

2110th meeting

Friday, 6 December 1974, at 3.15 p.m.

Chairman: Mrs. Aminata MORICO (Mali).

A/C.3/SR.2110

AGENDA ITEM 57

Freedom of information (*concluded*) (A/9657)

- (a) Draft Declaration on Freedom of Information;
(b) Draft Convention on Freedom of Information

1. Mrs. SHAHANI (Philippines) said that the Philippines Government considered that freedom of information was indispensable to the exercise and protection of basic human rights and fundamental freedoms. A Filipino had served as Chairman-Rapporteur of the Committee on Freedom of Information for some years. With the establishment of the New Society by President Marcos in 1972, the Philippines, in its far-reaching reforms in the social and economic fields, had sought to find an important place for the media and the free flow of information. Foreign correspondents, for example, were free to write whatever they wished. However, at the national level the Philippines Government, journalists, and the public in general were beginning to realize that the abuse of freedom of information and unbridled criticism by the press could be counterproductive and could obstruct development; that experience had been shared by many developing countries. The Philippines was therefore beginning to evolve "development journalism" on the lines of the "development information"—information to be used to promote national unity and understanding about development programmes and projects—being evolved by the Office of Public Information of the Secretariat.

2. There must therefore be a balance between freedom of information and a sense of responsibility, and journalists and the public in general must be re-educated in that regard. Her delegation hoped that the Committee would not only concern itself with freedom of information but would also see to it that that freedom was exercised with responsibility and with a sense of purpose for the acceleration of over-all development.

3. Mr. SMIRNOV (Union of Soviet Socialist Republics) stressed that the Soviet Union was a party to the International Covenant on Civil and Political Rights (General Assembly resolution 2200 A (XXI), annex); it therefore guaranteed and would continue to guarantee all the rights provided for under article 19 of that instrument. In that connexion, article 20 was also very important. On the basis of the provisions of the International Covenant, the Soviet Union supported discussion of freedom of information and believed that that freedom must be used for the welfare of mankind and in support of international peace and security and the development of friendly relations among peoples. It was essential to take measures to prevent the abuse of the media for the purposes, for example, of pornography or of religious discrimination. His delegation believed that all the media must be used for the purposes of co-operation among States on the basis of the Charter of

the United Nations and of respect for the sovereignty of States, for their laws and customs and for the principle of non-interference in the internal affairs of States. Respect for sovereignty was not a barrier to contacts and exchanges between peoples but guaranteed to peoples their basic rights and freedoms. He recalled that the General Secretary of the Communist Party of the Soviet Union had spoken at the World Congress of Peace Forces in Moscow in October 1973 on the need to prevent the spread of any information which was harmful to the development of friendly relations among States. His delegation believed that in every country there was much to be done to ensure that the media served the aims of the Charter of the United Nations.

4. The work done in the Third Committee had been useful to a certain extent, but many provisions of the draft convention¹ and of the draft declaration on freedom of information (Economic and Social Council resolution 756 (XXIX), annex) were out of date; what was needed was a new approach taking into account the events of recent years which had led to the adoption of new international documents, particularly the International Covenants on Human Rights. His delegation agreed with the statement of the representative of Saudi Arabia (2109th meeting) that the elaboration of a convention on freedom of information was a very complex task; the matter had been discussed for many years but there had not usually been enough time to consider the substance of such a convention. Since there would be many important and complex matters on the agenda of the thirtieth session of the General Assembly, his delegation proposed that consideration of the item should be postponed to the thirty-first session of the General Assembly, so that delegations would have had time to study the draft Convention.

5. Mr. KAUFMANN (Netherlands) said that article 19 of the Universal Declaration of Human Rights and the corresponding provisions in the International Covenant on Civil and Political Rights should serve as the basis for any discussion of freedom of information. His Government was convinced that, as the preambular paragraphs of the draft declaration on freedom of information stated, freedom of information was essential to respect for other human rights and fundamental freedoms and for peaceful and friendly relations among peoples and nations. It was also convinced that the vitality of society, nationally as well as internationally, was strengthened by the free exchange of information and the existence of the widest possible diversity of sources of information and free access to those sources.

6. The basic element of freedom of information must be the freedom of the individual to inform himself, regardless of his status, nationality or the system of government of his country. The preambular part of the draft declaration did

¹ A/8340, annexes I and II.

not provide an exhaustive list of the forms of communication; it did not, for example, mention oral communication, the most important way in which an individual might inform himself, or the possibility of open discussion. Since freedom of information was a fundamental human right, it was the duty of the State to protect and to promote that freedom. The Governments of all States must therefore take all necessary measures to enable the free flow of information within their territory as well as across frontiers; they would thereby strengthen their mutual relations and hence peace and security. The freedom to be informed speedily, completely and accurately was an indispensable element of freedom of information. The journalist responsible for the transmitting of information obviously had a cardinal role to play; however, he could not function without access to the appropriate facilities. Governments should therefore seek to develop and support in every possible way co-operation between journalists working in their respective countries and their counterparts abroad. They should be permitted freely to disseminate and exchange information of all kinds, including information concerning other countries, and should be given access to the information and facilities they needed.

7. His delegation supported the draft declaration on freedom of information and regretted that the General Assembly had not been able to make any progress towards adopting it. It believed that the adoption of that declaration and serious consideration of a convention on the same subject would be a positive step towards the attainment of the goals set forth in the preamble to the Charter of the United Nations.

8. The CHAIRMAN suggested that the Committee should recommend the General Assembly to inscribe the topic entitled "Freedom of information" on the provisional agenda of its thirtieth session.

9. Mr. SMIRNOV (Union of Soviet Socialist Republics) said that since the Committee would have a very full agenda at the thirtieth session, his delegation doubted whether it would be able to take up the substance of the question of freedom of information at that time; it would probably not be able to discuss the item until the end of the session and would again lose time hearing only a few general statements on the problem. For practical reasons, it would therefore be better to postpone consideration of the item to the thirty-first session, as he had already proposed.

10. Mr. KANKA (Czechoslovakia) supported the proposal of the representative of the Soviet Union, as his delegation believed that if consideration of the item were postponed until the thirty-first session of the General Assembly, there would be more time to discuss it fully.

11. Mr. SPEEKENBRINK (Netherlands) said that it had long been a tradition in the Committee to inscribe the item entitled "Freedom of information" on the agenda of every session so that delegations could express their views on the matter. The short discussion at the current session had in no way burdened the Committee and had provided an opportunity to express such views. It had not been possible to make more progress on the draft declaration or on the draft convention because of lack of time, and the item should therefore remain in the forefront of the Commit-

tee's concerns. He accordingly opposed the Soviet representative's proposal.

12. Mr. NOTHOMB (Belgium) supported the Chairman's suggestion, as he felt that the Committee should not wait until the thirty-first session to take up the item.

13. Mr. TUROT (France) said that he supported the Chairman's suggestion. The short discussion of the item, including the statement made by the Soviet Union, had been very worthwhile and had shed light on the situation with regard to the draft declaration and draft convention. If the agenda of the thirtieth session was too heavy, the Committee could decide at the beginning of that session to postpone consideration of the item to the thirty-first session, although his delegation would very much regret such a decision because of the importance it attached to the subject. If, however, the proposal of the Soviet Union was to be adopted, the words "with the highest priority" should be added to it.

14. Mr. SRINIVASAN (India) said that since the Committee had been unable to make much progress on discussion of the item, it might be better to set a specific time for its discussion and to give it the highest possible priority under the rules of procedure.

15. The CHAIRMAN asked the representative of the Soviet Union whether he accepted the French amendment to his proposal.

16. Mr. SMIRNOV (Union of Soviet Socialist Republics) said that his delegation would not object to the addition of the words "with priority" to his proposal.

17. Mr. TUROT (France) said that his delegation preferred the wording "with the highest priority".

18. Mr. MACRAE (United Kingdom) said that he wished to amend the Soviet proposal by changing the words "thirty-first session" to "thirtieth session". The words "highest priority" meant very little. It was his delegation's view that the matter should be discussed at the thirtieth session.

19. Mr. AL-QAYSI (Iraq) said that the wish expressed by the representative of the United Kingdom did not amount to an amendment or proposal to be voted on. The Committee should proceed to vote on the French amendment to the Soviet proposal.

20. Mr. SMIRNOV (Union of Soviet Socialist Republics) said that his delegation would agree to the addition of the words "with high priority" to its proposal.

21. Mr. TUROT (France) said that the Committee would gain time by proceeding forthwith to vote, in accordance with the rules of procedure, on his delegation's amendment to the Soviet proposal.

The Committee adopted the French amendment by 65 votes to 23, with 30 abstentions.

The Committee rejected the USSR proposal by 35 votes to 29, with 30 abstentions.

22. Mr. AL-QAYSI (Iraq), speaking on a point of order, pointed out that as the French amendment had been carried and the USSR proposal rejected, the Committee was faced with a peculiar situation. If the French amendment was to apply to the Chairman's suggestion, the Committee would be deciding to give priority to the item at the thirtieth session, which was not at all the intention.

23. Mr. TUROT (France) associated himself with the remarks made by the previous speaker.

24. After a short procedural discussion, in which Mrs. WARZAZI (Morocco), Mr. AL-QAYSI (Iraq) and the CHAIRMAN took part, the CHAIRMAN said that, as the French proposal was an amendment to the USSR proposal, it had automatically been eliminated with the rejection of the latter. If there was no objection, she would assume that the Committee agreed to her suggestion to postpone the item to the thirtieth session.

It was so decided.

AGENDA ITEM 58

Status of the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional Protocol to the International Covenant on Civil and Political Rights: report of the Secretary-General (A/9720 and Add.1, A/C.3/L.2133/Rev.1, A/C.3/L.2142/Rev.1)

25. Mr. SCHREIBER (Director, Division of Human Rights) said that when the General Assembly adopted the two International Covenants on Human Rights, by resolution 2200 A (XXI), it had expressed the hope that they would come into force as soon as possible. In the eight years that had elapsed since the adoption of that resolution, the General Assembly had repeatedly urged Member States to ratify or accede to the Covenants themselves, which required 35 ratifications or accessions to come into force, and to the Optional Protocol to the International Covenant on Civil and Political Rights, which needed the deposit of only 10 instruments of ratification to come into force, subject to the entry into force of the Covenant itself. Ten States had now ratified the Optional Protocol, so that its entry into force depended only on that of the International Covenant on Civil and Political Rights. Since the report of the Secretary-General (A/9720 and Add.1) had been circulated in mid-September 1974, Luxembourg had signed and Mongolia had ratified both Covenants, so that all that was needed to bring the Covenant on Economic, Social and Cultural Rights and the Covenant on Civil and Political Rights into force was six and seven ratifications respectively.

26. In accordance with General Assembly resolution 3142 (XXVIII), the report of the Secretary-General contained a section on the measures taken or envisaged by Member States with a view to accelerating the ratification of the International Covenants and the Optional Protocol. Eleven Governments had reported, and it was encouraging to note that most of them were giving serious consideration to ratifying the Covenants as soon as possible and that several of them had already started the constitutional procedures required for ratification.

27. Nevertheless, one had to admit that progress towards the coming into force of the Covenants was slow. That was regrettable, since, as many delegations had pointed out, the entry into force of the Covenants would give greater weight and wider scope to United Nations activities to promote and encourage respect for human rights and fundamental freedoms for all, in accordance with the Charter. The importance of States that were in a position to do so accepting legal obligations towards the international community in the field of human rights could not be overemphasized. It was equally important to strengthen the obligations laid down in the Charter of the United Nations in that respect and to translate the principles enunciated in the Universal Declaration of Human Rights into rules of international law. The increased effectiveness of the United Nations in securing respect for such rights as self-determination and fundamental human rights and freedoms in the civil and political sphere went without saying. The United Nations could also play a more forceful role in the field of development and economic and social progress when the relevant organs could invoke the legal obligation of Member States to achieve the objectives of the Organization.

28. Both Covenants contained provisions for implementation machinery. In the International Covenant on Economic, Social and Cultural Rights the role assigned to the Economic and Social Council in that machinery was particularly important. The Council would consider the reports submitted by States parties and could make general recommendations to the General Assembly. Furthermore, international action for the achievement of economic, social and cultural rights included not only the adoption of recommendations but the furnishing of technical and economic assistance.

29. The implementation machinery of the International Covenant on Civil and Political Rights consisted of a Human Rights Committee of 18 members, as provided for by article 28 of the Covenant, elected by the States parties six months after the entry into force of the Covenant. The Committee would not only study reports submitted by the States parties on the measures they had adopted which gave effect to the rights recognized in the Covenant but would also be the hub of the voluntary system of communication between States on matters relating to the application of the Covenant and would lend its good offices where necessary with a view to a friendly solution of such matters between the States parties concerned. Under the Optional Protocol the Committee would also be competent to receive and consider communications from individuals who claimed to be victims of a violation by a State party of any of the rights set forth in the Covenant. The Committee would submit an annual report to the General Assembly through the Economic and Social Council.

30. He had wished to emphasize the implementation machinery because he shared the view so often expressed in the Third Committee that when it should go into operation it would be a big step forward towards ensuring the exercise of all the civil, political, economic, social and cultural rights recognized in the Universal Declaration of Human Rights and guaranteed by the International Covenants.

31. In conclusion, he wished to express the admiration of the Secretariat to the Chairman and the officers of the

Committee for the competence and tact with which they had carried out their onerous tasks and to the representatives on the Committee for the work they had performed during the session. He was most grateful for the understanding they had shown for the role of the Secretariat and the co-operation they had extended to the staff of the Organization.

32. Mr. FØNS BUHL (Denmark), speaking on behalf of the sponsors of draft resolution A/C.3/L.2133/Rev.1, said that the sponsors had submitted it because it was important for the International Covenants and the Optional Protocol to come into force as soon as possible so that the rights proclaimed in the Universal Declaration of Human Rights could be given real substance. The text was in line with previous General Assembly resolutions on the same subject. In presenting the revised text, the sponsors had tried to take account of the suggestions put forward in discussions. They were still willing to consider other changes if such changes would make the text more generally acceptable and achieve the purpose set out in General Assembly resolution 2200 A (XXI) in which, on adopting the Covenants, the Assembly had expressed the hope that they would be signed and ratified without delay and enter into force at an early date. The revised text of operative paragraph 2 reflected the desire expressed by several delegations, including Bulgaria and Cyprus, that the Committee should call for the entry into force of the three instruments concerned in the near future and if possible by the thirtieth session of the General Assembly. Operative paragraph 3 largely repeated the request contained in General Assembly resolution 3142 (XXVIII) that the Secretary-General should prepare a report on the ratification of the Covenants on the basis of reports from Governments.

33. Turning to the amendments in document A/C.3/L.2142/Rev.1 he said that the new operative paragraph proposed in the first amendment was acceptable as such, but the sponsors would prefer to include it as operative paragraph 4. They were unable to accept the second amendment, which applied to operative paragraph 1 of the draft resolution; the Optional Protocol had been adopted by the General Assembly by a vote of 66 to 2, with 38 abstentions, and it would be improper to omit any reference to it. While the sponsors were not opposed to the third and fourth amendments, they would like to have some clarification of their meaning and purpose.

34. As to the proposal in the wording of the first amendment to include an "all-States" clause, the sponsors of the draft resolution had the impression that not all delegations would find that acceptable. They considered it important that a draft resolution of purely procedural content and with humanitarian objectives should be adopted by consensus. They therefore preferred not to raise any obstacles to the unanimous adoption of their text and had accordingly not included that amendment. The "all-States" clause had been debated at length at the twenty-eighth session of the General Assembly in connexion with the drafting of the Convention on the Prevention and Punishment of Crimes Against Diplomatic Agents and Other International Protected Persons, including Diplomatic Agents adopted by the General Assembly in its resolution 3166 (XXVIII). At that time, the following

understanding had been adopted by the Sixth Committee by 85 votes to none, with 4 abstentions:

"It is the understanding of the General Assembly that the Secretary-General, in discharging his functions as depository of a convention with an 'all States' clause, will follow the practice of the General Assembly in implementing such a clause and, whenever advisable, will request the opinion of the General Assembly before receiving a signature or an instrument of ratification or accession."²

35. That understanding was clearly general in character and thus applied to any other similar decision of the General Assembly. The Sixth Committee had applied it at the current session during its consideration of agenda items 96 and 97 when it adopted a draft resolution on participation in the Convention on Special Missions, its Optional Protocol concerning the Compulsory Settlement of Disputes and the Vienna Convention on the Law of Treaties,³ by consensus. If there was any doubt as to whether that interpretation was correct, his delegation would request the Committee to ask the advice of the Legal Counsel on the scope and meaning of the "all-States" clause and also on the procedure followed by the Sixth Committee in adopting the draft resolution in question.

36. Mrs. DE BARISH (Costa Rica) said that, 25 years after the adoption of the Universal Declaration of Human Rights, it was high time for the rights thus proclaimed to be converted into legal obligations. It was therefore important that the General Assembly should follow closely the signatures, ratifications and accessions relating to the two International Covenants. It was encouraging that only a few more ratifications were required for the Covenants to enter into force and that the necessary number for the entry into force of the Optional Protocol had already been attained.

37. Since the Danish representative had introduced the draft resolution of which her delegation was one of the sponsors, she merely wished to endorse the points he had made and reiterate the hope he had expressed that the draft resolution would be adopted by consensus. Such a hope was well founded, since the draft resolution was very complete and the revised text had been worded to meet the points raised by certain delegations.

38. She was therefore somewhat disappointed that Bulgaria, Cyprus and the Syrian Arab Republic had seen fit to submit the amendments in document A/C.3/L.2142/Rev.1; its sponsors did not seem to be showing the conciliatory spirit which had been shown by the sponsors of the draft resolution that they wished to amend. The new operative paragraph 1 as proposed in the first amendment contained the words "all States", which introduced the problem already mentioned by the representative of Denmark. She endorsed his statement that the draft resolution should be adopted by consensus; it was therefore inadvisable to introduce a controversial amendment of that kind. In addition to the doubts expressed by Denmark, her delegation failed to see how such an "all-States" clause could be inserted in the draft resolution without conflicting

² See *Official Records of the General Assembly, Twenty-eighth Session, Annexes*, agenda item 90, document A/9407, para. 158.

³ Subsequently adopted by the General Assembly as resolution 3233 (XXIX).

with article 48 of the International Covenant on Civil and Political Rights and article 26 of the International Covenant on Economic, Social and Cultural Rights; it would in fact amend those articles, but it did not follow the proper procedure for amending the Covenants which was laid down in article 51 of the former and article 29 of the latter. She therefore agreed with the Danish representative that the opinion of the Legal Counsel should be sought in order to clarify the position, the Sixth Committee's action on the draft resolution mentioned notwithstanding.

39. She could see no reason why the reference to the Optional Protocol should be deleted from operative paragraph 2, as had been proposed in the second amendment contained in document A/C.3/L.2141/Rev.1. The Protocol was optional, but it was an instrument for the promotion of human rights which had been adopted at the same time as the Covenant and it was, therefore, important.

40. The third amendment did not alter the substance of operative paragraph 2, but it substantially weakened the wording. She felt discouraged by the attitude of the sponsors of the amendments, and although the phrase proposed was unexceptionable, she would have preferred the original wording.

41. In conclusion, she reiterated the hope that the sponsors of the amendments contained in document A/C.3/L.2142/Rev.1 would not press them. The amendments did nothing to improve the text, and it would be a pity to jeopardize the possibility of the draft resolution being adopted by consensus.

42. Mr. GOLOVKO (Ukrainian Soviet Socialist Republic) drew attention to the report of the Secretary-General (A/9720 and Add.1) and pointed out that the Ukrainian SSR had been one of the first States to sign and ratify the International Covenants on Human Rights.

43. The Covenants had taken on special significance with the current emergence of new trends in international relations aimed at the promotion of détente and progress in the field of human rights. There was greater co-operation in combating violations of human rights in countries practising racism and other forms of oppression, and the goodwill of all States was required to ensure full compliance with the provisions of the Covenants, which were of central importance for the protection of the fundamental human rights of all. Only when the Covenants became generally recognized international norms, in other words, when they had been ratified by the international community as a whole, would the protection of those human rights be ensured.

44. There were currently over 100 million unemployed in the non-socialist countries, and in many capitalist States the rights of foreign workers, women and minorities were grossly violated. Those facts undoubtedly had a bearing on the refusal of western Governments to ratify the Covenants. In the Ukrainian SSR and throughout the entire Soviet society, human rights were effectively guaranteed by the practice of socialist democracy, which created the necessary conditions for all citizens fully to enjoy their rights, including the right to participate in government, to work, to vacations, to free medical services and hospital treatment, to free education and so on.

45. Referring to the documents under consideration by the Committee, he said that draft resolution A/C.3/L.2133/Rev.1 could serve as the basis for a decision, but his delegation considered that the amendments submitted in document A/C.3/L.2142/Rev.1 would improve the original text, and it could not understand why the sponsors of the draft resolution objected to them. In particular, it saw no reason why they should be opposed to the addition of a paragraph inviting all States to become parties to the International Covenants, such an appeal being justified and lawful in view of the purposes and provisions of the Covenants. In that connexion, he pointed out that the Covenants were designed to secure human rights for all States, and drew attention to article 48 of the International Covenant on Civil and Political Rights, which stipulated that the Covenant was open for signature by any State Member of the United Nations or any member of any of its specialized agencies, by any State party to the Statute of the International Court of Justice, and by any other State which had been invited by the General Assembly to become a party thereto. The proposed amendment therefore represented a crystallization and an application of the provisions of that article, which were embodied in a corresponding article of the International Covenant on Economic, Social and Cultural Rights. On the subject of the proposed deletion of the reference to the Optional Protocol to the International Covenant on Civil and Political Rights, he pointed out that since the Protocol was optional, there was no need to call on States to adhere to it, and the amendment in question was therefore justified. In conclusion, he said that draft resolution A/C.3/L.2133/Rev.1 would be acceptable to his delegation if the amendments referred to were adopted.

46. Mr. PETROV (Bulgaria) pointed out that Cyprus and Bulgaria had been among the sponsors of the draft resolution adopted the previous year on the item under consideration, and had hoped that their views would be duly taken into account in the preparation of draft resolution A/C.3/L.2133/Rev.1. However, since neither their delegations nor that of the Syrian Arab Republic had been consulted concerning the draft resolution under discussion, they had decided to make their views known by submitting the amendments contained in document A/C.3/L.2142/Rev.1. In doing so, they were not motivated by a lack of goodwill, as the representative of Costa Rica seemed to suggest, but by a desire to achieve a more acceptable text in the draft resolution.

47. With reference to the amendment inviting all States to become parties to the International Covenants on Human Rights, he pointed out that a corresponding provision had been adopted by the Sixth Committee in the draft resolution which had been before it when it was considering agenda items 96 and 97 in connexion with the Convention on Special Missions, its Optional Protocol concerning the Compulsory Settlement of Disputes and the Vienna Convention on the Law of Treaties, and reflected the language of various other international instruments and United Nations resolutions. A similar invitation therefore seemed appropriate in the case of the International Covenants. Commenting on the second amendment, he said that reference to the Optional Protocol should be deleted because it was unnecessary and inconsistent. It could be seen from annex II of the report of the Secretary-General (A/9720)

that the Optional Protocol already had a sufficient number of ratifications, and its entry into force was subject to that of the International Covenant on Civil and Political Rights. An appeal for further ratifications was therefore illogical. Moreover, since the Optional Protocol was open to States parties to that Covenant, it was inconsistent to recommend States not parties thereto to ratify the Optional Protocol. With regard to the third amendment, he said that it reproduced the language of article 1 of the Charter, and that the meaning and relevance of the words "international community" in operative paragraph 2 of draft resolution A/C.3/L.2133/Rev.1 were unclear. Referring to the fourth amendment, he said that the replacement of the word "reports" in paragraph 3 of "communications" was necessary because a report implied a much more detailed and broader presentation than a communication. Communications from Governments had previously been deemed sufficient, and he saw no reason why they should not remain so in the current case.

48. In conclusion, he said that he wished to introduce two oral amendments: first, a reference to the report of the Secretary-General (A/9720 and Add.1) should be added at the end of the first preambular paragraph; secondly, mention should be made, in the second preambular paragraph, of General Assembly resolution 2200 A (XXI) by which the International Covenants on Human Rights had been adopted.

49. Mr. FØNS BUHL (Denmark) said that the sponsors of draft resolution A/C.3/L.2133/Rev.1 had hesitated to accept the first amendment contained in document A/C.3/L.2142/Rev.1 because it was doubtful whether general agreement existed on the interpretation applied by the Sixth Committee in adopting the draft resolution before it when it was considering agenda item 96 and 97. However, the sponsors of the draft resolution would be prepared to incorporate the first amendment in a revised text, preferably as new operative paragraph 4, in keeping with the draft resolution of the Sixth Committee referred to. However, the sponsors could not accept the second amendment, because each provision of the Optional Protocol had been drawn up with great care and voted on, the text as a whole being adopted by a substantial majority. The omission of any reference to it would detract from its importance, and would therefore be unwise. On the subject of the third amendment, although his delegation preferred the original text of the draft resolution, it had no strong feelings about the matter and could accept it if the other sponsors concurred. Nor did it have any objections to the fourth amendment or to the two oral amendments submitted by the representative of Bulgaria, if the other sponsors were willing to accept them. In conclusion, he said that his delegation had agreed to most of the proposed amendments in order to facilitate speedy agreement on the text of the revised draft resolution, which he hoped would be adopted by consensus.

50. Mr. PETROV (Bulgaria) thanked the representative of Denmark for accepting three of the four amendments in document A/C.3/L.2142/Rev.1 but regretted that the sponsors of the draft resolution still failed to see the inconsistency and irrelevance of the reference to the Optional Protocol.

51. Mr. EVANS (Australia) suggested that since the entry into force of the Optional Protocol depended on that of the International Covenant on Civil and Political Rights, the inclusion of the reference to it could serve as a reminder of the urgent need for States to ratify the Covenant.

52. Mr. PETROV (Bulgaria) said that his delegation failed to see the logic of the suggestion just made by the representative of Australia, and therefore requested a vote on the second amendment in document A/C.3/L.2142/Rev.1.

53. Mr. FØNS BUHL (Denmark) requested a roll-call vote in view of the unprecedented nature of the amendment in question.

54. Mr. BAL (Mauritania) recalled that the Committee had decided not to mention the Optional Protocol the previous year.

At the request of the representative of Denmark, a vote was taken by roll-call on the second amendment contained in document A/C.3/L.2141/Rev.1 referring to operative paragraph 1.

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

In favour: Libyan Arab Republic, Mauritania, Mongolia, Niger, Peru, Poland, Romania, Saudi Arabia, Somalia, Sri Lanka, Syrian Arab Republic, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Algeria, Argentina, Bulgaria, Burundi, Byelorussian Soviet Socialist Republic, Cuba, Cyprus, Czechoslovakia, Democratic Yemen, Ethiopia, German Democratic Republic, Hungary, Iraq.

Against: Madagascar, Mali, Mexico, Netherlands, New Zealand, Nicaragua, Norway, Philippines, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Australia, Austria, Belgium, Canada, Chile, Colombia, Costa Rica, Denmark, Dominican Republic, Ecuador, Finland, Germany (Federal Republic of), Guatemala, Haiti, Honduras, Iceland, Ireland, Israel, Italy, Japan.

Abstaining: Kenya, Khmer Republic, Kuwait, Laos, Lesotho, Liberia, Malaysia, Morocco, Nepal, Nigeria, Oman, Pakistan, Portugal, Qatar, Rwanda, Senegal, Sierra Leone, Singapore, Sudan, Swaziland, Thailand, Togo, Tunisia, Turkey, Uganda, United Arab Emirates, United Republic of Cameroon, United Republic of Tanzania, Upper Volta, Venezuela, Yugoslavia, Zaire, Zambia, Afghanistan, Bahrain, Bhutan, Brazil, Burma, Chad, Dahomey, Egypt, Fiji, France, Gambia, Ghana, Greece, India, Indonesia, Iran, Ivory Coast, Jamaica, Jordan.

The amendment was rejected by 33 votes against 26 with 52 abstentions.

55. Mr. SMIRNOV (Union of Soviet Socialist Republics) requested a separate vote on operative paragraph 1 of draft resolution A/C.3/L.2133/Rev.1.

At the request of the representative of the Union of Soviet Socialist Republics, a separate vote was taken on operative paragraph 1.

Paragraph 1 was adopted by 62 votes to none, with 34 abstentions.

56. The CHAIRMAN invited the Committee to vote on draft resolution A/C.3/L.2133/Rev.1 as orally revised.

Draft resolution A/C.3/L.2133/Rev.1, as a whole, as amended, was adopted by 102 votes to none, with 4 abstentions.

AGENDA ITEM 61

United Nations conference for an international convention on adoption law (A/9772)

57. The CHAIRMAN suggested that the Committee should recommend the General Assembly to inscribe the item entitled "United Nations conference for an international convention on adoption law" on the provisional agenda of the Assembly's thirtieth session.

It was so decided.

58. Mr. WILSON (Liberia) recalled that the question had been introduced during the twenty-seventh session of the General Assembly at the request of his delegation,⁴ who had raised it at the 1975th meeting of the Committee on 8 December 1972.

59. Because of the extended family system, adoption was never a problem in Liberia. It was very rare for a child to be

left without a home; indeed some high officials of the Liberian Government who were born of illiterate parents would never have been educated if they had not been adopted by relatives or other persons.

60. It was purely for humanitarian reasons that his Government had taken the initiative in calling for an international convention on adoption law. In her statement at the 1975th meeting of the Third Committee, the representative of Liberia had stressed that children were one of the basic natural resources of every nation of the world, and that adoption was the best legal and social solution to the problem of protecting children deprived of a family. Because of the black market business in babies, where couples who wished to adopt a child were charged exorbitant rates by some private adoption agencies, it was vitally important that the United Nations should give serious consideration to convening a United Nations conference for an international convention on adoption law. The problem of adoption concerned children who needed love and affection and couples who for humanitarian reasons were anxious to give a home to a homeless child. His delegation hoped that when the item was taken up by the Commission for Social Development at the twenty-fourth session in January 1975, the Commission would make some specific proposals to the thirtieth session of the General Assembly which might result in the convening of the conference.

Conclusion of the Committee's work

After the customary exchange of courtesies, the CHAIRMAN declared the Committee's work for the twenty-ninth session concluded.

The meeting rose at 6.40 p.m.

⁴ See *Official Records of the General Assembly, Twenty-seventh Session, Annexes*, agenda item 62, document A/8751.