

**GENERAL  
ASSEMBLY**

FORTIETH SESSION

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THIRD COMMITTEE  
70th meeting  
held on  
Friday, 6 December 1985  
at 7 p.m.  
New York

SUMMARY RECORD OF THE 70th MEETING

Chairman: Mr. ZADOR (Hungary)

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AGENDA ITEM 12: REPORT OF THE ECONOMIC AND SOCIAL COUNCIL (continued)

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The meeting was called to order at 7.40 p.m.

AGENDA ITEM 12: REPORT OF THE ECONOMIC AND SOCIAL COUNCIL (continued) (A/40/3, 77, 160, 173, 201, 232 and Add.1-3, 276, 308, 342, 398, 458, 489, 569, 578, 638 and Add.1-3, 647, 818, 843, 865, 874, 938; A/C.3/40/1, 6, 7, 9, 12, 13, 14; A/C.3/40/L.32, L.48/Rev.1, L.54, L.59/Rev.2, L.64, L.66, L.67, L.72/Rev.1, L.75, L.76, L.77, L.78, L.79, L.80, L.81, L.82, L.83/Rev.1, L.84, L.85, L.86, L.87 and L.89)

1. The CHAIRMAN invited the Committee to vote on the draft resolutions relating to agenda item 12.
2. Mr. GLAIEL (Syrian Arab Republic) moved the adjournment of the debate on draft resolutions A/C.3/40/L.48/Rev.1 and A/C.3/40/L.75 under rule 74 of the rules of procedure of the General Assembly.
3. The CHAIRMAN read out rule 74 of the rules of procedure of the General Assembly.
4. Mr. HAMER (Netherlands), supported by Mr. TROUVEROY (Belgium), said that rule 74, which formed part of section XII of the rules of procedure, concerned plenary meetings of the General Assembly, and was not applicable to the Committee, the proceedings of the Main Committees forming the subject of section XIII.
5. Mrs. WARZAZI (Morocco) said that the rule which should have been invoked was rule 116 of the rules of procedure. In her view, however, neither rule 74 nor rule 116 was applicable because both rules provided that the adjournment of the debate could be moved "during the discussion of any matter" and the Chairman had closed the debate on item 12 at the preceding meeting.
6. After a procedural discussion in which Mr. GARVALOV (Bulgaria), Mr. ZIADA (Iraq), Mr. MORELLI (Uruguay), Mr. TELLE (France), Mrs. CASTRO de BARISH (Costa Rica), Mr. VRAALSEN (Norway), Mrs. UMAÑA (Colombia) and Miss EMARA (Egypt) took part, Mr. KHAN (Pakistan) moved the suspension of the meeting for the purpose of seeking the opinion of the Legal Counsel.
7. The motion of the delegation of Pakistan was adopted by 62 votes to 39, with 3 abstentions.
8. The meeting was suspended at 8.20 p.m. and resumed at 8.55 p.m.
9. Mr. FLEISCHAUER (Legal Counsel) said that in his view it was rule 116 of the rules of procedure that was applicable rather than rule 74, although the contents of both rules were identical. Under rule 116 the motion for adjournment had to relate to the item under discussion. At what time during the discussion the motion should be made was not specified. He therefore considered that, from the procedural standpoint, the motion of the delegation of the Syrian Arab Republic was admissible.

10. After a procedural discussion in which Mr. GARVALOV (Bulgaria), Mr. ZURITA (Spain), Mr. ZIADA (Iraq), Mr. PERUGINI (Italy), Mrs. WARZAZI (Morocco), Mr. ENKHTSAIKHAN (Mongolia), Mr. KHAN (Pakistan) and Mr. MHDAR (Somalia) took part, the CHAIRMAN ruled that the motion of the delegation of the Syrian Arab Republic was admissible. He accordingly invited four delegations to take the floor, two in favour of the motion and two against, before the motion was put to the vote.
11. Mr. SCHRICKE (France), speaking on a point of order, said that in the practice of the General Assembly and its Main Committees it had never before been claimed that two draft resolutions submitted to an organ for consideration constituted only one issue. A decision whereby the debate on two draft resolutions could be adjourned under a single motion would establish an unusual precedent and would run counter to rule 116 of the rules of procedure. It was important that all the Committees and the General Assembly itself should conduct themselves in a manner which would enable all delegations to express themselves on all draft resolutions.
12. His delegation therefore appealed against the Chairman's ruling and requested that it should be put to the vote.
13. The CHAIRMAN invited the Committee to vote on the French delegation's appeal against his ruling.
14. A recorded vote was taken.

In favour: Argentina, Australia, Austria, Belgium, Bolivia, Brunei Darussalam, Canada, Central African Republic, Chad, Chile, Colombia, Costa Rica, Democratic Kampuchea, Denmark, Dominican Republic, Ecuador, El Salvador, Fiji, Finland, France, Germany, Federal Republic of, Greece, Guatemala, Iceland, Indonesia, Ireland, Israel, Italy, Ivory Coast (Côte d'Ivoire), Jamaica, Japan, Luxembourg, Malaysia, Mexico, Netherlands, New Zealand, Norway, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Portugal, Romania, Rwanda, Samoa, Senegal, Sierra Leone, Singapore, Spain, Sweden, Thailand, Togo, Trinidad and Tobago, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela.

Against: Afghanistan, Angola, Bhutan, Botswana, Brazil, Bulgaria, Byelorussian Soviet Socialist Republic, Cuba, Cyprus, Czechoslovakia, Democratic Yemen, Ethiopia, German Democratic Republic, Ghana, Hungary, India, Iran (Islamic Republic of), Lao People's Democratic Republic, Libyan Arab Jamahiriya, Mauritania, Mongolia, Mozambique, Nicaragua, Nigeria, Poland, Qatar, St. Vincent and the Grenadines, Syrian Arab Republic, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Tanzania, Viet Nam, Yemen, Yugoslavia, Zambia, Zimbabwe.

Abstaining: Antigua and Barbuda, Bangladesh, Burkina Faso, Burma, Burundi, Cameroon, Egypt, Grenada, Guinea, Iraq, Kenya, Mali, Nepal, Sri Lanka, Sudan, Uganda.

15. The appeal against the Chairman's ruling was upheld by 60 votes to 37, with 16 abstentions.

16. The CHAIRMAN invited the Committee to vote on the draft resolutions which were on the agenda for the meeting.

Draft resolution A/C.3/40/L.32

17. Mrs. DOWNING (Secretary of the Committee) said that draft resolution A/C.3/40/L.32 had no financial implications.

18. The CHAIRMAN said that, in the absence of any objection, he would consider draft resolution A/C.3/40/L.32 to have been adopted by the Committee without a vote.

19. It was so decided.

Draft resolutions A/C.3/40/L.64, L.66, L.67, L.72/Rev.1, L.78

20. Mrs. DOWNING (Secretary of the Committee) said that draft resolution A/C.3/40/L.64 had no financial implications. She announced that the following States had become sponsors: Brunei Darussalam, Iran, Iraq, Ivory Coast (Côte d'Ivoire), Lebanon, Niger and Sierra Leone.

21. Draft resolution A/C.3/40/L.66 had no financial implications; India had become a sponsor.

22. Draft resolution A/C.3/40/L.67 had no financial implications; Brunei Darussalam and Iran had become sponsors.

23. Draft resolution A/C.3/40/L.72/Rev.1 had no financial implications, nor did draft resolution A/C.3/40/L.78, of which the Congo had become a sponsor.

24. Mr. MPOUEL (Cameroon) said that his delegation had become a sponsor of draft resolution A/C.3/40/L.64.

25. The CHAIRMAN said that, if he heard no objection, he would consider draft resolutions A/C.3/40/L.64, L.66, L.67, L.72/Rev.1 and L.78 to have been adopted without a vote.

26. It was so decided.

27. Mr. ZARIF (Afghanistan), speaking on a point of order, said he was surprised that, the Committee having supported by a majority vote the French delegation's appeal against a ruling by the Chairman declaring admissible a Syrian motion to adjourn the debate on two draft resolutions by a single decision, it had just taken

(Mr. Zarif, Afghanistan)

a contrary position by accepting the Chairman's proposal that it should vote on five draft resolutions at the same time. He therefore asked for an explanation as to how the Committee could thus take two contradictory decisions.

28. Mr. FLEISCHAUER (Legal Counsel) said that the Chairman's ruling against which France had appealed, had to do with a motion under rule 116 of the rules of procedure; the Committee had agreed with the French delegation that such a motion was inadmissible. The question raised by the representative of Afghanistan had nothing to do with rule 116 of the rules of procedure. It was for the sake of convenience that the Committee had decided to take action on five draft resolutions at the same time.

29. The CHAIRMAN said he felt that, in view of the Legal Counsel's opinion, it was not the Chairman's responsibility to pass judgement on two decisions taken by the Committee itself. If those decisions appeared to be contradictory, each delegation could draw its own conclusions.

30. Mr. TANASĂ (Romania) said that an error had occurred in the registered vote which had just been taken by the Committee. Romania had meant to vote in favour of the Chairman's ruling, in other words, against France's appeal.

Draft resolution A/C.3/40/L.48/Rev.1

31. Mr. ZARIF (Afghanistan), speaking in explanation of vote before the vote, wished to make some comments on draft resolution A/C.3/40/L.48/Rev.1. He observed, first, that Afghanistan had been unfairly singled out for examination of its human rights situation while the human rights situation in scores of other countries, where some fundamental rights and freedoms of peoples were being trampled upon, had been ignored. The Committee's debates had revealed the true nature of the exercise and had clearly demonstrated the political malice behind the Machiavellian concern for human rights.

32. Second, the discussion of the human rights situation in Afghanistan in the Commission on Human Rights was a gross violation of the rules of procedure of the Economic and Social Council and its subsidiary organs, since it had occurred at a time when the same matter was under consideration in closed meetings of the Sub-Commission on Prevention of Discrimination and Protection of Minorities.

33. Third, the arbitrary selection of the Special Rapporteur by the Chairman of the Commission on Human Rights, who was himself a representative of a State member of the North Atlantic Treaty Organization (NATO), was a breach of a well-established practice, totally ignoring the need for consulting all the members of the Commission on Human Rights and the party directly concerned prior to the selection.

34. Fourth, considering the irrefutable facts of his past and present affiliation with an abhorrent and criminal philosophy, and his staunchly anti-socialist and anti-progressive outlook, the Special Rapporteur did not have the necessary moral authority to draft an impartial report, and there was also serious cause for doubting his professed attachment to the promotion of human rights.

(Mr. Zarif, Afghanistan)

35. Fifth, the so-called report, as its author had recognized, was entirely based on the allegations of the counter-revolutionary ringleaders and their followers, expressed through interpreters provided by the latter. It was obvious that a serious and objective report could not be prepared on the basis of such sources.

36. Sixth, the so-called report had been drafted in definitive terms, as though it had been based on well-established and substantiated facts. The usual cautious wording of such reports had been abandoned, thus leaving no room for correction and rectification.

37. The report made no attempt to hide the political motives underlying it. It blamed the national democratic revolution of April 1978 and the resulting democratic and just reforms as the main causes of alleged human rights violations in the country. In a dangerous departure from the principle of respect for the sovereignty and dignity of States Members of the United Nations, the Special Rapporteur had insulted the Government of the Democratic Republic of Afghanistan by calling it unrepresentative and unlawful. He had further allowed himself to advise Afghanistan on adopting a status of permanent neutrality. Such remarks were obviously not only divorced from human rights issues but also false, politically motivated, interventionist, unacceptable and objectionable.

38. The words "commends the Special Rapporteur" in draft resolution A/C.3/40/L.48/Rev.1 seemed to indicate that the report was factual and warranted approval. The draft also appeared to seek the General Assembly's approval of the form and substance of the report by having it express, in categorical terms, "profound concern" over violations of human rights in Afghanistan. That seemed to suggest that there was no doubt whatsoever in the minds of those who supported the draft resolution about the alleged human rights violations in Afghanistan, and that the expression "profound concern" was totally justified. The sponsors of the draft resolution had given yet another proof of their rigid hostility and political bias by choosing to call the Government of the Democratic Republic of Afghanistan "the Afghan authorities". Such language was inappropriate in an official document of an international, intergovernmental organization, of which the Government in question was a full-fledged Member.

39. Adoption of the draft resolution would pave the way for similar attacks against other small independent and non-aligned countries and, by legitimizing such abuses of the United Nations for political purposes, would undermine the principle of non-interference in the internal affairs of Member States, a dangerous precedent for future discussions on the promotion of human rights. He hoped that delegations, in full knowledge of the circumstances, would take a politically responsible position when they voted on the draft resolution. If they were truly persuaded that the content of the report reflected reality and that the form and substance of the draft resolution were realistic and justified, then they would be quite right to support it. If, however, they had the slightest doubt in that regard, they should refuse to be associated with an undertaking which was in no way motivated by concern for the defence of human rights.

40. Mrs. DOWNING (Secretary of the Committee) said that Greece and Samoa had become sponsors of draft resolution A/C.3/40/L.48/Rev.1, which had no financial implications. In the French version of the draft resolution, the last phrase in paragraph 4 should read: "les opérations militaires principalement dirigées contre les villages et les installations agricoles".
41. Mr. KHAN (Pakistan), explaining his vote before the vote, said that his delegation fully supported the draft resolution because of the mass violations of human rights that had taken place in Afghanistan. Those violations were the direct consequence of foreign military intervention, which constituted a flagrant violation of the principles of the Charter and had resulted in the loss of 1 million human lives, caused destruction, depopulated the countryside and provoked the emigration of a third of the Afghan population.
42. Mr. CHEN (China) said that his delegation would vote in favour of draft resolution A/C.3/40/L.48/Rev.1 because it believed that any impartial observer would arrive at the same conclusion as the Special Rapporteur, namely, that mass violations of human rights had taken place in Afghanistan. Those violations resulted directly from the foreign military occupation and were a threat to the right to self-determination of the Afghan people and to their fundamental rights and freedoms. As long as that occupation continued, there would be no change in the human rights situation in Afghanistan. The Chinese Government and people followed with concern the events that were taking place in Afghanistan and hoped that through the efforts of the international community the sufferings of the Afghan people would be brought to an end and the millions of refugees would be able to return quickly to their homes.
43. Mr. MORELLI (Uruguay) said that he shared the deep concern raised by the conclusions of the Special Rapporteur with respect to the serious violations of human rights in Afghanistan. His delegation believed that the international community must strive effectively and diligently to put an end as soon as possible to those systematic violations that brought such suffering to the Afghan people.
44. Mr. ABUSHAALA (Libyan Arab Jamahiriya) said that he had followed with close attention the discussion on the report of the Special Rapporteur, prepared from correct and impartial information based on the analysis of dispatches from press agencies and reports published in the press. The situation in Afghanistan concerned the right of the Afghan people to select the political system of their choice. Yet some were seeking to exploit the question of human rights in order to exert political pressure, and without the Afghan people being themselves consulted. His delegation therefore would have difficulties in voting in favour of draft resolution A/C.3/40/L.48/Rev.1.
45. Mr. JATIVA (Ecuador) said that he would explain his position on the draft resolution during its consideration in the plenary Assembly when the report of the Third Committee was taken up. His delegation would do the same with respect to draft resolutions A/C.3/40/L.54, L.75 and L.81 on the situation of human rights in Guatemala, Iran and Chile.

46. A recorded vote was taken on draft resolution A/C.3/40/L.48/Rev.1.

In favour: Albania, Antigua and Barbuda, Argentina, Australia, Austria, Bangladesh, Barbados, Belgium, Botswana, Brazil, Brunei Darussalam, Canada, Chad, Chile, China, Colombia, Costa Rica, Democratic Kampuchea, Denmark, Djibouti, Dominican Republic, Egypt, El Salvador, Fiji, France, Gabon, Gambia, Germany, Federal Republic of, Greece, Grenada, Honduras, Iceland, Ireland, Israel, Italy, Ivory Coast (Côte d'Ivoire), Jamaica, Japan, Jordan, Kenya, Lesotho, Luxembourg, Malaysia, Mexico, Morocco, Netherlands, New Zealand, Niger, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Portugal, Rwanda, Saint Vincent and the Grenadines, Samoa, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Spain, Sudan, Sweden, Thailand, Togo, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela.

Against: Afghanistan, Angola, Benin, Bulgaria, Byelorussian Soviet Socialist Republic, Cuba, Czechoslovakia, Democratic Yemen, Ethiopia, German Democratic Republic, Hungary, India, Lao People's Democratic Republic, Libyan Arab Jamahiriya, Mongolia, Nicaragua, Poland, Romania, Syrian Arab Republic, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Tanzania, Viet Nam.

Abstaining: Algeria, Bahamas, Bahrain, Bhutan, Burkina Faso, Burma, Burundi, Cameroon, Central African Republic, Congo, Cyprus, Ecuador, Finland, Ghana, Guinea, Iraq, Kuwait, Madagascar, Maldives, Mali, Mauritania, Nepal, Nigeria, Sri Lanka, Suriname, Swaziland, Trinidad and Tobago, Tunisia, Uganda, Yugoslavia, Zaire, Zambia, Zimbabwe.

47. Draft resolution A/C.3/40/L.48/Rev.1 was adopted by 75 votes to 23, with 33 abstentions.

The meeting rose at 10.30 p.m.