been happy to become a sponsor of draft resolution A/C.3/L.1747, and draft resolutions A/C.3/L.1748 and A/C.3/L.1749/Rev.1 met with its full approval.

58. Mr. SHERIFIS (Cyprus) said that the sponsors of draft resolution A/C.3/L.1748 had been greatly moved by the kind remarks made by members of the Committee in connexion with that text. However, as they represented the Governments which had organized the seminars in question, it would not be fitting for them to accept the Costa Rican suggestion or the Greek proposal.

59. Miss DOBSON (Australia) said that she had great respect for the Commission on the Status of Women, whose work was of enormous value. Nevertheless, it had always been the policy of the Australian Government to command the Secretary-General's efforts to reduce the expenses of the United Nations. The Economic and Social Council had decided that the Commission on the Status of Women should meet biennially; yet draft resolution A/C.3/L.1750 called for a reversal of that decision—a matter which must finally rest with the Council. Consequently, she agreed with the comments made by the representatives of India and France. If the draft resolution was put to the vote, her delegation would be unable to endorse it.

60. Mr. OZER (Turkey) said he was in complete agreement with the principle that those guilty of war crimes and crimes against humanity, including the crime of *apartheid*, must be punished. However, his country had been obliged to abstain from voting on the original resolution because article I of the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity posed certain difficulties under the Turkish legal system. Accordingly, his delegation would be compelled to abstain from casting a vote on the draft resolution recommended by the Council.

61. Mrs. CADIEUX (Canada) said that Canada had abstained from voting in connexion with the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity because it had been opposed to a definition of such crimes which left the door

open for political considerations. Her delegation would therefore take the same course with regard to the draft resolution recommended by the Council. Similarly, the Canadian delegation had stated only that morning at the 1340th meeting of the Fifth Committee that it approved of the schedule of meetings for 1970, thus reaffirming its support for a programme which took account of the Economic and Social Council's decision on the periodicity of sessions. She would therefore be acting in a completely inconsistent manner if she voted in favour of draft resolution A/C.3/L.1750. She completely endorsed the provisions of draft resolutions A/C.3/L.1747 and A/C.3/L.1748. Where draft resolution A/C.3/L.1749/Rev.1 was concerned, she agreed that consideration must be given to the question of human rights in the elaboration of the international development strategy for the Second United Nations Development Decade.

62. Mrs. DAES (Greece) said she recognized that the sponsors of draft resolution A/C.3/L.1748 had been placed in a somewhat difficult position. Nevertheless, an expression of gratitude to the Governments of Cyprus, Romania and the United Arab Republic was wholly justified, and she asked the Committee to give its approval to her proposed amendment.

63. Miss CAO-PINNA (Italy) said that she welcomed draft resolutions A/C.3/L.1747, A/C.3/L.1748 and A/C.3/L.1749/Rev.1, which contained important provisions.

64. Economic and Social Council resolution 1416 (XLVI) had formed part of a larger draft resolution of the Commission on Human Rights.<sup>11</sup> However, a decision had been taken to seek the opinions of Governments on further measures to ensure the extradition and punishment of war criminals, because the Secretary-General had prepared a comprehensive study on the matter and the conclusion had been reached that such additional measures were required. Accordingly, her delegation could not support paragraph 8 of the draft resolution recommended by the Council, since it was not appropriate for the General Assembly to examine the question until it had been dealt with by the Commission on Human Rights. Moreover, most of the operative paragraphs of the draft resolution recalled the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity, whose adoption by the General Assembly had been far from unanimous. She was unable to endorse the definition of war crimes and crimes against humanity referred to in paragraph 1, and she would therefore abstain. She regretted that she could not support draft resolution A/C.3/L.1750, in view of the fact that the periodicity of sessions of the standing committees and functional commissions of the Council had been considered by the Committee for Programme and Co-ordination, on the basis of recommendations made by the *Ad Hoc* Committee of Experts to Examine the Finances of the United Nations and the Specialized Agencies.<sup>12</sup> Moreover, the Fifth Committee was currently considering the report of the Committee on Conferences<sup>13</sup> and would almost

<sup>11</sup> See *Official Records of the Economic and Social Council, Forty-sixth Session*, document E/4621, resolution 9 (XXV), p. 185.

<sup>12</sup> *Official Records of the General Assembly, Twenty-first Session, Annexes*, agenda item 80, document A/7634.

<sup>13</sup> *Ibid.*, *Twenty-fourth Session*, Supplement No. 26.

certainly approve its recommendations, which took account of the relevant decisions of the Council.

65. Mrs. WARZAZI (Morocco) pointed out, on the question of the reversibility of Economic and Social Council decisions, that the Second Committee had decided that the General Assembly was sovereign and not bound by prior decisions of its subsidiary organs. Furthermore, the Economic and Social Council was in no way as representative as the General Assembly itself, and it was therefore in order for the Assembly to review the Council's decisions. It was not in fact the first time that the question had arisen; in 1964 the Assembly had adopted, on the recommendation of the Third Committee, its resolution 1922 (XVIII), paragraph 2 of which urged the Economic and Social Council to reconsider a decision it had taken so that the Commission on Human Rights might continue to meet annually. She also pointed out that the Secretary-General had not requested additional appropriations for the Commission on the Status of Women, and there was therefore no reason to suppose that annual sessions would in future impose an additional financial burden on the Organization.

66. Mr. BABAA (Libya) said that he recognized the importance of the work accomplished by the Commission on the Status of Women but agreed with the arguments put forward by the representatives of France and India. His delegation was among those which had supported the Economic and Social Council's decision and was not, therefore, in a position to vote for draft resolution A/C.3/L.1750.

67. His delegation had voted for the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity because it considered that it was high time that the international community effectively punished such crimes, including the atrocities committed under the *apartheid* régimes and in the Middle East. It had voted for the draft resolution contained in Economic and Social Council resolution 1416 (XLVI) and would do so again in the Third Committee, and it would have no difficulty in supporting draft resolutions A/C.3/L.1747 and A/C.3/L.1748.

*The meeting rose at 6.10 p.m.*