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REPORT OF THE ECONOMIC AND SOCIAL COUNCIL

Report of the Third Committee

Rapporteur: Mr. Paul-Désiré KABORE (Burkina Faso)

I. INTRODUCTION

1. At its 3rd plenary meeting, on 20 September 1985, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its fortieth session the item entitled "Report of the Economic and Social Council" and to allocate to the Third Committee chapters I, II, III (sects. A to D, F and I), IV (sects. A and G), V, VI (sects. A, C, D and F), VII, VIII and IX (sects. A to C, E and F). 1/
2. The Third Committee decided to consider under agenda item 105 (Office of the United Nations High Commissioner for Refugees) the chapters of the report of the Economic and Social Council pertaining to specific cases of provision of assistance to refugees. 2/
3. The Committee also decided to consider under agenda item 106 (International campaign against traffic in drugs), the relevant part of the report of the Economic and Social Council pertaining to the question of narcotic drugs. 3/

1/ To be issued as Official Records of the General Assembly, Fortieth Session, Supplement No. 3 (A/40/3/Rev.1).

2/ For the report of the Third Committee on item 105, see A/40/934.

3/ For the report of the Third Committee on item 106, see A/40/984.

4. The chapters of the report of the Economic and Social Council pertaining to agenda items 88 (Implementation of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination), 92 (United Nations Decade for Women: Equality, Development and Peace), 100 (Elimination of all forms of discrimination against women) and 104 (International Covenants on Human Rights) were considered separately by the Committee under those items. 4/

5. The Third Committee considered the item at its 54th to 72nd meetings, on 26 November to 9 December 1985. An account of the Committee's discussion is contained in the relevant summary records (A/C.3/40/SR.54-72).

6. At its 2nd meeting, on 23 September, the Committee decided that, pursuant to General Assembly resolution 39/102 of 14 September 1984, the Working Group on the Drafting of an International Convention on the Protection of the Rights of All Migrant Workers and Their Families would meet during the fortieth session.

7. At the same meeting, the Committee also decided that, pursuant to General Assembly resolution 39/103 of 14 September 1984, the Working Group on the elaboration of the draft declaration on the human rights of individuals who are not citizens of the country in which they live would meet at the fortieth session.

8. In connection with item 12, the Committee had before it the following documentation:

(a) Report of the Economic and Social Council (A/40/3); 5/

(b) Report of the Secretary-General on measures to be taken against Nazi, Fascist and neo-Fascist activities and all other forms of totalitarian ideologies and practices based on racial intolerance, hatred and terror (A/40/232-E/1985/40 and Add.1-3);

(c) Report of the Secretary-General on the question of the international legal protection of the human rights of individuals who are not citizens of the country in which they live (A/40/638 and Add.1-3);

(d) Report of the Secretary-General on the United Nations voluntary fund for indigenous populations (A/40/938);

(e) Note by the Secretary-General on the protection of human rights in Chile (A/40/647 and Corr.1);

(f) Note by the Secretary-General on the situation of human rights in El Salvador (A/40/818);

4/ For the reports of the Third Committee on items 88, 92, 100 and 104, see A/40/861, A/40/1008, A/40/927 and A/40/983, respectively.

5/ See footnote 1.

(g) Note by the Secretary-General on the situation of human rights in Afghanistan (A/40/843);

(h) Note by the Secretary-General on the situation of human rights in Guatemala (A/40/865);

(i) Note by the Secretary-General on the situation of human rights in the Islamic Republic of Iran (A/40/874);

(j) Report of the open-ended Working Group on the Elaboration of an International Convention on the Protection of the Rights of All Migrant Workers and Their Families (A/C.3/40/1);

(k) Report of the open-ended Working Group on the Drafting of an International Convention on the Protection of the Rights of All Migrant Workers and Their Families (A/C.3/40/6);

(l) Note by the Secretary-General on violations of human rights in southern Africa (A/C.3/40/7);

(m) Report of the open-ended Working Group on the elaboration of the draft declaration on the human rights of individuals who are not citizens of the country in which they live (A/C.3/40/12);

(n) Letter dated 10 January 1985 from the Chargé d'affaires a.i. of the Permanent Mission of Israel to the United Nations addressed to the Secretary-General (A/40/77);

(o) Letter dated 15 January 1985 from the Permanent Representative of Democratic Kampuchea to the United Nations addressed to the Secretary-General (A/40/89-S/16899);

(p) Letter dated 4 March 1985 from the Permanent Representative of the United States of America to the United Nations addressed to the Secretary-General (A/40/160);

(q) Note verbale dated 11 March 1985 from the Chargé d'affaires a.i. of the Permanent Mission of Yemen to the United Nations addressed to the Secretary-General, transmitting the texts of the Final Communiqué and of resolutions adopted at the Fifteenth Islamic Conference of Foreign Ministers, held at Sanaa, Yemen Arab Republic, from 18 to 22 December 1985 (A/40/173-S/17033);

(r) Letter dated 20 March 1985 from the Permanent Representative of the German Democratic Republic to the United Nations addressed to the Secretary-General (A/40//201);

(s) Letter dated 1 May 1985 from the Permanent Representative of Indonesia to the United Nations addressed to the Secretary-General (A/40/276-S/17138);

(t) Letter dated 13 May 1985 from the Permanent Representative of Madagascar to the United Nations addressed to the Secretary-General (A/40/308);

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(u) Letter dated 17 May 1985 from the Permanent Representative of Czechoslovakia to the United Nations addressed to the Secretary-General (A/40/320-E/1985/82);

(v) Letter dated 28 May 1985 from the Permanent Representative of Czechoslovakia to the United Nations addressed to the Secretary-General (A/40/342-E/1985/119);

(w) Letter dated 17 June 1985 from the Permanent Representative of Israel to the United Nations addressed to the Secretary-General (A/40/398-S/17292);

(x) Letter dated 3 July 1985 from the Permanent Representative of Costa Rica to the United Nations addressed to the Secretary-General (A/40/458-E/1985/135);

(y) Letter dated 9 July 1985 from the representatives of Australia, Belgium, Canada, Denmark, France, Germany, Federal Republic of, Ireland, Italy, Luxembourg, the Netherlands, New Zealand, Norway, Portugal, Sweden, the United Kingdom of Great Britain and Northern Ireland and the United States of America to the United Nations addressed to the Secretary-General (A/40/489-E/1985/143);

(z) Letter dated 20 August 1985 from the Permanent Representative of Egypt to the United Nations addressed to the Secretary-General (A/40/569);

(aa) Letter dated 23 August 1985 from the Chargé d'affaires a.i. of the Permanent Mission of the Libyan Arab Jamahiriya to the United Nations addressed to the Secretary-General (A/40/578);

(bb) Letter dated 29 November 1985 from the Permanent Representative of Afghanistan to the United Nations addressed to the Secretary-General (A/40/958-S/17660);

(cc) Letter dated 6 November 1985 from the Permanent Representative of Israel to the United Nations addressed to the Secretary-General (A/C.3/40/9);

(dd) Letter dated 4 December from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the Secretary-General (A/C.3/40/13);

(ee) Letter dated 5 December 1985 from the Permanent Representative of Afghanistan to the United Nations addressed to the Secretary-General (A/C.3/40/14).

9. At the 54th meeting, on 26 November, the Assistant Secretary-General for Human Rights made an introductory statement. At the same meeting, statements were made by the Special Representative of the Commission on Human Rights on the situation of human rights in El Salvador, the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Guatemala and the representative of the Office of the United Nations Disaster Relief Co-ordinator on emergency assistance to returnees and displaced persons in Chad.

10. At the 55th meeting, on 27 November, the Special Rapporteurs of the Commission on Human Rights on the situation of human rights in Chile and the Islamic Republic of Iran made statements.
11. At the 59th meeting, on 2 December, and at the 65th meeting, on 5 December, the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Afghanistan made a statement.
12. At the 59th meeting, on 2 December, the report of the open-ended Working Group on the Drafting of an International Convention on the Protection of the Rights of All Migrant Workers and Their Families (A/C.3/40/6) was introduced.
13. At the 69th meeting, on 6 December, the Chairman of the open-ended Working Group on the elaborations of the draft declaration on the human rights of individuals who are not citizens of the country in which they live (A/C.3/40/12) made an introductory statement.

II. CONSIDERATION OF DRAFT PROPOSALS

A. Draft resolution A/C.3/40/L.50

14. At the 55th meeting, on 27 November, the representative of the Bahamas introduced a draft resolution (A/C.3/40/L.50) entitled "Strategy and policies for drug control", sponsored by the Bahamas, Bolivia, Malaysia, Morocco and Sweden, as well as by Costa Rica and Senegal.
15. At its 56th meeting, on 27 November, the Committee adopted draft resolution A/C.3/40/L.50 without a vote (see para. 78, draft resolution I).

B. Draft resolution A/C.3/40/L.70

16. At the 59th meeting, on 2 December, the representative of Mexico introduced a draft resolution (A/C.3/40/L.70) entitled "Measures to improve the situation and ensure the human rights and dignity of all migrant workers", sponsored by Algeria, Argentina, Benin, Cameroon, Colombia, Ecuador, Egypt, Finland, France, Greece, Italy, Mali, Mexico, Morocco, Nicaragua, Norway, Pakistan, Portugal, Rwanda, Senegal, Spain, Sweden, Turkey and Yugoslavia, as well as by Tunisia.
17. A statement submitted by the Secretary-General on the programme budget implications of the draft resolution was contained in document A/C.3/40/L.74.
18. At its 60th meeting, on 2 December, the Committee adopted draft resolution A/C.3/40/L.70 without a vote (see para. 78, draft resolution II).

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

19. The Committee had before it the draft resolution recommended by the Economic and Social Council in its resolution 1985/38 of 30 May 1985, entitled "United Nations Voluntary Fund for Indigenous Populations". The text of the draft resolution is contained in document A/C.3/40/L.32.

20. At its 70th meeting, on 6 December, the Committee adopted draft resolution A/C.3/40/L.32 without a vote (see para. 78, draft resolution III).

D. Draft resolution A/C.3/40/L.64

21. At the 69th meeting, on 6 December, the representative of Zaire introduced a draft resolution (A/C.3/40/L.64) entitled "Assistance to refugees in Somalia", sponsored by Algeria, Argentina, Bahrain, Bangladesh, Barbados, Botswana, Central African Republic, Chad, Chile, China, Comoros, Cyprus, Democratic Kampuchea, Democratic Yemen, Djibouti, Egypt, the Gambia, Germany, Federal Republic of, Greece, Guinea, Indonesia, Italy, Jamaica, Japan, Jordan, Kenya, Kuwait, Liberia, Libyan Arab Jamahiriya, Madagascar, Malaysia, Mali, Mauritania, Morocco, the Netherlands, Nigeria, Oman, Pakistan, the Philippines, Qatar, Rwanda, Saudi Arabia, Singapore, Somalia, Spain, Sri Lanka, the Sudan, Swaziland, Syrian Arab Republic, Senegal, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, the United Arab Emirates, the United States of America, Yemen, Yugoslavia, Zaire and Zambia, as well as by Brunei Darussalam, Cameroon, Iran (Islamic Republic of), Iraq, the Ivory Coast (Côte d'Ivoire), Lebanon, the Niger and Sierra Leone.

22. At its 70th meeting, on 6 December, the Committee adopted draft resolution A/C.3/40/L.64 without a vote (see para. 78, draft resolution IV).

E. Draft resolution A/C.3/40/L.66

23. At the 69th meeting, on 6 December, the representative of Zaire introduced a draft resolution (A/C.3/40/L.66) entitled "Assistance to displaced persons in Ethiopia", sponsored by Afghanistan, Algeria, Angola, Argentina, Austria, Bangladesh, Benin, Botswana, Bulgaria, Burkina Faso, Cameroon, Cape Verde, Central African Republic, China, Colombia, Comoros, the Congo, Cuba, Cyprus, Democratic Yemen, Djibouti, the Dominican Republic, Egypt, Equatorial Guinea, Ethiopia, the Gambia, German Democratic Republic, Ghana, Greece, Guinea, Guinea-Bissau, Hungary, Iran (Islamic Republic of), Italy, the Ivory Coast (Côte d'Ivoire), Japan, Jordan, Kenya, the Lao People's Democratic Republic, Lesotho, Liberia, Madagascar, Malawi, Mali, Mauritania, Mongolia, Morocco, Mozambique, the Netherlands, Nicaragua, Niger, Nigeria, Pakistan, the Philippines, Rwanda, Senegal, Sierra Leone, Sri Lanka, Swaziland, the Syrian Arab Republic, Togo, Trinidad and Tobago, Uganda, the Ukrainian Soviet Socialist Republic, the Union of Soviet Socialist Republics, Vanuatu, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia and Zimbabwe, as well as by India.

24. At its 70th meeting, on 6 December, the Committee adopted draft resolution A/C.3/40/L.66 without a vote (see para. 78, draft resolution V).

F. Draft resolution A/C.3/40/L.67

25. At the 69th meeting, on 6 December, the representative of Zaire introduced a draft resolution (A/C.3/40/L.67) entitled "Humanitarian assistance to refugees in Djibouti", sponsored by Algeria, Argentina, Austria, Bahrain, Bangladesh, Benin, Botswana, Burkina Faso, Burundi, Cameroon, Cape Verde, the Central African Republic, Chad, China, Comoros, the Congo, Costa Rica, Cuba, Democratic Yemen, Djibouti, the Dominican Republic, Egypt, Equatorial Guinea, Ethiopia, France, Gabon, the Gambia, Germany, Federal Republic of, Ghana, Greece, Guinea, Guinea-Bissau, Haiti, Honduras, India, Indonesia, Iraq, Italy, the Ivory Coast (Côte d'Ivoire), Jamaica, Japan, Jordan, Kenya, Kuwait, Lebanon, Lesotho, Liberia, the Libyan Arab Jamahiriya, Madagascar, Malawi, Mali, Mauritania, Mauritius, Morocco, Nepal, the Netherlands, Niger, Nigeria, Oman, Pakistan, Panama, the Philippines, Qatar, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Sri Lanka, the Sudan, Swaziland, the Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, the United Arab Emirates, the United Republic of Tanzania, the United States of America, Yemen, Yugoslavia, Zaire, Zambia and Zimbabwe, as well as Brunei Darussalam and Iran (Islamic Republic of).

26. At its 70th meeting, on 6 December, the Committee adopted draft resolution A/C.3/40/L.67 without a vote (see para. 78, draft resolution VI).

G. Draft resolution A/C.3/40/L.72/Rev.1

27. At the 69th meeting, on 6 December, the representative of Zaire introduced a revised draft resolution (A/C.3/40/L.72/Rev.1) entitled "Situation of refugees in the Sudan", sponsored by Algeria, Argentina, Bahrain, Bangladesh, Botswana, Brunei Darussalam, Burkina Faso, Cameroon, Canada, Cape Verde, the Central African Republic, Chad, Chile, China, Comoros, Cyprus, Democratic Yemen, Djibouti, Egypt, Equatorial Guinea, France, the Gambia, Germany, Federal Republic of, Ghana, Greece, Guinea, Guyana, India, Indonesia, Iran (Islamic Republic of), Iraq, Italy, the Ivory Coast (Côte d'Ivoire), Jamaica, Japan, Jordan, Kenya, Kuwait, Lebanon, Lesotho, Liberia, the Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Mali, Mauritania, Mauritius, Morocco, Nepal, the Netherlands, Niger, Nigeria, Oman, Pakistan, the Philippines, Qatar, Romania, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Sri Lanka, the Sudan, Swaziland, the Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, the United Arab Emirates, the United Kingdom of Great Britain and Northern Ireland, the United States of America, Yemen, Yugoslavia, Zaire, Zambia and Zimbabwe.

28. At its 70th meeting, on 6 December, the Committee adopted draft resolution A/C.3/40/L.72/Rev.1 without a vote (see para. 78, draft resolution VII).

H. Draft resolution A/C.3/40/L.78

29. At the 69th meeting, on 6 December, the representative of Zaire introduced a draft resolution (A/C.3/40/L.78) entitled "Emergency assistance to returnees and displaced persons in Chad, sponsored by Algeria, Burkina Faso, Cameroon, Cape Verde, the Central African Republic, Chad, Chile, China, Comoros, Djibouti, Egypt,

France, the Gabon, the Gambia, Germany, Federal Republic of, Greece, Guinea, Haiti, Indonesia, Italy, the Ivory Coast (Côte d'Ivoire), Japan, Madagascar, Mali, the Netherlands, Niger, Nigeria, Pakistan, Rwanda, Senegal, Somalia, the Sudan, Thailand, Togo and Zaire, as well as by the Congo.

30. At its 70th meeting, on 6 December, the Committee adopted draft resolution A/C.3/40/L.78 without a vote (see para. 78, draft resolution VIII).

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

31. At the 69th meeting, on 6 December, the representative of Belgium introduced a revised draft resolution (A/C.3/40/L.48/Rev.1) entitled "Question of human rights and fundamental freedoms in Afghanistan", sponsored by Antigua and Barbuda, Belgium, Canada, Costa Rica, Denmark, France, Germany, Federal Republic of, Ireland, Italy, Japan, Luxembourg, the Netherlands, Norway, Portugal, Saint Lucia, Singapore, Spain, Sweden and the United Kingdom of Great Britain and Northern Ireland, as well as Greece and Samoa.

32. At the 70th meeting, on 6 December, the representative of the Syrian Arab Republic proposed, under rule 74 (116) of the rules of procedure, that no action be taken on draft resolutions A/C.3/40/L.48/Rev.1 and A/C.3/40/L.75 (see para. 43 below). After a procedural debate, the Chairman ruled that the proposal of the Syrian Arab Republic was receivable under rule 116 (74) of the rules of procedure. The representative of France challenged the ruling of the Chairman. Under rule 113 of the rules of procedure, the Committee overruled the ruling of the Chairman by a recorded vote of 60 to 37, with 16 abstentions. The voting was as follows: 6/

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,

6/ Subsequently, the delegation of Romania indicated that its vote should have been recorded as against, instead of in favour.

/...

Mongolia, Mozambique, Nicaragua, Nigeria, Poland, Qatar, Saint 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.

33. At the same meeting, the Committee adopted draft resolution A/C.3/40/L.48/Rev.1 by a recorded vote of 75 to 23, with 33 abstentions (see para. 78, draft resolution IX). The voting was as follows:

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.

J. Draft resolution A/C.3/40/L.79

34. At the 69th meeting, on 6 December, the representative of Botswana introduced a draft resolution (A/C.3/40/L.79) entitled "Assistance to student refugees in southern Africa", sponsored by Algeria, Angola, the Bahamas, Botswana, Burkina Faso, Burundi, Cameroon, China, Comoros, the Congo, Djibouti, Egypt, Ethiopia,

the Gambia, Ghana, Guinea-Bissau, Indonesia, the Ivory Coast (Côte d'Ivoire), Kenya, Lesotho, Madagascar, Malawi, Mali, Morocco, Mozambique, Nigeria, Senegal, Singapore, Somalia, the Sudan, Suriname, Swaziland, Togo, Trinidad and Tobago, Uganda, the United Republic of Tanzania, Yugoslavia, Zaire and Zambia, as well as Guinea, Liberia, the Philippines, Rwanda, Sierra Leone and Zimbabwe.

35. At its 71st meeting, on 6 December, the Committee adopted draft resolution A/C.3/40/L.79 without a vote (see para. 78, draft resolution X).

K. Draft resolution A/C.3/40/L.54

36. At the 66th meeting, on 5 December, the representative of Mexico introduced a draft resolution (A/C.3/40/L.54) entitled "Situation of human rights and fundamental freedoms in El Salvador", sponsored by Algeria, Costa Rica, France, Mexico, Spain, Sweden, Venezuela and Yugoslavia, as well as Denmark, Greece, Morocco, the Netherlands and Norway.

37. At the 71st meeting, on 6 December, the representative of Mexico revised operative paragraph 8 by replacing the words "to receive" by the words "to collaborate in the reception of" between the word "States" and "refugees".

38. At the same meeting, the Committee voted on draft resolution A/C.3/40/L.54 by a recorded vote of 92 to 4, with 40 abstentions. The result of the voting was as follows:

In favour: Afghanistan, Albania, Algeria, Angola, Antigua and Barbuda, Argentina, Australia, Austria, Bahrain, Barbados, Belgium, Benin, Botswana, Brazil, Bulgaria, Burkina Faso, Byelorussian Soviet Socialist Republic, Canada, Colombia, Costa Rica, Cuba, Cyprus, Czechoslovakia, Democratic Yemen, Denmark, Dominican Republic, Egypt, Ethiopia, Finland, France, Gambia, German Democratic Republic, Germany, Federal Republic of, Ghana, Greece, Guinea, Guyana, Hungary, Iceland, India, Iraq, Ireland, Italy, Jamaica, Japan, Kenya, Kuwait, Lao People's Democratic Republic, Lesotho, Libyan Arab Jamahiriya, Luxembourg, Mali, Mauritania, Mexico, Mongolia, Morocco, Mozambique, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Panama, Papua New Guinea, Peru, Poland, Portugal, Qatar, Rwanda, Samoa, Saudi Arabia, Senegal, Seychelles, Spain, Sudan, Swaziland, Sweden, Syrian Arab Republic, Togo, Tunisia, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yugoslavia, Zambia, Zimbabwe.

Against: Bangladesh, Chile, Indonesia, Paraguay.

Abstaining: Bahamas, Bhutan, Brunei Darussalam, Burma, Burundi, Cameroon, Central African Republic, Chad, China, Congo, Democratic Kampuchea, Ecuador, El Salvador, Fiji, Gabon, Grenada, Guatemala, Honduras, Ivory Coast (Côte d'Ivoire), Jordan, Lebanon, Malaysia, Maldives, Nepal, Niger, Oman, Pakistan, Philippines, Romania, Saint Vincent and the Grenadines, Singapore, Somalia, Sri Lanka, Suriname, Thailand, Trinidad and Tobago, Turkey, United States of America, Yemen, Zaire.

39. At the same meeting, the representative of the United States of America proposed that the draft resolution be reconsidered under rule 123 of the rules of procedure. Having obtained the required two-thirds majority, the Committee decided by a recorded vote of 59 to 22, with 17 abstentions in favour of the proposal to reconsider the draft resolution. The result of the voting was as follows:

In favour: Algeria, Antigua and Barbuda, Argentina, Australia, Austria, Bangladesh, Barbados, Belgium, Benin, Brazil, Canada, Chile, Colombia, Costa Rica, Democratic Kampuchea, Denmark, Dominican Republic, Ecuador, El Salvador, Ethiopia, Fiji, Finland, France, Germany, Federal Republic of, Greece, Grenada, Guatemala, Honduras, Iceland, Ireland, Italy, Ivory Coast (Côte d'Ivoire), Jamaica, Japan, Luxembourg, Malaysia, Mexico, Morocco, Netherlands, New Zealand, Norway, Pakistan, Panama, Paraguay, Peru, Philippines, Portugal, Saint Vincent and the Grenadines, Samoa, Singapore, Spain, Sri Lanka, Sudan, Sweden, Turkey, Uganda, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela.

Against: Afghanistan, Angola, Bulgaria, Byelorussian Soviet Socialist Republic, Central African Republic, Cuba, Czechoslovakia, Democratic Yemen, German Democratic Republic, Hungary, Lao People's Democratic Republic, Libyan Arab Jamahiriya, Mauritania, Mongolia, Mozambique, Nicaragua, Poland, Seychelles, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Tanzania, Viet Nam.

Abstaining: Bhutan, Burma, Egypt, Gambia, Ghana, India, Iraq, Lebanon, Nepal, Nigeria, Romania, Suriname, Thailand, Uruguay, Yemen, Yugoslavia, Zambia.

40. At the same meeting, the Committee adopted draft resolution A/C.3/40/L.54 by a recorded vote of 92 to 3, with 38 abstentions (see para. 78, draft resolution XI).

In favour: Afghanistan, Albania, Algeria, Angola, Antigua and Barbuda, Argentina, Australia, Austria, Bahrain, Barbados, Belgium, Benin, Botswana, Brazil, Bulgaria, Burkina Faso, Byelorussian Soviet Socialist Republic, Canada, Colombia, Congo, Costa Rica, Cuba, Cyprus, Czechoslovakia, Democratic Yemen, Denmark, Dominican Republic, Egypt, Ethiopia, Finland, France, Gambia, German Democratic Republic, Germany, Federal Republic of, Ghana, Greece,

Guinea, Guyana, Hungary, Iceland, India, Iraq, Ireland, Italy, Jamaica, Japan, Kenya, Kuwait, Lao People's Democratic Republic, Lesotho, Libyan Arab Jamahiriya, Luxembourg, Mali, Mauritania, Mexico, Mongolia, Morocco, Mozambique, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Panama, Papua New Guinea, Peru, Poland, Portugal, Qatar, Rwanda, Samoa, Saudi Arabia, Senegal, Seychelles, Spain, Sudan, Swaziland, Sweden, Syrian Arab Republic, Togo, Tunisia, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yugoslavia, Zimbabwe.

Against: Chile, Guatemala, Indonesia.

Abstaining: Bahamas, Bhutan, Brunei Darussalam, Burma, Burundi, Cameroon, Central African Republic, Chad, China, Democratic Kampuchea, Ecuador, Fiji, Gabon, Grenada, Honduras, Ivory Coast (Côte d'Ivoire), Jordan, Lebanon, Malaysia, Maldives, Nepal, Niger, Oman, Pakistan, Philippines, Romania, Saint Vincent and the Grenadines, Singapore, Somalia, Sri Lanka, Suriname, Thailand, Trinidad and Tobago, Turkey, United States of America, Yemen, Zaire, Zambia.

L. Draft resolution A/C.3/40/L.59/Rev.2

41. At the 69th meeting, on 6 December, the representative of Sweden introduced a revised draft resolution (A/C.3/40/L.59/Rev.2) entitled "Situation of human rights and fundamental freedoms in Guatemala", sponsored by Austria, Canada, Denmark, France, Greece, Ireland, the Netherlands, Norway, Spain and Sweden.

42. At its 71st meeting, on 6 December, the Committee adopted draft resolution A/C.3/40/L.59/Rev.2 by a recorded vote of 85 to 6, with 40 abstentions (see para. 78, draft resolution XII). The voting was as follows:

In favour: Albania, Algeria, Angola, Antigua and Barbuda, Argentina, Australia, Austria, Bahrain, Barbados, Belgium, Benin, Botswana, Brazil, Bulgaria, Burkina Faso, Byelorussian Soviet Socialist Republic, Canada, Colombia, Congo, Costa Rica, Cuba, Cyprus, Czechoslovakia, Democratic Yemen, Denmark, Dominican Republic, Ethiopia, Finland, France, Gambia, German Democratic Republic, Germany, Federal Republic of, Ghana, Greece, Guyana, Hungary, Iceland, India, Iraq, Ireland, Italy, Jamaica, Japan, Kenya, Kuwait, Lao People's Democratic Republic, Lesotho, Libyan Arab Jamahiriya, Luxembourg, Mali, Mauritania, Mexico, Mongolia, Mozambique, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Papua New Guinea, Poland, Portugal, Qatar, Rwanda, Samoa, Saudi Arabia, Senegal, Spain, Swaziland, Sweden, Syrian Arab Republic, Togo, Tunisia, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yugoslavia, Zambia, Zimbabwe.

Against: Chile, El Salvador, Guatemala, Indonesia, Morocco, Pakistan.

Abstaining: Bahamas, Bhutan, Brunei Darussalam, Burma, Burundi, Cameroon, Central African Republic, Chad, China, Democratic Kampuchea, Ecuador, Egypt, Fiji, Gabon, Grenada, Honduras, Ivory Coast (Côte d'Ivoire), Jordan, Lebanon, Malaysia, Maldives, Nepal, Niger, Oman, Panama, Peru, Philippines, Romania, Saint Vincent and the Grenadines, Singapore, Somalia, Sri Lanka, Sudan, Suriname, Thailand, Trinidad and Tobago, Turkey, United States of America, Yemen, Zaire.

M. Draft resolution A/C.3/40/L.75

43. At the 69th meeting, on 6 December, the representative of the Netherlands introduced a draft resolution (A/C.3/40/L.75) entitled "Situation of human rights in the Islamic Republic of Iran", sponsored by Antigua and Barbuda, Australia, Belgium, Canada, Costa Rica, France, Luxembourg, Netherlands, Norway and the United Kingdom of Great Britain and Northern Ireland, as well as by Saint Lucia and Samoa.

44. At the same meeting, the representative of Pakistan moved that no action be taken on draft resolution A/C.3/40/L.75. The motion was rejected by a recorded vote of 55 to 28, with 29 abstentions. The voting was as follows:

In favour: Afghanistan, Albania, Angola, Bahrain, Bangladesh, Benin, Brunei Darussalam, Cuba, Democratic Yemen, Ethiopia, Indonesia, Iran (Islamic Republic of), Kuwait, Lebanon, Libyan Arab Jamahiriya, Malaysia, Mauritania, Mongolia, Mozambique, Nicaragua, Pakistan, Poland, Qatar, Romania, Saudi Arabia, Syrian Arab Republic, United Arab Emirates, United Republic of Tanzania.

Against: Antigua and Barbuda, Argentina, Australia, Austria, Bahamas, Barbados, Belgium, Bolivia, Brazil, Canada, Central African Republic, Chile, Colombia, Costa Rica, Denmark, Dominican Republic, El Salvador, Fiji, Finland, France, Germany, Federal Republic of, Greece, Grenada, Honduras, Iceland, Iraq, Ireland, Israel, Italy, Ivory Coast (Côte d'Ivoire), Jamaica, Japan, Jordan, Kenya, Lesotho, Luxembourg, Mexico, Morocco, Netherlands, New Zealand, Norway, Panama, Paraguay, Peru, Portugal, Rwanda, Saint Vincent and the Grenadines, Samoa, Spain, Sri Lanka, Sweden, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela, Yemen.

Abstaining: Bhutan, Botswana, Burkina Faso, Burma, Chad, China, Cyprus, Ecuador, Egypt, Gabon, Ghana, Guinea, India, Mali, Nepal, Niger, Oman, Philippines, Senegal, Somalia, Sudan, Suriname, Thailand, Trinidad and Tobago, Tunisia, Uganda, Yugoslavia, Zambia, Zimbabwe.

45. At its 71st meeting, on 6 December, the Committee adopted draft resolution A/C.3/40/L.75 by a recorded vote of 53 to 22, with 41 abstentions (see para. 78, draft resolution XIII). The result of the voting was as follows:

In favour: Antigua and Barbuda, Argentina, Australia, Austria, Barbados, Belgium, Botswana, Byelorussian Soviet Socialist Republic, Canada, Chile, Colombia, Costa Rica, Czechoslovakia, Denmark, Dominican Republic, El Salvador, Fiji, Finland, France, Germany, Federal Republic of, Greece, Grenada, Honduras, Iceland, Iraq, Ireland, Israel, Italy, Jamaica, Jordan, Kenya, Lesotho, Luxembourg, Mexico, Netherlands, New Zealand, Norway, Panama, Papua New Guinea, Paraguay, Peru, Portugal, Rwanda, Saint Vincent and the Grenadines, Samoa, Spain, Sweden, Togo, Uganda, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela.

Against: Albania, Algeria, Bahrain, Bangladesh, Benin, Cuba, Democratic Yemen, Indonesia, Iran (Islamic Republic of), Kuwait, Libyan Arab Jamahiriya, Malaysia, Nicaragua, Pakistan, Qatar, Romania, Saudi Arabia, Sudan, Syrian Arab Republic, United Arab Emirates, United Republic of Tanzania, Yemen.

Abstaining: Bahamas, Bhutan, Brazil, Brunei Darussalam, Burkina Faso, Burma, Burundi, Cameroon, Central African Republic, Chad, China, Congo, Cyprus, Ecuador, Egypt, Ethiopia, Gabon, Ghana, India, Ivory Coast (Côte d'Ivoire), Japan, Maldives, Mauritania, Nepal, Niger, Nigeria, Oman, Philippines, Poland, Senegal, Singapore, Sri Lanka, Suriname, Swaziland, Thailand, Trinidad and Tobago, Tunisia, Yugoslavia, Zaire, Zambia, Zimbabwe.

N. Draft resolution A/C.3/40/L.76

46. At the 69th meeting, on 6 December, the representative of the Byelorussian Soviet Socialist Republic introduced a draft resolution (A/C.3/40/L.76) entitled "Status of the Convention on the Prevention and Punishment of the Crime of Genocide", sponsored by the Byelorussian Soviet Socialist Republic and Poland, as well as Mongolia.

47. At its 71st meeting, on 6 December, the Committee adopted draft resolution A/C.3/40/L.76 without a vote (see para. 78, draft resolution XIV).

O. Draft resolution A/C.3/40/L.77

48. At the 69th meeting, on 6 December, the representative of Denmark introduced a draft resolution (A/C.3/40/L.77) entitled "Summary or arbitrary executions", sponsored by Argentina, Austria, Belgium, Canada, Costa Rica, Cyprus, Denmark, Dominican Republic, Ecuador, Finland, France, the Gambia, Greece, Iceland, Ivory Coast (Côte d'Ivoire), Japan, Kenya, Morocco, the Netherlands, Norway, Portugal, Spain, Sweden and Zambia, as well as Luxembourg, Senegal and the United Kingdom of Great Britain and Northern Ireland.

49. At the 71st meeting, on 6 December, the representative of Denmark, on behalf of the sponsors, revised operative paragraph 7 of the draft resolution, taking into account an oral proposal made by the representative of the United Kingdom, as follows:

(a) To insert the words "by the appropriate authorities" between the words "to be taken" and the words "when a death occurs in custody" and

(b) To delete the words "and impartial investigation".

50. At the same meeting, the Committee adopted draft resolution A/C.3/40/L.77, as orally revised, without a vote (see para. 78, draft resolution XV).

P. Draft resolution A/C.3/40/L.80

51. At the 69th meeting, on 6 December, the representative of Morocco introduced a draft resolution (A/C.3/40/L.80) entitled "Declaration on the human rights of individuals who are not nationals of the country in which they live".

52. At the same meeting, the representative of MOROCCO made the following statement:

"I should also like to state, as Chairman-Rapporteur, that the members of the Group consider that the adoption of this draft declaration will in no way prejudice the rights that might be granted under any international instrument which the General Assembly or any international organization might consider and adopt in future, and in particular the draft International Convention on the Protection of the Rights of All Migrant Workers and Their Families being elaborated by the Working Group established under General Assembly resolution 34/172."

53. At the 71st meeting, on 6 December, the representative of MOROCCO orally revised paragraph 1 of article 5 of the Declaration to add the words "and subject to the relevant international obligations of the State in which they are present" between the words "domestic law" and the words "in particular".

54. At the same meeting, the Committee adopted draft resolution A/C.3/40/L.80, as orally revised, without a vote (see para. 78, draft resolution XVI).

Q. Draft resolution A/C.3/40/L.81

55. At the 66th meeting, on 5 December, the representative of Mexico introduced a draft resolution (A/C.3/40/L.81) entitled "Situation of human rights and fundamental freedoms in Chile", sponsored by Algeria, Australia, Cuba, Denmark, France, Greece, Italy, Luxembourg, Mexico, the Netherlands, Norway, Portugal, Spain, Sweden and Yugoslavia.

56. At its 71st meeting, on 6 December, the Committee adopted draft resolution A/C.3/40/L.81 by a recorded vote of 82 to 9, with 38 abstentions (see para. 78, draft resolution XVII). The voting was as follows: 7/

In favour: Afghanistan, Albania, Algeria, Angola, Antigua and Barbuda, Argentina, Australia, Austria, Bahrain, Barbados, Belgium, Benin, Botswana, Bulgaria, Burkina Faso, Burundi, Byelorussian Soviet Socialist Republic, Canada, Congo, Costa Rica, Cuba, Cyprus, Czechoslovakia, Democratic Yemen, Denmark, Dominican Republic, Ethiopia, Finland, France, Gambia, German Democratic Republic, Germany, Federal Republic of, Ghana, Greece, Guinea, Guyana, Hungary, Iceland, India, Ireland, Italy, Jamaica, Kenya, Kuwait, Lao People's Democratic Republic, Lesotho, Libyan Arab Jamahiriya, Luxembourg, Maldives, Mali, Mauritania, Mexico, Mongolia, Mozambique, Netherlands, New Zealand, Nicaragua, Norway, Poland, Portugal, Qatar, Romania, Rwanda, Samoa, Senegal, Spain, Sri Lanka, Sweden, Togo, Tunisia, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yugoslavia, Zambia, Zimbabwe.

Against: Chile, El Salvador, Guatemala, Indonesia, Morocco, Pakistan, Paraguay, Thailand, United States of America.

Abstaining: Bahamas, Brazil, Brunei Darussalam, Burma, Cameroon, Central African Republic, Chad, China, Colombia, Democratic Kampuchea, Ecuador, Egypt, Gabon, Grenada, Honduras, Ivory Coast (Côte d'Ivoire), Japan, Jordan, Malaysia, Nepal, Niger, Nigeria, Oman, Panama, Papua New Guinea, Peru, Philippines, Saint Vincent and the Grenadines, Saudi Arabia, Singapore, Somalia, Sudan, Suriname, Swaziland, Trinidad and Tobago, Turkey, Yemen, Zaire.

R. Draft resolution A/C.3/40/L.82

57. At the 69th meeting, on 6 December, the representative of Austria introduced a draft resolution (A/C.3/40/L.82) entitled "Human rights in the administration of justice", sponsored by Argentina, Australia, Austria, Canada, Colombia, Costa Rica, Denmark, Finland, the Gambia, the Netherlands, Norway, Samoa, Spain, Sweden and Uruguay, as well as Bolivia.

58. At the 71st meeting, on 6 December, the representative of the Department of International Economic and Social Affairs of the Secretariat made a statement regarding the programme budget implications of the draft resolution.

59. At the same meeting, the Committee adopted draft resolution A/C.3/40/L.82 without a vote (see para. 78, draft resolution XVIII).

S. Draft resolution A/C.3/40/L.83/Rev.1

60. At the 69th meeting, on 6 December, the representative of the Ukrainian Soviet Socialist Republic introduced a draft resolution (A/C.3/40/L.83/Rev.1) entitled "Inadmissibility of exploitation or distortion of human rights issues for interference in the internal affairs of States", sponsored by Angola, Czechoslovakia, Ethiopia, the Lao People's Democratic Republic, the Syrian Arab Republic, the Ukrainian Soviet Socialist Republic and Viet Nam, which read as follows:

"The General Assembly,

"Recalling its resolutions 2131 (XX) of 21 December 1965, containing the Declaration on the Inadmissibility of Intervention in the Domestic Affairs of States and the Protection of Their Independence and Sovereignty, 2625 (XXV) of 24 October 1970 containing the Declaration on Principles of International Law

7/ At the 72nd meeting, on 9 December, the delegation of Burundi indicated that its vote should have been recorded as an abstention, instead of in favour.

concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations and 36/103 of 9 December 1981 containing the Declaration on the Inadmissibility of Intervention and Interference in the Internal Affairs of States, aimed at creating conditions for independent and free development of all countries and peoples,

"Noting that the international community should accord or continue to accord priority to the search for solutions to the massive and flagrant violation of human rights of peoples and persons as defined in its resolution 32/130 of 16 December 1977,

"Reaffirming that, in accordance with the Charter of the United Nations, no State has the right to intervene directly or indirectly for any reason whatsoever in the internal and external affairs of any State,

"Bearing in mind that, in accordance with the principles proclaimed by the Charter, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

"Reaffirming the obligation of States under the Charter to promote universal respect for and observance of human rights and freedoms, in accordance with the provisions of the Universal Declaration of Human Rights, 8/ the International Covenant on Economic, Social and Cultural Rights 9/ and the International Covenant on Civil and Political Rights, 9/

"Considering that full observance of the principle of non-intervention and non-interference in the internal affairs of States is of the greatest importance for the promotion of human rights and freedoms and for the fulfilment of the purposes and principles of the Charter,

"Being concerned by the persistent policy and practice of certain Governments of the exploitation or distortion of human rights issues for the purposes of interference in the internal affairs of States, and also for unrelated political end,

"1. Reaffirms the duty of States to refrain from the exploitation or distortion of human rights issues as a means of interference in the internal affairs of States;

"2. Calls upon Governments to refrain from the exploitation or distortion of human rights issues for interference in internal affairs of States;

8/ Resolution 217 A (III).

9/ Resolution 2200 A (XXI), annex.

"3. Condemns defamatory campaign, vilification and hostile propaganda by the apartheid régimes of South Africa and Israel for the purpose of prolongation of their illegitimate occupation and brutal oppression of the indigenous population and for interfering in the internal affairs of the neighbouring States;

"4. Invites Governments to communicate their views on the measures necessary to prevent the distortion and exploitation of human rights issues so that they not be used for the purposes contrary to the principles of international law concerning friendly relations and co-operation among States;

"5. Requests the Secretary-General to submit a report to the General Assembly at its forty-first session, including the information submitted in accordance with paragraph 4 of the present resolution."

61. At the same meeting, the representative of Pakistan introduced amendments (A/C.3/40/L.90) to the draft resolution, which read as follows:

"1. Title: delete all the words after the word 'issues' in the second line.

"2. Insert a new third preambular paragraph to read as follows:

'Reaffirming the fundamental principle of the Charter of the United Nations that all States have the duty not to threaten or use force against the sovereignty, political independence or territorial integrity of other States,'

"3. In the first line of the new fourth preambular paragraph, after the word 'Reaffirming' add the word 'further'.

"4. Reword the first and second lines of the new seventh preambular paragraph as follows:

'Considering that full observance of the principles of respect for sovereignty, political independence, territorial integrity of States, non-use of force and non-interference in the internal affairs of States are of the greatest importance'.

"The rest of sentence remains unchanged.

"5. Before the last preambular paragraph, insert the following new preambular paragraph:

'Concerned at the one-sided approach to the human rights questions, which increasingly ignores the need to accord priority to the mass and flagrant violations of human rights of peoples and persons affected by situations such as those resulting from apartheid, all forms of racial discrimination, colonialism, foreign domination and occupation, aggression and threats against national sovereignty, national unity and territorial integrity, as well as the refusal to recognize the fundamental rights of peoples to self-determination,'

"6. Amend the last preambular paragraph as follows:

'Concerned also at the evidence of exploitation or distortion of human rights issues,'

"7. Replace operative paragraph 1 with the following two operative paragraphs:

'1. Reaffirms that human rights violations are a matter of concern to the United Nations;'

'2. Reaffirms also that in approaching human rights questions the countries should continue to accord priority to the search for solutions to the mass and flagrant violations of human rights of peoples and persons affected by situations such as those resulting from apartheid, all forms of racial discrimination, colonialism, foreign domination and occupation, aggression and threats against national sovereignty, national unity and territorial integrity, as well as the refusal to recognize the fundamental rights of peoples to self-determination;'

"8. Renumber paragraph 2 and revise it to read as follows:

'3. Calls upon Governments to refrain from the exploitation or distortion of human rights issues;'

"9. Renumber the remaining paragraphs accordingly."

62. At the 71st meeting, on 6 December, the representative of the Ukrainian Soviet Socialist Republic orally introduced a draft decision to read:

"The General Assembly decides to postpone consideration to its forty-first session of the draft resolution contained in document A/C.3/40/L.83/Rev.1 and amendments thereto contained in A/C.3/40/L.90."

63. At the same meeting, the Committee adopted the draft decision without a vote (see para. 79, draft decision I).

T. Draft resolution A/C.3/40/L.84

64. At the 69th meeting, on 6 December, the representative of France introduced a draft resolution (A/C.3/40/L.84) entitled "Question of enforced or involuntary disappearances", sponsored by Austria, Canada, Colombia, Costa Rica, France, the Gambia, Germany, Federal Republic of, Greece, Italy, Mexico, Morocco, the Netherlands, Portugal, Rwanda, Senegal, Spain, Sweden and the United Kingdom of Great Britain and Northern Ireland, as well as Argentina, Bolivia and Luxembourg.

65. At its 71st meeting, on 6 December, the Committee adopted the draft resolution without a vote (see para. 78, draft resolution XIX).

U. Draft resolution A/C.3/40/L.85

66. At the 69th meeting, on 6 December, the representative of the German Democratic Republic introduced a draft resolution (A/C.3/40/L.85) entitled "Measures to be taken against Nazi, Fascist and neo-Fascist activities and all other forms of totalitarian ideologies and practices based on racial intolerance, hatred and terror", sponsored by Afghanistan, Angola, Bulgaria, the Byelorussian Soviet Socialist Republic, Cuba, Czechoslovakia, German Democratic Republic, Hungary, the Lao People's Democratic Republic, Mongolia, Nicaragua, Poland, the Ukrainian Soviet Socialist Republic and Viet Nam.

67. At the same meeting, the representative of the United Kingdom of Great Britain and Northern Ireland, also on behalf of the Netherlands, introduced amendments (A/C.3/40/L.89) to the draft resolution. The amendments read as follows:

"1. Insert the fourth preambular paragraph after the existing sixth preambular paragraph.

"2. Insert the eighth preambular paragraph before the existing seventh preambular paragraph.

"3. Renumber the first eight preambular paragraphs accordingly.

"4. Replace the seventh preambular paragraph (as renumbered) with the text of General Assembly resolution 39/114 as follows:

'Emphasizing that all totalitarian or other ideologies and practices, including Nazi, Fascist and neo-Fascist, based on racial or ethnic exclusiveness or intolerance, hatred, terror or systematic denial of human rights and fundamental freedoms, or which have such consequences, may jeopardize world peace and constitute obstacles to friendly relations between States and to the realization of human rights and fundamental freedoms.'

"5. Replace the ninth preambular paragraph with the text of the eighth preambular paragraph of General Assembly resolution 39/114 by deleting the words 'and have set up legal regulations which are suited to prevent the activities of Nazi, Fascist and neo-Fascist groups and organizations' and substituting the words 'which are the basis of a democratic society and the best bulwark against totalitarian ideologies and practices.'

"6. Twelfth preambular paragraph, third line

Delete the words 'including nazism, fascism and neo-facism' in conformity with the sixteenth preambular paragraph of General Assembly resolution 39/114."

68. At the same meeting, the representative of the United Kingdom revised the introductory part of paragraph 4 of the amendments to read:

"Replace the seventh preambular paragraph (as renumbered) with the text of the seventh preambular paragraph of General Assembly resolution 39/114 as follows:"

69. At the same meeting, the representative of the German Democratic Republic orally revised draft resolution A/C.3/40/L.85 as follows:

(a) In the ninth preambular paragraph "which are the basis of a democratic society and the best bulwark against totalitarian ideologies and practices" was inserted between the words "human beings" and "and have set up legal regulations";

(b) The words "including nazism, fascism and neo-fascism" at the end of the twelfth preambular paragraph were deleted.

70. At the 71st meeting, on 6 December, the representative of the German Democratic Republic further orally revised the draft resolution, taking into account some of the amendments contained in document A/C.3/40/L.89, as follows:

(a) The fourth preambular paragraph beginning with the words "Mindful that the fortieth anniversary" was placed after the seventeenth preambular paragraph;

(b) The eighth preambular paragraph was replaced by the following:

"Emphasizing that all totalitarian or other ideologies and practices, including Nazi, Fascist and neo-Fascist, based on racial or ethnic exclusiveness or intolerance, hatred, terror or systematic denial of human rights and fundamental freedoms, or which have such consequences, may jeopardize world peace and constitute obstacles to friendly relations between States and to the realization of human rights and fundamental freedoms".

71. At its 71st meeting, on 6 December, the representative of the United Kingdom on behalf of the sponsors withdrew the amendments contained in document A/C.3/40/L.89.

72. At the same meeting, the Committee adopted draft resolution A/C.3/40/L.85, as orally revised, by a recorded vote of 96 to 2, with 24 abstentions (see para. 78, draft resolution XX). The voting was as follows:

In favour: Afghanistan, Algeria, Angola, Argentina, Austria, Bahrain, Bangladesh, Benin, Bolivia, Botswana, Brazil, Bulgaria, Burkina Faso, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Central African Republic, Chad, Chile, China, Colombia, Congo, Costa Rica, Cuba, Cyprus, Czechoslovakia, Democratic Yemen, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Fiji, Finland, Gabon, Gambia, German Democratic Republic, Ghana, Guinea, Guyana, Hungary, Indonesia, Iran (Islamic Republic of), Ivory Coast (Côte d'Ivoire), Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Libyan Arab Jamahiriya, Madagascar, Mauritania, Mexico, Mongolia, Morocco, Mozambique, Nepal, Nicaragua, Niger, Nigeria, Pakistan, Panama, Peru, Philippines, Poland, Qatar, Romania, Rwanda, Saudi Arabia, Senegal, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia, Zimbabwe.

Against: Israel, United States of America.

Abstaining: Antigua and Barbuda, Australia, Bahamas, Barbados, Belgium, Canada, Denmark, France, Germany, Federal Republic of, Greece, Grenada, Iceland, Ireland, Italy, Japan, Luxembourg, Netherlands, New Zealand, Norway, Oman, Papua New Guinea, Portugal, Spain, United Kingdom of Great Britain and Northern Ireland.

V. Draft resolution A/C.3/40/L.86

73. At the 69th meeting, on 6 December, the representative of Canada introduced a draft resolution (A/C.3/40/L.86) entitled "Human rights and mass exoduses", sponsored by Australia, Canada, Colombia, Costa Rica, Germany, Federal Republic of, Japan and the Sudan, as well as Bangladesh, Jordan, Pakistan and Rwanda.

74. At the 71st meeting, on 6 December, the representative of Canada orally revised the draft resolution as follows:

(a) Footnote 1 was reworded to read "E/CN.4/1503*";

(b) The penultimate preambular paragraph was deleted;

(c) The words "including the designation of special representatives on humanitarian issues on an ad hoc basis" in operative paragraph 3 were deleted;

(d) The words "as mentioned in the Secretary-General's report on the work of the Organization at the thirty-ninth session" were inserted at the end of operative paragraph 4.

75. At the same meeting, the Committee adopted the revised draft resolution without a vote (see para. 78, draft resolution XXI).

X. Draft decision proposed by the Chairman

76. At the 70th meeting, on 6 December, the Chairman orally proposed the adoption of a draft decision, which read as follows:

"The General Assembly considers that the meeting of the Working Group of Governmental Experts on the Right to Development, scheduled to be held in January 1986, should be postponed to a later date, so as to enable the Commission on Human Rights, at its forty-second session, to provide the Working Group with appropriate guidance for its future work, in the light of the relevant discussions and decisions of the fortieth session of the General Assembly."

77. At the same meeting, the Committee adopted the draft decision without a vote (see para. 79, draft decision II).

III. RECOMMENDATIONS OF THE THIRD COMMITTEE

78. The Third Committee recommends to the General Assembly for adoption the following draft resolutions:

DRAFT RESOLUTION I

Strategy and policies for drug control

The General Assembly,

Recalling its resolution 32/124 of 16 December 1977, by which it requested the Commission on Narcotic Drugs to study the possibility of launching a meaningful programme of international drug abuse control strategy and policies,

Recalling also its resolution 36/168 of 16 December 1981, by which it adopted the International Drug Abuse Control Strategy and basic five-year programme of action 10/ proposed by the Commission on Narcotic Drugs in its resolution 1 (XXIX) of 11 February 1981, as well as its resolution 38/98 of 16 December 1983, by which it decided that beginning with its eighth special session, the Commission on Narcotic Drugs, meeting in plenary during its sessions and in the presence of all interested observers, would constitute the task force envisaged in General Assembly resolution 36/168 to review, monitor and co-ordinate the implementation of the drug abuse control strategy and the programme of action,

Noting resolution 2 (XXXI) of 20 February 1985 of the Commission on Narcotic Drugs and Economic and Social Council decision 1985/130,

Approves the programme of action for 1986, the fifth year of the United Nations basic five-year programme of the international drug control strategy, reviewed by the Commission on Narcotic Drugs at its thirty-first session. 11/

DRAFT RESOLUTION II

Measures to improve the situation and ensure the human rights and dignity of all migrant workers

The General Assembly,

Reaffirming once more the permanent validity of the principles and standards embodied in the basic instruments regarding the international

10/ Official Records of the Economic and Social Council, 1981, Supplement No. 4 (E/1981/24), annex II.

11/ See A/40/773, annex.

protection of human rights, in particular in the Universal Declaration of Human Rights, 12/ the International Covenants on Human Rights, 13/ the International Convention on the Elimination of All Forms of Racial Discrimination 14/ and the Convention on the Elimination of All Forms of Discrimination against Women, 15/

Bearing in mind the principles and standards established within the framework of the International Labour Organisation and the United Nations Educational, Scientific and Cultural Organization, and the importance of the task carried out in connection with migrant workers and their families in other specialized agencies and in various organs of the United Nations,

Reiterating that, in spite of the existence of an already established body of principles and standards, there is a need to make further efforts to improve the situation and ensure the human rights and dignity of all migrant workers and their families,

Recalling its resolution 34/172 of 17 December 1979, by which it decided to establish a working group open to all Member States to elaborate an international convention on the protection of the rights of all migrant workers and their families,

Recalling also its resolutions 35/198 of 15 December 1980, 36/160 of 16 December 1981, 37/170 of 17 December 1982, 38/86 of 16 December 1983 and 39/102 of 14 December 1984, by which it renewed the mandate of the Working Group on the Drafting of an International Convention on the Protection of the Rights of All Migrant Workers and Their Families and requested it to continue its work,

Having examined the progress made by the Working Group during its fifth intersessional meeting, held from 3 to 14 June 1985, 16/ as well as the report of the Working Group during the current session of the General Assembly, 17/ during which the Working Group continued with the second reading of the draft of the Convention,

12/ Resolution 217 A (III).

13/ Resolution 2200 A (XXI), annex.

14/ Resolution 2106 A (XX), annex.

15/ Resolution 34/180.

16/ A/C.3/40/1.

17/ A/C.3/40/6.

1. Takes note with satisfaction of the reports of the Working Group on the Drafting of an International Convention on the Protection of the Rights of All Migrant Workers and Their Families, in particular of the progress made by the Group on the drafting, in second reading of the Draft Convention;
2. Decides that, in order to enable it to complete its task as soon as possible, the Working Group shall again hold an inter-sessional meeting of two weeks' duration in New York, immediately after the first regular session of 1986 of the Economic and Social Council;
3. Invites the Secretary-General to transmit to Governments the reports of the Working Group so as to enable the members of the Group to continue the drafting, in second reading, of the Draft Convention during the inter-sessional meeting to be held in the spring of 1986, as well as to transmit the results obtained at that meeting to the General Assembly for consideration during its forty-first session;
4. Also invites the Secretary-General to transmit the above-mentioned documents to the competent organs of the United Nations and to international organizations concerned, for their information, so as to enable them to continue their co-operation with the Working Group;
5. Decides that the Working Group shall meet during the forty-first session of the General Assembly, preferably at the beginning of the session, to continue the second reading of the draft international convention on the protection of the rights of all migrant workers and their families.

DRAFT RESOLUTION III

United Nations Voluntary Fund for Indigenous Populations

The General Assembly,

Taking note of Economic and Social Council resolution 1982/34 of 7 May 1982, by which the Council authorized the Sub-Commission on Prevention of Discrimination and Protection of Minorities to establish annually a working group on indigenous populations,

Taking note of Commission on Human Rights resolution 1984/32 of 12 March 1984, 18/

Convinced that the establishment of a voluntary trust fund for indigenous populations would constitute a significant development for the future promotion and protection of the human rights of indigenous populations,

18/ See Official Records of the Economic and Social Council, 1984, Supplement No. 4 (E/1984/14), chap. II.

Decides to establish a voluntary trust fund in accordance with the following criteria:

- (a) The name of the fund shall be the United Nations Voluntary Fund for Indigenous Populations;
- (b) The purpose of the Fund shall be to assist representatives of indigenous communities and organizations to participate in the deliberations of the Working Group on Indigenous Populations by providing them with financial assistance, funded by means of voluntary contributions from Governments, non-governmental organizations and other private or public entities;
- (c) The only type of activity to be supported by the Fund is that described in subparagraph (b) above;
- (d) The only beneficiaries of assistance from the Fund shall be representatives of indigenous peoples' organizations and communities:
 - (i) Who are so considered by the Board of Trustees of the United Nations Voluntary Fund for Indigenous Populations described in subparagraph (e) below;
 - (ii) Who would not, in the opinion of the Board, be able to attend the sessions of the Working Group without the assistance provided by the Fund;
 - (iii) Who would be able to contribute to a deeper knowledge on the part of the Working Group of the problems affecting indigenous populations and who would secure a broad geographical representation;
- (e) The Fund shall be administered in accordance with the Financial Regulations and Rules of the United Nations and other relevant provisions set forth in the annex to the note by the Secretary-General, 19/ with the advice of a Board of Trustees composed of five persons with relevant experience on issues affecting indigenous populations, who will serve in their personal capacity; the members of the Board of Trustees shall be appointed by the Secretary-General for a three-year term renewable in consultation with the current Chairman of the Sub-Commission; at least one member of the Board shall be a representative of a widely-recognized organization of indigenous people.

19/ E/CN.4/Sub.2/1983/20.

DRAFT RESOLUTION IV

Assistance to refugees in Somalia

The General Assembly,

Recalling its resolutions 35/180 of 15 December 1980, 36/153 of 16 December 1981, 37/174 of 17 December 1982, 38/88 of 16 December 1983 and 39/104 of 14 November 1984 on the question of assistance to refugees in Somalia,

Having considered the report of the United Nations High Commissioner for Refugees on assistance to refugees in Somalia 20/ in particular section IV of that report,

Taking note of the report of the Secretary-General on assistance to refugees in Africa, 21/

Deeply concerned that the refugee problem in Somalia has not yet been resolved,

Aware of the additional burden imposed by the new influx of refugees and the consequent urgent need for additional international assistance,

Aware of continuing and serious shortfalls in the provision of food assistance, which have resulted in dangerous ration restrictions, epidemics related to malnutrition, other shortages and extreme hardship in refugee camps in Somalia,

Recognizing from the recommendations contained in the reports of the High Commissioner that there remains an urgent need for increased assistance in the provision of food, water and medicines, in the areas of transport and logistics, shelter and domestic items, construction, the strengthening of health and educational facilities, and the expansion of the number of self-help schemes, small-scale farming and settlement projects necessary for the promotion of self-reliance among the refugees,

Aware of the continued consequences of the social and economic burden placed on the Government and people of Somalia as a result of the continued presence of refugees and new refugee flows and the consequent impact on national development and the infrastructure of the country,

1. Takes note of the report of the United Nations High Commissioner for Refugees;

20/ A/40/586.

21/ A/40/425.

2. Expresses its appreciation to the Secretary-General and the United Nations High Commissioner for Refugees for their continued efforts to mobilize international assistance on behalf of the refugees in Somalia;

3. Takes note with satisfaction of the assistance rendered to refugees in Somalia by various Member States, the Office of the United Nations High Commissioner for Refugees, the World Food Programme, the United Nations Children's Fund and other concerned intergovernmental and non-governmental organizations;

4. Appeals to Member States, international organizations and voluntary agencies to render maximum and timely material, financial and technical assistance to the Government of Somalia in its efforts to provide all necessary assistance to the refugees;

5. Further appeals to the donor community to give urgent and favourable consideration to the development-related refugee projects submitted to the Second International Conference on Assistance to Refugees in Africa by the Somali Government and to fulfil the pledges undertaken at or after that Conference;

6. Requests the High Commissioner, in consultation with the Secretary-General, to apprise the Economic and Social Council, at its second regular session of 1986, of the refugee situation in Somalia;

7. Further requests the High Commissioner, in consultation with the Secretary-General, to submit a report to the General Assembly at its forty-first session on the progress achieved in the implementation of the present resolution.

DRAFT RESOLUTION V

Assistance to displaced persons in Ethiopia

The General Assembly,

Recalling its resolutions 35/91 of 5 December 1980, 36/161 of 16 December 1981, 37/175 of 17 December 1982, 38/91 of 16 December 1983 and 39/105 of 14 December 1984 and Economic and Social Council resolutions 1980/54 of 24 July 1980 and 1982/2 of 27 April 1982,

Recalling also the report of the Secretary-General, prepared pursuant to Economic and Social Council resolution 1980/8 of 28 April 1980, 22/

Taking note of the report of the Secretary-General on assistance to displaced persons in Ethiopia, 23/

Having considered the report of the United Nations High Commissioner for Refugees, 24/

Recognizing the increasing number of voluntary returnees and refugees in Ethiopia,

Deeply concerned at the plight of displaced persons and voluntary returnees in the country, which has been aggravated by the devastating effect of the prolonged drought,

Aware of the heavy burden placed on the Government of Ethiopia in caring for displaced persons and victims of natural disasters, as well as for returnees and refugees,

1. Commends the efforts made so far by various organs of the United Nations and the specialized agencies in mobilizing humanitarian assistance to assist the efforts of the Government of Ethiopia;

2. Appeals to Member States and to international organizations and voluntary agencies to render maximum material, financial and technical assistance to the Government of Ethiopia in its efforts to provide relief and rehabilitation to displaced persons, voluntary returnees and refugees in Ethiopia;

3. Requests the United Nations High Commissioner for Refugees to intensify his efforts in mobilizing humanitarian assistance for the relief, rehabilitation and resettlement of voluntary returnees, refugees and displaced persons in Ethiopia;

4. Requests the Secretary-General, in co-operation with the High Commissioner, to apprise the Economic and Social Council at its second regular session of 1986, of the implementation of the present resolution and to report thereon to the General Assembly at its forty-first session.

23/ A/40/587.

24/ Official Records of the General Assembly, Fortieth Session, Supplement No. 12 (A/40/12).

DRAFT RESOLUTION VI

Humanitarian assistance to refugees in DjiboutiThe General Assembly,

Recalling its resolutions 35/182 of 15 December 1980, 36/156 of 16 December 1981, 37/176 of 17 December 1982, 38/89 of 16 December 1983 and 39/107 of 14 December 1984 on humanitarian assistance to refugees in Djibouti,

Having heard the statement made on 11 November 1985 by the United Nations High Commissioner for Refugees, 25/

Having considered with satisfaction the reports of the United Nations High Commissioner for Refugees on humanitarian assistance to refugees in Djibouti, 26/

Appreciating the determined and sustained effort made by the Government of Djibouti, despite its modest economic resources and limited means, to cope with the pressing needs of the refugees,

Aware of the social and economic burden placed on the Government and people of Djibouti as a result of the presence of refugees and of the consequent impact on the development and infrastructure of the country,

Deeply concerned about the continuing plight of the refugees and displaced persons in the country, which has been aggravated by the devastating effects of the prolonged drought,

Noting with appreciation the steps taken by the Government of Djibouti in close co-operation with the High Commissioner to implement adequate, appropriate and lasting solutions in respect of the refugees in Djibouti,

Also noting with appreciation the concern and unremitting efforts of the Office of the United Nations High Commissioner for Refugees, the United Nations Development Programme, the United Nations Children's Fund, the World Health Organization, the World Food Programme, the Food and Agriculture Organization of the United Nations, the intergovernmental and non-governmental organizations and the voluntary agencies which have worked closely with the Government of Djibouti in the relief and rehabilitation programme of the refugees in that country,

25/ See Official Records of the General Assembly, Fortieth Session, Third Committee, 37th meeting.

26/ See Official Records of the General Assembly, Fortieth Session, Supplement No. 12 (A/40/12); and A/40/588.

1. Takes note with appreciation of the reports of the United Nations High Commissioner for Refugees on humanitarian assistance to refugees in Djibouti and appreciates his efforts to keep their situation under constant review;
2. Welcomes the steps taken by the Government of Djibouti, in close co-operation with the High Commissioner, to implement adequate, appropriate and lasting solutions in respect of the refugees in Djibouti;
3. Requests the High Commissioner to mobilize the necessary resources to implement lasting solutions in respect of the refugees in Djibouti;
4. Urges the High Commissioner to continue to take the necessary measures to ensure that adequate, appropriate and lasting solutions are implemented to assist the refugees in Djibouti, in co-operation with Member States, intergovernmental and non-governmental organizations and the voluntary agencies concerned, with a view to mobilizing the necessary assistance to enable the Government of Djibouti to cope effectively with the refugee problem, which has been particularly aggravated by the debilitating effects of the prolonged drought;
5. Appreciates the assistance provided thus far by Member States, the specialized agencies, intergovernmental and non-governmental organizations and voluntary agencies to the relief and rehabilitation programmes for the refugees and displaced persons in Djibouti;
6. Calls upon all Member States, the organizations of the United Nations system, the specialized agencies, intergovernmental and non-governmental organizations and voluntary agencies to continue to support the efforts constantly being made by the Government of Djibouti to cope with the current needs of the refugees and the other victims of drought in that country;
7. Requests the High Commissioner, in close co-operation with the Secretary-General, to report to the General Assembly at its forty-first session on the implementation of the present resolution.

DRAFT RESOLUTION VII

Situation of refugees in the Sudan

The General Assembly,

Recalling its resolutions 35/181 of 15 December 1980, 36/158 of 16 December 1981, 37/173 of 17 December 1982, 38/90 of 16 December 1983 and 39/108 of 14 December 1984 on the situation of refugees in the Sudan,

Having considered the reports of the United Nations High Commissioner for Refugees on the situation of refugees in the Sudan, 27/

Appreciating the measures which the Government of the Sudan is taking in order to provide shelter, food, education, and health and other humanitarian services to the growing number of refugees in the Sudan,

Recognizing the heavy burden placed on the Government of the Sudan and the sacrifices it is making in caring for the refugees and the need for substantially increased international assistance to enable it to continue its efforts to provide assistance to the refugees,

Expressing its appreciation for the assistance rendered to the Sudan by Member States and intergovernmental and non-governmental organizations in support of the refugee programme,

Recognizing the need to view refugee-related development projects within the local and national development plans,

1. Takes note of the report of the United Nations High Commissioner for Refugees on the implementation of resolution 39/108; 28/
2. Commends the measures that the Government of the Sudan is taking to provide material and humanitarian assistance to refugees in spite of the drought and the serious economic situation it faces;
3. Expresses its appreciation to the Secretary-General, the High Commissioner, donor countries and intergovernmental and non-governmental organizations for their efforts to assist the refugees in the Sudan;
4. Expresses grave concern at the shrinking resources available for refugee programmes in the Sudan and the serious consequences of this situation on the country's ability to continue to act as host and provide assistance to the increasing numbers of refugees;
5. Requests the Secretary-General, in view of the increasing and massive presence of the refugees, shrinking financial resources, drought and the serious economic situation in the country, to send, in co-operation and co-ordination with the High Commissioner and relevant specialized agencies, a high-level inter-agency mission to assess the needs and magnitude of assistance required to refugee programmes in the Sudan, as well as the impact of the refugees on the economy and vital public services, with a view to preparing a comprehensive programme of assistance to be submitted to the international community;

27/ See Official Records of the General Assembly, Fortieth Session, Supplement No. 12 (A/40/12) and A/40/589.

28/ A/40/589.

6. Requests the Secretary-General to mobilize the necessary financial and material assistance for the full implementation of the projects submitted by the Government of the Sudan to the Second International Conference on Assistance to Refugees in Africa, 29/ held at Geneva from 9 to 11 July 1984;

7. Appeals to Member States, the appropriate organs, organizations and bodies of the United Nations, intergovernmental and non-governmental organizations of the international financial institutions to provide the Government of the Sudan with the necessary resources for the implementation of development assistance projects in regions affected by the presence of refugees;

8. Requests the High Commissioner to continue co-ordination with the appropriate specialized agencies in order to consolidate and ensure the continuation of essential services to the refugees in their settlements;

9. Requests further the Secretary-General to report to the General Assembly at its forty-first session, through the Economic and Social Council, on the implementation of the present resolution.

DRAFT RESOLUTION VIII

Emergency assistance to returnees and displaced persons in Chad

The General Assembly,

Recalling its resolution 39/106 of 14 December 1984,

Taking note of the report of the United Nations Disaster Relief Co-ordinator dated 26 November 1985 on the situation of returnees in Chad,

Deeply concerned by the persistence of the drought, which is compounding the already precarious food and health situation in Chad,

Conscious that the large number of voluntary returnees and displaced persons as a result of the war and the drought in Chad poses a serious problem of integrating them into society,

Considering that, in addition to being a land-locked country and one of the least developed countries, Chad is placed in a particularly difficult situation by reason of the war and the drought,

29/ See A/CONF.125/1, para. 33.

Bearing in mind the many appeals made by the Government of Chad, in particular that made on 9 October 1985 to the General Assembly at its current session, and by humanitarian organizations regarding the gravity of the food and health situation in Chad,

Recalling the urgent appeal made by the General Assembly during its thirty-ninth session for international emergency assistance to the voluntary returnees and displaced persons in Chad afflicted by natural disasters,

1. Endorses the appeals made by the Government of Chad and by humanitarian organizations concerning emergency assistance to the voluntary returnees and displaced persons in Chad;
2. Reiterates its appeal to all States and intergovernmental and non-governmental organizations to support by generous contributions the efforts being made by the Government of Chad to assist and resettle the voluntary returnees and displaced persons;
3. Takes note with approval of the action undertaken by the various bodies of the United Nations system and the specialized agencies with a view to mobilizing emergency humanitarian assistance to the voluntary returnees and displaced persons in Chad;
4. Again requests the United Nations High Commissioner for Refugees and the United Nations Disaster Relief Co-ordinator to mobilize emergency humanitarian assistance to the voluntary returnees and displaced persons in Chad;
5. Requests the Secretary-General, in co-operation with the United Nations Disaster Relief Co-ordinator and the United Nations High Commissioner for Refugees, to report to the General Assembly at its forty-first session on the implementation of the present resolution.

DRAFT RESOLUTION IX

Question of human rights and fundamental freedoms in Afghanistan

The General Assembly,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights, 30/ the International Covenants on Human Rights 31/ and the humanitarian rules set out in the Geneva Conventions of 12 August 1949, 32/

30/ Resolution 217 A (III).

31/ Resolution 2200 A (XXI), annex.

32/ United Nations, Treaty Series, vol. 75, Nos. 970-973.

Aware of its responsibility to promote and encourage respect for human rights and fundamental freedoms for all and resolved to remain vigilant with regard to violations of human rights wherever they occur,

Emphasizing the obligation of all Governments to respect and protect human rights and to fulfil the responsibilities they have assumed under various international instruments,

Recalling Commission on Human Rights resolution 1984/55 of 15 March 1984, by which the Commission expressed its concern and anxiety at the continuing presence of foreign forces in Afghanistan, as well as Economic and Social Council resolution 1984/37 of 24 May 1984, by which the Chairman of the Commission on Human Rights was requested to appoint a Special Rapporteur to examine the situation of human rights in Afghanistan,

Recalling Commission on Human Rights resolution 1985/38 of 13 March 1985, by which the Commission expressed its profound concern at the grave and massive human rights violations in Afghanistan and urged the authorities in that country to put a stop to these violations, in particular the military repression being conducted against the civilian population of Afghanistan,

Recalling also Economic and Social Council decision 1985/147 of 30 May 1985, by which the Council decided to extend the mandate of the Special Rapporteur and requested him to report to the General Assembly at its fortieth session and to the Commission on Human Rights at its forty-second session on the human rights situation in Afghanistan, including the human and material losses resulting from the bombardments of the civilian population,

Recalling further Sub-Commission on Prevention of Discrimination and the Protection of Minorities resolution 1985/35, by which the Sub-Commission requested the Commission on Human Rights to ask the Special Rapporteur to look in particular into the fate of women and children as a consequence of the conflict in Afghanistan,

Having carefully examined the interim report of the Special Rapporteur on the question of human rights and fundamental freedoms in Afghanistan, 33/ which reveals continuing grave and massive violations of fundamental human rights in that country,

Recognizing that a situation of armed conflict continues to exist in Afghanistan, leaving large numbers of victims without protection or assistance,

Deploring the continuing refusal of the Afghan authorities to co-operate with the Special Rapporteur,

33/ A/40/843, annex.

1. Commends the Special Rapporteur for his report on the question of human rights and fundamental freedoms in Afghanistan;
2. Expresses its profound concern that, as revealed in the findings of the Special Rapporteur, disregard for human rights is more widespread, the conflict continues to engender human rights violations on a large scale and, as a result, not only the lives of individuals but the existence of whole groups of persons and tribes are endangered;
3. Expresses its deep concern that the Afghan authorities, with heavy support from foreign troops, are acting with great severity against their opponents and suspected opponents without any respect for the international human rights obligations which they have assumed;
4. Expresses also its deep concern at the severe consequences for the civilian population of indiscriminate bombardments and military operations primarily targeted on the villages and the agricultural structure;
5. Shares the conviction of the Special Rapporteur that the duration of the conflict increases the seriousness of the gross and systematic violations of human rights already existing in the country;
6. Expresses its profound distress and alarm, in particular, at the widespread violations of the right to life, liberty and security of person, including the commonplace practice of torture and summary executions of the régime's opponents, as well as increasing evidence of a policy of religious intolerance;
7. Notes with great concern that such widespread violations of human rights that have already caused millions of people to flee their homes and country are still giving rise to large flows of refugees and displaced persons;
8. Calls upon the parties to the conflict to apply fully the principles and rules of international humanitarian law and to admit international humanitarian organizations, in particular the International Committee of the Red Cross, and to facilitate their operations for the alleviation of the suffering of the people in Afghanistan;
9. Urges the authorities in Afghanistan to co-operate with the Commission on Human Rights and its Special Rapporteur, in particular by allowing him to visit Afghanistan;
10. Requests the Secretary-General to give all necessary assistance to the Special Rapporteur;
11. Decides to keep under consideration, during its forty-first session, the question of human rights and fundamental freedoms in Afghanistan, in order to examine this question anew in the light of additional elements provided by the Commission on Human Rights and the Economic and Social Council.

DRAFT RESOLUTION X

Assistance to student refugees in southern Africa

The General Assembly,

Recalling its resolution 39/109 of 14 December 1984, in which it, inter alia, requested the Secretary-General, in co-operation with the United Nations High Commissioner for Refugees, to continue to organize and implement an effective programme of educational and other appropriate assistance for student refugees from Namibia and South Africa who have been granted asylum in Botswana, Lesotho, Swaziland and Zambia,

Having considered the report of the High Commissioner on the assistance programme to student refugees from South Africa and Namibia, 34/

Noting with appreciation that some of the projects recommended in the report on assistance to student refugees in southern Africa have been successfully completed,

Noting with concern that the continuation of discriminatory and repressive policies applied in South Africa and Namibia cause a continued and increasing influx of student refugees into Botswana, Lesotho, Swaziland and Zambia,

Conscious of the burden placed on the limited financial, material and administrative resources of the host countries by the increasing number of student refugees,

Appreciating the efforts of the host countries to deal with their student refugee populations, with the assistance of the international community,

1. Takes note with satisfaction of the report of the United Nations High Commissioner for Refugees;
2. Expresses its appreciation to the Governments of Botswana, Lesotho, Swaziland and Zambia for granting asylum and making educational and other facilities available to the student refugees, in spite of the pressure which the continuing influx of those refugees exerts on facilities in their countries;
3. Also expresses its appreciation to the Governments of Botswana, Lesotho, Swaziland and Zambia for the co-operation which they have extended to the High Commissioner on matters concerning the welfare of these refugees;

4. Notes with appreciation the financial and material support provided for the student refugees by Member States, the Office of the United Nations High Commissioner for Refugees, other bodies of the United Nations system and intergovernmental and non-governmental organizations;
5. Requests the High Commissioner, in co-operation with the Secretary-General, to continue to organize and implement an effective programme of educational and other appropriate assistance for student refugees from Namibia and South Africa who have been granted asylum in Botswana, Lesotho, Swaziland and Zambia;
6. Urges all Member States and intergovernmental and non-governmental organizations to continue contributing generously to the assistance programme for student refugees, through financial support of the regular programmes of the High Commissioner and of the projects and programmes, including unfunded projects, which were submitted to the Second International Conference on Assistance to Refugees in Africa, 35/ held at Geneva from 9 to 11 July 1984;
7. Also urges all Member States and all intergovernmental and non-governmental organizations to assist the countries of asylum materially and otherwise to enable them to continue to discharge their humanitarian obligations towards refugees;
8. Appeals to the Office of the United Nations High Commissioner for Refugees, the United Nations Development Programme and all other competent United Nations bodies, as well as other international and non-governmental organizations, to continue providing humanitarian and development assistance so as to facilitate and expedite the settlement of student refugees from South Africa who have been granted asylum in Botswana, Lesotho, Swaziland and Zambia;
9. Calls upon agencies and programmes of the United Nations system to continue co-operating with the Secretary-General and the High Commissioner in the implementation of humanitarian programmes of assistance for the student refugees in southern Africa;
10. Requests the High Commissioner, in co-operation with the Secretary-General, to continue to keep the matter under review, to apprise the Economic and Social Council, at its second regular session of 1986, of the current status of the programmes and to report to the General Assembly at its forty-first session on the implementation of the present resolution.

DRAFT RESOLUTION XI

Situation of human rights and fundamental freedoms
in El Salvador

The General Assembly,

Guided by the principles of the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and by the humanitarian rules set out in the Geneva Conventions of 12 August 1949 and Additional Protocols I and II thereto,

Aware that the Governments of all Member States have an obligation to promote and protect human rights and fundamental freedoms and to carry out the responsibilities they have undertaken under various international human rights instruments,

Recalling that, in its resolutions 35/192 of 15 December 1980, 36/155 of 16 December 1981, 37/185 of 17 December 1982, 38/101 of 16 December 1983 and 39/119 of 14 December 1984, it expressed deep concern at the situation of human rights in El Salvador,

Bearing in mind Commission on Human Rights resolutions 32 (XXXVII) of 11 March 1981, in which the Commission decided to appoint a Special Representative to investigate the situation of human rights in El Salvador, 1982/28 of 11 March 1982, 1983/29 of 8 March 1983, 1984/52 of 14 March 1984 and 1985/35 of 13 March 1985, whereby the Commission extended the mandate of the Special Representative for another year and requested him to report, inter alia, to the General Assembly,

Noting that the Special Representative of the Commission on Human Rights points out in his report that, in the process of the democratic normalization of the country, the question of respect for human rights is an important part of the current policy of the Republic of El Salvador, but that nevertheless a situation of generalized warlike violence continues to exist, that the number of attacks on life and the economic structure remains a cause for concern, and that the number of political prisoners and abductions has increased,

Deeply concerned that in El Salvador, in addition to the continuing armed conflict, the scarcely initiated dialogue between the Government and the Frente Farabundo Martí para la Liberación Nacional - Frente Democrático Revolucionario has been interrupted,

Considering that, while the armed conflict not of an international character continues, the Government and the insurgent forces are obliged to apply the minimum standards of protection of human rights and of humane

treatment set out in article 3 common to the Geneva Conventions of 12 August 1949, 36/ as well as Additional Protocol II thereto, to which the Republic of El Salvador is party,

Aware that the political solution to the Salvadorian conflict can be cut short if external forces do not assist the resumption of the dialogue but instead contribute in any way to the intensification or prolongation of the war,

Recognizing the value of dialogue as the best way to achieve genuine national reconciliation and the important fact that different sectors of the country favour an overall negotiated political solution which would put an end to the suffering of the Salvadorian people and stem the growing tide of refugees and internally displaced persons,

1. Commends the Special Representative of the Commission on Human Rights for his report on the situation of human rights in El Salvador;
2. Recognizes with interest and emphasizes that it is important that the Special Rapporteur should indicate in his provisional report that the Government of El Salvador is continuing its policy of attempting to improve the condition of human rights;
3. Expresses, nevertheless, its deep concern at the fact that serious and numerous violations of human rights continue to take place in El Salvador owing above all to non-fulfilment of the humanitarian rules of war and therefore requests the Government of El Salvador and the insurgent forces to adopt measures conducive to the humanization of the conflict by observing scrupulously the Geneva Conventions of 1949 and the Additional Protocols of 1977 and also recommends that the Special Representative should, for the duration of the armed conflict, continue to observe and to inform this Assembly and the Commission of the extent to which the contending parties are respecting those rules, particularly as regards respect and humanitarian treatment for the civilian population, prisoners of war, those wounded in combat, health personnel and military hospitals of either party;
4. Reaffirms once again the right of the Salvadorian people freely to determine their political, economic and social future without interference from outside, through a genuine democratic process, in which all sectors of the population participate freely and effectively;
5. Requests all States to refrain from intervening in the internal situation in El Salvador and, instead of helping in any way to prolong and intensify the war, to encourage the continuation of the dialogue until a just and lasting peace is achieved;

36/ United Nations, Treaty Series, vol. 75, Nos. 970-973.

6. Deeply regrets the interruption of the dialogue initiated in October 1984 between the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional - Frente Democrático Revolucionario and therefore calls upon these parties to renew their talks so that by means of sincere, generous and open dialogue they achieve a negotiated comprehensive political solution which will put an end to the armed conflict and contribute to the institutionalization and strengthening of the democratic system based on the full exercise by all Salvadorians of their civil and political rights and economic, social and cultural rights;

7. Calls upon the Government and the opposition forces, as agreed in the meeting at La Palma, to establish as soon as possible appropriate mechanisms to study the plans and proposals submitted by both parties and to include all sectors of national life in the search for peace;

8. Views with concern that, as a consequence of the prolonged armed conflict, the number of refugees and internally displaced persons who are already a considerable part of the Salvadorian population, continues to increase and requests all States to receive the refugees and to support the autonomous organizations responsible for looking after internally displaced persons in El Salvador;

9. Again reiterates its appeal to the Government of El Salvador and to the opposition forces to co-operate fully with the humanitarian organizations dedicated to alleviating the suffering of the civilian population, wherever these organizations operate in the country and to permit the International Committee of the Red Cross to continue to evacuate those wounded and maimed by war to where they can receive needed medical attention;

10. Deeply deplores the fact that the capacity of the judicial system in El Salvador to investigate, prosecute and punish violations of human rights continues to be patently unsatisfactory and therefore urges the competent authorities to continue and strengthen the process of reform of the Salvadorian judicial system, in order to punish speedily and effectively those responsible for the serious human rights violations which have been committed and are still being committed in that country;

11. Recommends the continuation and deepening of the reforms necessary in El Salvador, including effective application of agrarian reform, for the solution of the economic and social problems which are the basic cause of the internal conflict in that country;

12. Calls upon the competent authorities in El Salvador to introduce changes in the laws and other measures that are incompatible with the provisions contained in the international instruments binding on the Government of El Salvador in respect of human rights;

13. Renews its appeal to the Government of El Salvador, as well as to other parties concerned, to continue to co-operate with the Special Representative of the Commission on Human Rights;

14. Decides to keep under consideration, during its forty-first session, the situation of human rights and fundamental freedoms in El Salvador, in order to examine this situation anew in the light of additional elements provided by the Commission on Human Rights and the Economic and Social Council in the hope that there will be improvement.

DRAFT RESOLUTION XII

Situation of human rights and fundamental freedoms
in Guatemala

The General Assembly,

Reiterating that the Governments of all Member States have an obligation to promote and protect human rights and fundamental freedoms,

Recalling its resolutions 37/184 of 17 December 1982, 38/100 of 16 December 1983 and 39/120 of 14 December 1984,

Noting Commission on Human Rights resolutions 1984/53 of 14 March 1984 and 1985/36 of 13 March 1985, in which the Commission expressed its deep concern at the continuing serious and systematic violations of human rights in Guatemala and at restrictive measures that limit the freedoms of the rural and indigenous populations,

Mindful of resolution 1985/60 of the Sub-Commission on the Prevention of Discrimination and Protection of Minorities,

Welcoming the general elections held on 3 November 1985, for President, Vice-President and representatives to the National Congress and of municipalities, with the participation of various political parties,

Noting with satisfaction the set of provisions to safeguard human rights and fundamental freedoms contained in the new Constitution, which, when fully complied with by the new Government and all others concerned, could lead to a significant improvement in the situation of human rights in Guatemala,

Alarmed at the continuation of politically motivated violence, particularly killings and kidnappings, as well as enforced and involuntary disappearances and the lack of effective measures by the authorities in investigating such practices,

Recognizing that the internal armed conflict of a non-international character which continues to exist in Guatemala stems from economic, social and political factors of a structural nature,

Expressing its concern with the widespread sufferings caused by disregard for the principles of international humanitarian law applicable to that conflict,

Welcoming the co-operation of the Government of Guatemala with the Special Rapporteur as well as the invitation made by the Government to several international human rights organizations to assess the situation of human rights and fundamental freedoms,

1. Welcomes the efforts of the Special Rapporteur to fulfil his mandate and takes note of his interim report on the situation of human rights in Guatemala, 37/ submitted in accordance with Commission on Human Rights resolution 1985/36 of 13 March 1985;
2. Expresses the hope that the recent elections will be the first step in a process leading to complete and effective enjoyment of human rights by the people of Guatemala;
3. Notes with satisfaction that a new Government and Congress are to take office on 14 January 1986, following a second round in the presidential elections on 8 December 1985, and that a new Constitution, which provides inter alia for the establishment of a national commission of human rights as well as a commissioner for human rights, is to take effect on the same date in January 1986;
4. Reiterates its deep concern at the continuing grave and widespread violations of human rights in Guatemala, particularly the violence against non-combatants, the widespread repression, killings, including extrajudicial executions, the practice of torture, disappearances and secret detention, as well as at practices such as the displacement of rural and indigenous populations, their confinement in development centres and forced participation in civilian patrols organized and controlled by the armed forces;
5. Strongly urges the Government of Guatemala to take all measures necessary to halt the violations of human rights and fundamental freedoms, particularly enforced and involuntary disappearances, as well as to take effective measures within the framework of the Constitution to ensure that all its authorities and agencies, civilian as well as military, fully respect the human rights and fundamental freedoms of all Guatemalans, such as trade unionists, catechists and the predominantly indigenous rural and peasant population;
6. Requests again the Government of Guatemala to investigate and clarify the fate of those who have disappeared and whose whereabouts continue to be unknown, and to include in such investigation the publishing of the full details of the Tripartite Commission's report;
7. Further urges the Government of Guatemala to establish the necessary conditions to ensure the independence of the judicial system and to enable the judiciary to uphold the rule of law, including the right of habeas corpus, and to prosecute and punish speedily and effectively those, including members of the military and security forces, who are responsible for violations of human rights;
8. Calls upon the Government of Guatemala to allow independent and impartial bodies to function in the country to monitor and investigate alleged human rights violations as well as to respect and protect human rights defenders such as the Mutual Support Group;

9. Calls upon the Government of Guatemala to guarantee to the rural and indigenous population the freedom to choose their place of residence and the freedom from forced participation in civil patrols;

10. Calls upon all parties to the conflict to apply fully the principles and rules of international humanitarian law and reiterates its appeal to the Government of Guatemala to admit the International Committee of the Red Cross, and subsequently to facilitate its operations for the alleviation of the suffering of the people in Guatemala;

11. Calls upon all Governments to refrain from intervening in any way in the internal situation in Guatemala, which could step up the internal armed conflict and the violation of human rights;

12. Deeply deplores the continuing gross violations of human rights arising from that conflict, which are largely due to the failure of the military and security forces to conduct their activities with the necessary respect for protecting the human rights of all Guatemalans;

13. Invites the Government of Guatemala and other parties concerned to continue co-operating with the Special Rapporteur of the Commission on Human Rights;

14. Invites the Commission on Human Rights to study carefully the report of the Special Rapporteur, as well as other information pertaining to the human rights situation in Guatemala, and to consider further steps for securing effective respect for human rights and fundamental freedoms for all in that country including, if so requested by the Government of Guatemala, the provision of appropriate technical assistance under a programme of advisory services in the field of human rights;

15. Decides to continue its examination of the situation of human rights and fundamental freedoms in Guatemala at its forty-first session.

DRAFT RESOLUTION XIII

Situation of human rights in the Islamic Republic of Iran

The General Assembly,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have undertaken under the various international instruments in this field,

Recalling Commission on Human Rights resolutions 1982/27 of 11 March 1982, and 1983/34 of 8 March 1983,

Bearing in mind Commission on Human Rights resolution 1984/54 of 14 March 1984, in which the Commission expressed deep concern at the continuing serious violations of human rights and fundamental freedoms in the Islamic Republic of Iran and requested the appointment of a Special Representative on the situation of human rights in that country,

Recalling in particular Commission on Human Rights resolution 1985/39 of 13 March 1985, by which it decided to extend the mandate of the Special Representative for one year and requested him to present an interim report to the General Assembly at its fortieth session on the situation of human rights in the Islamic Republic of Iran, including the situation of minority groups such as the Baha'is, and a final report to the Commission at its forty-second session,

Mindful of resolution 1985/17 of 29 August 1985 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, in which the Sub-Commission expressed its alarm at the continuing reports of gross violations of human rights and fundamental freedoms in the Islamic Republic of Iran,

Regretting that the Government of the Islamic Republic of Iran has still not extended its full co-operation to the Commission on Human Rights and its Special Representative, in particular, by not allowing the Special Representative to visit the country,

Taking into account the specific and detailed allegations of grave and extensive violations of human rights to which the Special Representative refers in his interim report and to which the Government of the Islamic Republic of Iran has not responded,

Endorsing the conclusion of the Special Representative that continued monitoring of the human rights situation in the Islamic Republic of Iran is called for,

1. Takes note with appreciation of the interim report of the Special Representative and the general observations contained therein; 38/

2. Expresses its deep concern over the specific and detailed allegations of violations of human rights in the Islamic Republic of Iran to which the Special Representative refers in his interim report, and, in particular, those related to the right to life, such as summary and arbitrary executions; the right to freedom from torture or cruel, inhuman or degrading treatment or punishment; the right to liberty and security of person and to freedom from arbitrary arrest or detention; the right to a fair trial; the right to freedom of thought, conscience and religion and to freedom of expression; and the right of religious minorities to profess and practise their own religion;

3. Endorses the conclusion of the Special Representative that, on the basis of information available to him, specific and detailed allegations concerning grave violations of human rights cannot be dismissed, and urgently appeals to the Government of the Islamic Republic of Iran to respond satisfactorily to these allegations;

4. Urges the Government of the Islamic Republic of Iran, as a State party to the International Covenant on Civil and Political Rights, to respect and ensure to all individuals within its territory and subject to its jurisdiction, the rights recognized in that Covenant;

5. Requests the Commission on Human Rights to study carefully the final report of the Special Representative, as well as other information pertaining to the situation of human rights in the Islamic Republic of Iran, and to consider further steps for securing effective respect for human rights and fundamental freedoms for all in that country;

6. Urges the Government of the Islamic Republic of Iran to extend its full co-operation to the Special Representative of the Commission, and in particular to permit the Special Representative to visit that country;

7. Requests the Secretary-General to give all necessary assistance to the Special Representative of the Commission;

8. Decides to continue its examination of the situation of human rights in the Islamic Republic of Iran, including the situation of minority groups such as the Baha'is, during its forty-first session in order to examine this situation anew in the light of additional elements provided by the Commission on Human Rights and the Economic and Social Council.

DRAFT RESOLUTION XIV

Status of the Convention on the Prevention and Punishment of the Crime of Genocide

The General Assembly,

Recalling its resolution 260 A (III) of 9 December 1948, by which it approved and proposed for signature and ratification or accession the Convention on the Prevention and Punishment of the Crime of Genocide,

Mindful of the fact that the year 1986 marks the thirty-fifth anniversary of the entry into force of the above-mentioned Convention,

Reaffirming its conviction that genocide is a crime under international law, contrary to the spirit and aims of the United Nations,

Expressing its conviction that implementation of the provisions of the Convention by all States is necessary for the prevention and punishment of the crime of genocide,

/...

Bearing in mind that the fortieth anniversary of the victory over nazism and fascism in the Second World War is being commemorated in 1985,

1. Strongly condemns once again the crime of genocide;
2. Reaffirms the necessity of international co-operation in order to liberate mankind from such an odious scourge;
3. Takes note with appreciation of the fact that many States have ratified the Convention on the Prevention and Punishment of the Crime of Genocide or acceded thereto;
4. Urges those States that have not yet become parties to the Convention to ratify it or accede thereto without further delay;
5. Invites the Secretary-General to submit to the General Assembly at its forty-first session a report on the status of the Convention;
6. Requests the Commission on Human Rights to consider at its forty-second session the question of promoting the full implementation of the above-mentioned Convention and to submit its considerations and proposals on this question, through the Economic and Social Council, to the General Assembly at its forty-first session.

DRAFT RESOLUTION XV

Summary or arbitrary executions

The General Assembly,

Recalling the provisions of the Universal Declaration of Human Rights, 39/ which states that every human being has the right to life, liberty and security of person,

Having regard to the provisions of the International Covenant on Civil and Political Rights, 40/ which states that every human being has the inherent right to life, that this right shall be protected by law and that no one shall be arbitrarily deprived of his life,

Recalling its resolution 34/175 of 17 December 1979, in which it reaffirmed that mass and flagrant violations of human rights are of special concern to the United Nations and urged the Commission on Human Rights to take timely and effective action in existing and future cases of mass and flagrant violations of human rights,

39/ Resolution 217 A (III).

40/ See resolution 2200 A (XXI), annex.

Recalling further its resolution 36/22 of 9 November 1981, in which it condemned the practice of summary or arbitrary executions, and its resolutions 37/182 of 17 December 1982, 38/96 of 16 December 1983 and 39/110 of 14 December 1984,

Deeply alarmed at the continued occurrence on a large scale of summary or arbitrary executions, including extra-legal executions,

Recalling resolution 1982/13 of 7 September 1982 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, 41/ in which the Sub-Commission recommended that effective measures should be adopted to prevent the occurrence of summary or arbitrary executions,

Welcoming Economic and Social Council resolution 1984/50 of 24 May 1984 containing safeguards guaranteeing protection of the rights of those facing the death penalty, which resolution was endorsed by the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, as well as the ongoing work on summary or arbitrary executions within the Committee on Crime Prevention and Control,

Convinced of the need for appropriate action to combat and eventually eliminate the practice of summary or arbitrary executions, which represents a flagrant violation of the most fundamental human right, the right to life,

1. Strongly condemns the large number of summary or arbitrary executions, including extra-legal executions, which continue to take place in various parts of the world;
2. Demands that the practice of summary or arbitrary executions be brought to an end;
3. Welcomes Economic and Social Council resolution 1982/35 of 7 May 1982, in which the Council decided to appoint for one year a Special Rapporteur to examine the questions related to summary or arbitrary executions;
4. Also welcomes Economic and Social Council resolution 1985/40 of 30 May 1985, in which the Council decided to continue the mandate of the Special Rapporteur, Mr. S. A. Wako, for a further year and requested the Commission on Human Rights to consider the question of summary or arbitrary executions as a matter of high priority at its forty-second session;
5. Urges all Governments and all others concerned to co-operate with and assist the Special Rapporteur in the implementation of his mandate;
6. Requests the Special Rapporteur, in carrying out his mandate, to respond effectively to information that comes before him, in particular when a summary or arbitrary execution is imminent or threatened, or when such an execution has recently occurred;

41/ See E/CN.4/1983/4-E/CN.4/Sub.2/1982/43 and Corr.1, chap. XXI, sect. A.

7. Requests further the Special Rapporteur to consider in his next report possible measures to be taken by the appropriate authorities when a death occurs in custody, including adequate autopsy;

8. Considers that the Special Rapporteur, in carrying out his mandate, should continue to seek and receive information from Governments, United Nations bodies, specialized agencies, regional intergovernmental organizations and non-governmental organizations in consultative status with the Economic and Social Council;

9. Requests the Secretary-General to provide all necessary assistance to the Special Rapporteur so that he may effectively carry out his mandate;

10. Again requests the Secretary-General to continue to use his best endeavours in cases where the minimum standard of legal safeguards provided for in articles 6, 14 and 15 of the International Covenant on Civil and Political Rights 40/ appear not to be respected;

11. Requests the Commission on Human Rights at its forty-second session, on the basis of the report of the Special Rapporteur to be prepared in conformity with Economic and Social Council resolutions 1982/35, 1983/36, 1984/35 and 1985/40, to make recommendations concerning appropriate action to combat and eventually eliminate the abhorrent practice of summary or arbitrary executions.

DRAFT RESOLUTION XVI

Declaration on the human rights of individuals who are not nationals of the country in which they live

The General Assembly,

Having considered the question of the human rights of individuals who are not nationals of the country in which they live,

Decides to adopt the Declaration on the human rights of individuals who are not nationals of the country in which they live, which is annexed to the present resolution.

ANNEX

Declaration on the human rights of individuals who are not nationals of the country in which they live

The General Assembly,

Considering that the Charter of the United Nations encourages the promotion of universal respect for and observance of the human rights and fundamental freedoms of all human beings, without distinction as to race, sex, language or religion,

Considering that the Universal Declaration of Human Rights 42/ proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set forth in the Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

Considering that the Universal Declaration of Human Rights proclaims further that everyone has the right to recognition everywhere as a person before the law, that all are equal before the law, are entitled without any discrimination to equal protection of the law, and that all are entitled to equal protection against any discrimination in violation of the aforementioned Declaration and against any incitement to such discrimination,

Being aware that the States parties to the International Covenants on Human Rights 43/ now in force undertake to guarantee that the rights enunciated in these Covenants will be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

Conscious that, with improving communications and the development of peaceful and friendly relations among countries, individuals increasingly live in countries of which they are not nationals,

Reaffirming the purposes and principles of the Charter of the United Nations,

Recognizing that the protection of human rights and fundamental freedoms provided for in international instruments should also be ensured for individuals who are not nationals of the country in which they live,

Proclaims this Declaration on the Human Rights of Individuals who are not Nationals of the Country in which They Live:

Article 1

For the purposes of this Declaration, the term "alien" shall apply, with due regard to qualifications made in subsequent articles, to any individual who is not a national of the State in which he or she is present.

Article 2

1. Nothing in this Declaration shall be interpreted as legitimizing any alien's illegal entry into and presence in a State, nor shall any provision be interpreted as restricting the right of any State to promulgate laws and

42/ Resolution 217 A (III).

43/ Resolution 2200 A (XXI), annex.

regulations concerning the entry of aliens and the terms and conditions of their stay or to establish differences between nationals and aliens. However, such laws and regulations shall not be incompatible with the international legal obligations of that State, including those in the field of human rights.

2. This Declaration shall not prejudice the enjoyment of the rights accorded by domestic law and of the rights which under international law a State is obliged to accord to aliens, even where the present Declaration does not recognize such rights or recognizes them to a lesser extent.

Article 3

Every State shall make public its national legislation or regulations affecting aliens.

Article 4

Aliens shall observe the laws of the State in which they reside or are present and regard with respect the customs and traditions of the people of that State.

Article 5

1. Aliens shall enjoy in accordance with domestic law and subject to the relevant international obligations of the State in which they are present in particular the following rights:

(a) The right to life and security of person; no alien shall be subjected to arbitrary arrest or detention; no alien shall be deprived of his liberty except on such grounds and in accordance with such procedures as are established by law;

(b) The right to protection against arbitrary or unlawful interference with privacy, family, home or correspondence;

(c) The right to be equal before the courts, tribunals and all other organs and authorities administering justice and, when necessary, to free assistance of an interpreter in criminal proceedings and, when prescribed by law, other proceedings;

(d) The right to choose a spouse, to marry, to found a family;

(e) The right to freedom of thought, opinion, conscience and religion; the right to manifest one's religion or beliefs subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health or morals or the fundamental rights and freedoms of others;

(f) The right to retain their own language, culture and tradition;

(g) The right to transfer abroad earnings, savings or other personal monetary assets, subject to domestic currency regulations.

2. Subject to such restrictions as are prescribed by law and which are necessary in a democratic society to protect national security, public safety, public order (ordre public), public health or morals or the rights and freedoms of others, and which are consistent with the other rights recognized in the relevant international instruments and those set forth in the present Declaration, aliens shall enjoy the following rights:

(a) The right to leave the country;

(b) The right to freedom of expression;

(c) The right to peaceful assembly;

(d) The right to own property alone as well as in association with others, subject to domestic law.

3. Subject to the provisions referred to in paragraph 2, aliens lawfully in the territory of a State shall enjoy the right to liberty of movement and freedom to choose their residence within the borders of the State.

4. Subject to national legislation and due authorization, the spouse and minor or dependent children of an alien lawfully residing in the territory of a State shall be admitted to accompany, join and stay with the alien.

Article 6

No alien shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment and, in particular, no alien shall be subjected without his free consent to medical or scientific experimentation.

Article 7

An alien lawfully in the territory of a State may be expelled therefrom only in pursuance of a decision reached in accordance with law and shall, except where compelling reasons of national security otherwise require, be allowed to submit the reasons against his expulsion and to have his case reviewed by, and be represented for the purpose before, the competent authority or a person or persons specially designated by the competent authority. Individual or collective expulsion of such aliens on grounds of race, colour, religion, culture, descent or national or ethnic origin is prohibited.

Article 8

1. Aliens lawfully residing in the territory of a State shall also enjoy, in accordance with the national laws, the following rights, subject to their obligations referred to in article 4:

(a) The right to safe and healthy working conditions, to fair wages and equal remuneration for work of equal value without distinction of any kind, in particular, women being guaranteed conditions of work not inferior to those enjoyed by men, with equal pay for equal work;

(b) The right to join trade unions and other organizations or associations of their choice and to participate in their activities. No restrictions may be placed on the exercise of this right other than those prescribed by law and which are necessary in a democratic society in the interests of national security or public order or for the protection of the rights and freedoms of others;

(c) The right to health protection, medical care, social security, social service, education, rest and leisure, provided that they fulfil the requirements under the relevant regulations for participation and that undue strain is not placed on the resources of the State.

2. With a view to protecting the rights of aliens carrying on lawful paid activities in the country in which they find themselves, such rights may be specified by the Governments concerned in multilateral or bilateral conventions.

Article 9

No alien shall be arbitrarily deprived of his lawfully acquired assets.

Article 10

Any alien shall be free at any time to communicate with the consulate or diplomatic mission of the State of which he is a national or, in their absence, with the consulate or diplomatic mission of any other State entrusted with the protection of the interests of the State of which he is a national in the State where he resides.

DRAFT RESOLUTION XVII

Situation of human rights and fundamental freedoms in Chile

The General Assembly,

Aware of its responsibility to promote and encourage respect for human rights and fundamental freedoms for all, and determined to remain vigilant with regard to violations of human rights wherever they occur,

Noting the obligation of the Chilean authorities to respect and protect human rights in accordance with the international instruments to which Chile is a party,

Having in mind that the concern of the international community at the situation of human rights in Chile was expressed by the General Assembly in its resolutions 3219 (XXIX) of 6 November 1974, 3448 (XXX) of 9 December 1975, 31/124 of 16 December 1976, 32/118 of 16 December 1977, 33/175 of 20 December 1978, 34/179 of 17 December 1979, 35/188 of 15 December 1980, 36/157 of 16 December 1981, 37/183 of 17 December 1982, 38/102 of 16 December 1983 and 39/121 of 14 December 1984, as well as in its resolution 33/173 of 20 December 1978 on disappeared persons,

Recalling the resolutions of the Commission on Human Rights, in particular resolution 1985/47 of 14 March 1985 in which the Commission decided, inter alia, to extend the mandate of the Special Rapporteur for a year and to consider the question as a matter of high priority in view of the increase in serious violations of human rights in Chile,

Considering that the Special Rapporteur proposes to submit to the Commission on Human Rights at its forty-second session a definitive report on the situation of human rights in Chile,

Considering also the public and notorious character of many of the deeds which constitute serious and systematic violations of human rights and fundamental freedoms in Chile,

Deploring once again the fact that the repeated appeals of the General Assembly, the Commission on Human Rights and other international organs to re-establish human rights and fundamental freedoms have been ignored by the Chilean authorities,

Considering further, inter alia, the recent reports, resolutions and conclusions of the Human Rights Committee, the Sub-Commission on Prevention of Discrimination and Protection of Minorities and the International Labour Organisation, as well as the Chilean Human Rights Committee and the Vicaría de la Solidaridad of the Catholic Church in Chile,

Recognizing the importance of the fact that the Chilean authorities have announced their intention to permit the entry into Chile of the Special Rapporteur in the exercise of his mandate to investigate the situation of human rights in that country,

1. Takes note of the preliminary report of the Special Rapporteur on the situation of human rights in Chile, submitted in accordance with resolution 1985/47 of the Commission on Human Rights; 44/

2. Once again expresses its dismay at the suppression in Chile of the traditional democratic legal order and its institutions and their replacement by a Constitution which does not reflect the will of the people freely expressed and whose provisions considerably reduce the enjoyment and exercise of human rights and fundamental freedoms through the institutionalization and consolidation of states of emergency and the extension of the jurisdiction of the military tribunals, all of which amounts to an integrated system negating civil and political rights and freedoms;
3. Expresses its indignation at the persistence of serious and systematic violations of human rights in Chile, in particular the suppression of acts of social protest which has caused a considerable number of deaths and injuries and mass and individual arrests, at the intimidation of national human rights organizations, at the frequent reports of torture and ill-treatment, and at the treacherous crimes in which the police forces are judicially implicated;
4. Reiterates its alarm at the fact that, in general, the arbitrary or improper actions of the State police and security agencies continue to go unpunished;
5. Reiterates its concern at the ineffectiveness of the remedies of habeas corpus or of amparo and of protection, owing to the fact that the judiciary, notwithstanding some positive actions in this field, does not always exercise its powers of investigation, monitoring and supervision in this respect, and performs its functions under severe restrictions which undermine its independence;
6. Once again calls urgently on the the Chilean authorities to restore and respect human rights in accordance with the obligations they have assumed under various international instruments, and to re-establish the principle of legality, democratic institutions and the effective enjoyment and exercise of human rights and fundamental freedoms, and in particular:
 - (a) To put an end not only to the state of seige, as was done in June 1985, but also to the régime of exception and especially the practice of declaring "constitutional states of emergency" under which serious and continuing violations of human rights are committed;
 - (b) To investigate and clarify without delay the fate of persons who were arrested for political reasons and later disappeared, to assist and inform their families of the results of such investigation and to bring to trial and punish those responsible for their disappearance;
 - (c) To respect the right to life and the right to physical and moral integrity by putting an end to the practice of torture and other cruel, inhuman or degrading treatment or punishment and to put an immediate end to intimidation and persecution as well as to kidnappings, arbitrary or abusive detention and imprisonment in secret places;

(d) To respect the right of nationals to live in and freely enter and leave their country, without arbitrary restrictions or conditions, and to cease the practices of relegación (assignment to forced residence) and forced exile;

(e) To restore the full enjoyment and exercise of labour rights, including the right to organize trade unions, the right to collective bargaining and the right to strike, and to put an end to the suppression of the activities of trade union leaders and their organizations and comply with the provisions of the international agreements of the International Labour Organisation to which Chile has subscribed;

(f) To respect and, where necessary, restore economic, social and cultural rights, in particular the rights intended to preserve the cultural identity and improve the economic and social status of the indigenous populations, including the right to their land;

7. Concludes, on the basis of the provisional report of the Special Rapporteur and of other data at its disposal, that it is necessary to continue to monitor the human rights situation in Chile;

8. Declares its conviction that an unrestricted, in situ investigation of the human rights situation in Chile requires that the Special Rapporteur, in fulfilment of his mandate, should have access to all the information and data which could be provided by those persons and bodies that are interested in the fate of human rights in Chile;

9. Requests the Chilean authorities to co-operate more fully with the Special Rapporteur and to submit their comments on his report to the Commission on Human Rights at its forty-second session;

10. Invites the Commission on Human Rights at its forty-second session to proceed to an in-depth consideration of the report of the Special Rapporteur and, taking account of all the relevant information at its disposal, to adopt the most appropriate measures for the effective restoration of human rights and fundamental freedoms in Chile, including the maintenance of the Special Rapporteur, and requests the Commission to report to the General Assembly at its forty-first session, through the Economic and Social Council.

DRAFT RESOLUTION XVIII

Human rights in the administration of justice

The General Assembly,

Convinced of the need for further co-ordinated and concerted action in promoting respect for human rights in the administration of justice,

Guided by the principles embodied in articles 3, 5, 9, 10 and 11 of the Universal Declaration of Human Rights, 45/ as well as the relevant provisions of the International Covenant on Civil and Political Rights, 46/ in particular article 6, which explicitly states that no one shall be arbitrarily deprived of his life,

Bearing in mind its resolutions 2858 (XXVI) of 20 December 1971 and 3144 (XXVIII) of 14 December 1973 on human rights in the administration of justice,

Recalling Economic and Social Council resolutions 1984/47 and 1984/50 of 25 May 1984, in which, inter alia, the Council approved the procedures for the effective implementation of the Standard Minimum Rules for the Treatment of Prisoners 47/ and the safeguards guaranteeing protection of the rights of those facing the death penalty,

Bearing in mind also the provisions of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 48/

Considering the work in progress with regard to the draft Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment,

Recalling its resolution 39/118 of 14 December 1984 on human rights in the administration of justice, in which, inter alia, it requested the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders to give urgent attention to the matter of devising ways and means to ensure more effective application of existing standards and to report thereon to the General Assembly at its fortieth session,

Acknowledging the important work accomplished by the Seventh Congress, in particular in relation to the formulation and application of United Nations standards and norms in the administration of justice under item 7 of its agenda, 49/

1. Deplores the continued use of cruel, inhuman or degrading treatment or punishment, prohibited under international law, and strongly condemns the practice of summary or arbitrary executions;

45/ Resolution 217 A (III).

46/ See resolution 2200 A (XXI), annex.

47/ First United Nations Congress on the Prevention of Crime and the Treatment of Offenders: report prepared by the Secretariat (United Nations publication, Sales No. 1956.IV.4), annex I.A.

48/ Resolution 39/46, annex.

49/ See A/CONF.121/22, paras. 153-183.

2. Welcomes the Basic Principles on the Independence of the Judiciary, unanimously adopted by the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, 50/ and invites Governments to respect them and to take them into account within the framework of their national legislation and practice;

3. Encourages the Sub-Commission on Prevention of Discrimination and the Protection of Minorities, in giving further consideration to the issue of the independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers, which is currently on its agenda, to take into account the Basic Principles adopted by the Seventh Congress in making final recommendations at its thirty-ninth session;

4. Takes note with appreciation of the Model Agreement on the Transfer of Foreign Prisoners and Recommendations for the Treatment of Foreign Prisoners, 51/ also adopted unanimously by the Seventh Congress, and invites Member States to take the Model Agreement into account in establishing treaty relations with other Member States or in revising existing treaty relations;

5. Also takes note with appreciation of the recommendations made by the Seventh Congress with a view to ensuring more effective application of existing standards, in particular the Standard Minimum Rules for the Treatment of Prisoners, the Code of Conduct for Law Enforcement Officials 52/ and safeguards guaranteeing the rights of those facing the death penalty;

6. Calls upon Member States to spare no effort in providing for adequate mechanisms, procedures and resources so as to ensure the implementation of these recommendations, both in law and in practice;

7. Requests the Secretary-General to assist Member States, at their request, in implementing these recommendations and to report thereon to the Committee on Crime Prevention and Control;

8. Requests the Economic and Social Council, through the Committee on Crime Prevention and Control, to give special attention to effective ways and means of implementing existing standards, to pay due attention to new developments in this area and to keep these matters under constant review;

9. Invites the specialized agencies and other organizations of the United Nations system, as well as intergovernmental and non-governmental organizations concerned, to continue to co-operate with the Secretary-General in these endeavours by providing assistance, as may be appropriate, and by submitting proposals for relevant action to the Committee on Crime Prevention and Control;

50/ Ibid., chap. I, sect D.2.

51/ Ibid., sect. D.I.

52/ Resolution 34/169, annex.

10. Decides to consider at its forty-first session the question of human rights in the administration of justice.

DRAFT RESOLUTION XIX

Question of enforced or involuntary disappearances

The General Assembly,

Recalling its resolution 33/173 of 20 December 1978 concerning disappeared persons, and its resolution 39/111 of 14 December 1984 on the question of enforced or involuntary disappearances,

Deeply concerned about the persistence, in certain cases, of the practice of enforced or involuntary disappearances,

Expressing its profound emotion at the anguish and sorrow of the families concerned, who should know the fate of their relatives,

Convinced of the importance of implementing the provisions of its resolution 33/173 and of the other United Nations resolutions on the question of enforced and involuntary disappearances, with a view to finding solutions for cases of disappearances and helping to eliminate such practices,

Bearing in mind Commission on Human Rights resolution 1985/20 of 11 March 1985, in which the Commission decided to extend for one year the term of the mandate of the Working Group on Enforced and Involuntary Disappearances, and Economic and Social Council decision 1985/142 of 30 May 1985, in which the Council approved the Commission's decision,

1. Expresses its appreciation to the Working Group on Enforced and Involuntary Disappearances for the humanitarian work it has done and to those Governments that have co-operated with it;
2. Welcomes the decision of the Commission on Human Rights to extend for one year the term of the mandate of the Working Group, as well as to consider at its forty-second session the possibility of extending to two years the term of the mandate of the Working Group;
3. Also welcomes the provisions made by the Commission on Human Rights in its resolution 1985/20 to enable the Working Group to fulfil its mandate with even greater efficiency;
4. Appeals to all Governments concerned to provide the Working Group and the Commission on Human Rights with the full co-operation warranted by their strictly humanitarian objectives and their working methods based on discretion;
5. Encourages the Governments concerned to consider with special attention the wish of the Working Group, when such a wish is expressed, to visit their country, thus enabling the Working Group to fulfil its mandate even more effectively;

6. Calls upon the Commission on Human Rights to continue to study this question as a matter of priority and to take any step it may deem necessary to the pursuit of the task of the Working Group when it considers the report to be submitted by the Group at its forty-second session;

7. Renews its request to the Secretary-General to continue to provide the Working Group with all necessary assistance.

DRAFT RESOLUTION XX

Measures to be taken against Nazi, Fascist and neo-Fascist activities and all other forms of totalitarian ideologies and practices based on racial intolerance, hatred and terror

The General Assembly,

Recalling that the United Nations emerged from the struggle against nazism, fascism, aggression and foreign occupation and that the peoples expressed their resolve in the Charter of the United Nations to save future generations from the scourge of war,

Reaffirming the purposes and principles laid down in the Charter, which are aimed at maintaining international peace and security, developing friendly relations among nations based on respect for the principle of equal rights and the self-determination of peoples and achieving international co-operation in promoting and encouraging respect for human rights and fundamental freedoms for all,

Recalling that 8 and 9 May 1985 marked the days of the fortieth anniversary of victory over nazism and fascism in the Second World War and of that struggle against them,

Bearing in mind the suffering, destruction and death of millions of victims of aggression, foreign occupation, nazism and fascism,

Recalling also the close relationship between all totalitarian ideologies and practices based on racial or ethnic exclusiveness or intolerance, hatred and terror and systematic denial of human rights and fundamental freedoms,

Firmly convinced that the best bulwark against nazism and racial discrimination is the establishment and maintenance of democratic institutions, that the existence of genuine political, social and economic democracy is an effective vaccine and an equally effective antidote against the formation or development of Nazi movements and that a political system, which is based on freedom and effective participation by the people in the conduct of public affairs and under which economic and social conditions are such as to ensure a decent standard of living for the population makes it impossible for fascism, nazism or other ideologies based on racism and racial discrimination, hatred or terror to succeed,

Emphasizing that all totalitarian or other ideologies and practices, including Nazi, Fascist and neo-Fascist, based on racial or ethnic exclusiveness or intolerance, hatred, terror or systematic denial of human rights and fundamental freedoms, or which have such consequences, may jeopardize world peace and constitute obstacles to friendly relations between States and to the realization of human rights and fundamental freedoms,

Acknowledging with satisfaction the fact that many States have established systems based on the inherent dignity and the equal and inalienable rights of all human beings, which are the basis of a democratic society and the best bulwark against totalitarian ideologies and practices and have set up legal regulations which are suited to prevent the activities of Nazi, Fascist and neo-Fascist groups and organizations,

Noting that, nevertheless, in the contemporary world there continue to exist various forms of totalitarian ideologies and practices which entail contempt for the individual or denial of the intrinsic dignity and equality of all human beings, of equality of opportunity in civil, political, economic, social and cultural spheres, and of social justice,

Deeply alarmed at the existence of groups and organizations which propagate totalitarian ideologies and practices, including Nazi, Fascist and neo-Fascist ones, which violate human rights and fundamental freedoms, in particular the rights to self-determination, to life, liberty and security of person and to freedom from discrimination, and which thereby threaten the purposes and principles laid down in the Charter of the United Nations,

Conscious of the need to counter the spread of totalitarian ideologies and practices based on the systematic denial of human rights and fundamental freedoms, racial intolerance, hatred and terror,

Stressing that totalitarian régimes based on racial or ethnic exclusiveness or intolerance, hatred or terror or systematic denial of human rights and fundamental freedoms pursue the purpose of ensuring their domination and their economic and social privileges at the expense of other peoples or racial or ethnic groups, which they suppress and exploit,

Reaffirming that the prosecution and punishment of war crimes and crimes against peace and humanity, as laid down in General Assembly resolutions 3 (I) of 13 February 1946 and 95 (I) of 11 December 1946, constitute a universal commitment of all States,

Mindful of the principles of international co-operation in the detection, arrest, extradition and punishment of persons guilty of war crimes and crimes against humanity, set forth in General Assembly resolution 3074 (XXVIII) of 3 December 1973,

Recalling its resolutions 2331 (XXII) of 18 December 1967, 2438 (XXIII) of 19 December 1968, 2545 (XXIV) of 11 December 1969, 2713 (XXV) of 15 December 1970, 2839 (XXVI) of 18 December 1971, 34/24 of 15 December 1979, 35/200 of 15 December 1980, 36/162 of 16 December 1981, 37/179 of 17 December 1982, 38/99 of 16 December 1983 and 39/114 of 14 December 1984,

Recalling further the Declaration on Social Progress and Development, the Declaration on the Elimination of All Forms of Racial Discrimination, the Declaration on the Granting of Independence to Colonial Countries and Peoples and the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief,

Underlining the importance of the Universal Declaration of Human Rights, 53/ the International Covenants on Human Rights, 54/ the International Convention on the Elimination of All Forms of Racial Discrimination, 55/ the Convention on the Prevention and Punishment of the Crime of Genocide, 56/ the Convention on the Non-Applicability of Statutory Limitation to War Crimes and Crimes against Humanity, 57/ the International Convention on the Suppression and Punishment of the Crime of Apartheid 58/ and other relevant international instruments,

Mindful that the fortieth anniversary of the end of the Second World War served to mobilize efforts of the world community in its struggle against those ideologies and practices,

Reaffirming that ideologies and practices described above are incompatible with the purposes and principles of the Charter of the United Nations and the above-mentioned international instruments,

Viewing with deep concern that the proponents of Fascist ideologies have, in a number of countries, intensified their activities and are increasingly co-ordinating them on an international scale,

Expressing its concern that Fascist and Nazi and other totalitarian ideologies and practices are inherited, inter alia, by repressive racist régimes practising gross and flagrant violations of human rights and systematic denial of human rights and fundamental freedoms,

1. Again condemns and expresses its determination to resist all totalitarian or other ideologies and practices, including Nazi, Fascist and neo-Fascist ideologies, based on racial or ethnic exclusiveness or intolerance, hatred and terror, which deprive people of basic human rights and fundamental freedoms and of equality of opportunity;

53/ Resolution 217 A (III).

54/ Resolution 2200 A (XXI), annex.

55/ Resolution 2106 A (XX), annex.

56/ Resolution 260 A (III).

57/ Resolution 2391 (XXIII).

58/ Resolution 3068 (XXVIII).

2. Urges all States to draw attention to the threats to democratic institutions by the above-mentioned ideologies and practices and to consider taking measures, in accordance with their national constitutional systems and with the provisions of the Universal Declaration of Human Rights and the International Covenants on human rights, to prohibit or otherwise deter activities of groups or organizations or whoever is practising those ideologies;
3. Invites Member States to adopt, in accordance with their national constitutional systems and with the provisions of the Universal Declaration of Human Rights and the International Covenants on human rights, as a matter of high priority, measures declaring punishable by law any dissemination of ideas based on racial superiority or hatred and of war propaganda, including Nazi, Fascist and neo-Fascist ideologies;
4. Calls upon all States, in accordance with the basic principles of international law, to refrain from practices aimed at the violation of basic human rights and which threaten peace and international security;
5. Welcomes that on 8 May 1985 the Economic and Social Council held a solemn commemorative ceremony, pursuant to General Assembly resolution 39/114, whose purpose was to underline the continuing relevance of the Charter of the United Nations, the importance of international co-operation towards peace, security and development and the promotion of human rights and fundamental freedoms and in particular the fundamental right to life, liberty and security of person;
6. Gives expression to the respect felt by today's generation for the victims of and the struggle of peoples against nazism and fascism in the Second World War and for establishing the United Nations in order to save mankind from the scourge of war and to reaffirm faith in fundamental human rights and in the dignity and worth of the human person;
7. Appeals to all States that have not yet done so to become parties to the International Covenants on human rights, the Convention on the Prevention and Punishment of the Crime of Genocide, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity and the International Convention on the Suppression and Punishment of the Crime of Apartheid;
8. Reiterates its request to the appropriate specialized agencies, as well as intergovernmental and international non-governmental organizations, to initiate or intensify measures against the ideologies and practices described in paragraph 1 above;
9. Requests the Secretary-General to ensure that the Department of Public Information of the Secretariat pays due attention to the dissemination of information exposing the ideologies and practices described in paragraph 1 above;

10. Invites all States to submit to the Secretary-General their comments and information on the implementation of the present resolution;

11. Requests the Secretary-General to submit a report, through the Economic and Social Council, to the General Assembly at its forty-first session in the light of the discussion that will take place in the Commission on Human Rights and on the basis of comments provided by States and international organizations.

DRAFT RESOLUTION XXI

Human rights and mass exoduses

The General Assembly,

Mindful of its general humanitarian mandate under the Charter of the United Nations to promote and encourage respect for human rights and fundamental freedoms,

Deeply disturbed by the continuing scale and magnitude of exoduses of refugees and displacements of population in many regions of the world and at the human suffering of millions of refugees and displaced persons,

Conscious of the fact that human rights violations are one of the multiple and complex factors causing mass exoduses of refugees, as indicated in the study of the Special Rapporteur on this subject, 59/

Considering efforts which have been made to address this subject within the United Nations, in particular by the Commission on Human Rights,

Aware of the recommendations concerning mass exoduses made by the Commission on Human Rights to its Sub-Commission and to Special Rapporteurs when studying violations of human rights in any part of the world,

Deeply preoccupied by the increasingly heavy burden being imposed, particularly upon developing countries with limited resources of their own, and upon the international community as a whole, by these sudden mass exoduses and displacements of population,

Stressing the need to improve international co-operation aimed at the prevention of new massive flows of refugees in parallel with the provision of adequate solutions to actual refugee situations,

Taking note of the report of the Group of Governmental Experts on International Co-operation to Avert New Flows of Refugees, 60/

59/ E/CN.4/1503.

60/ See A/40/385.

Noting again the report of the Secretary-General on human rights and mass exoduses, 61/

Recalling its resolutions 35/196 of 15 December 1980, 37/186 of 17 December 1982, 38/103 of 16 December 1983 and 39/117 of 14 December 1984 and Commission on Human Rights resolutions 30 (XXXVI) of 11 March 1980, 29 (XXXVII) of 11 March 1981, 1982/32 of 11 March 1982, 1983/35 of 8 March 1983 and 1985/40 of 13 March 1985,

1. Welcomes the steps taken so far by the United Nations to examine the problem of massive outflows of refugees and displaced persons in all its aspects, including its root causes;

2. Invites Governments and international organizations to intensify their co-operation and assistance in world-wide efforts to address the serious problem of mass exoduses of refugees and displaced persons;

3. Welcomes the special interest which the Secretary-General has taken in this question, and reiterates its request to the Secretary-General to follow closely developments in the area of human rights and mass exoduses;

4. Encourages the efforts being undertaken by the Secretary-General to enable the United Nations to anticipate and react more adequately and speedily to cases requiring humanitarian assistance as mentioned in the report of the Secretary-General on the work of the Organization to the General Assembly at the thirty-ninth session; 62/

5. Invites the Commission on Human Rights to keep the question of human rights and mass exoduses under review with the objective of making appropriate recommendations concerning the further measures to be taken on this subject;

6. Decides to review the question of human rights and mass exoduses at its forty-first session.

79. The Third Committee also recommends to the General Assembly for adoption the following draft decisions:

DRAFT DECISION I

The General Assembly decides to postpone to its forty-first session consideration of the draft resolution contained in document A/C.3/40/L.83/Rev.1 and amendments thereto contained in A/C.3/40/L.90.

61/ A/38/538.

62/ Official Records of the General Assembly, Thirty-ninth Session, Supplement No. 1 (A/39/1).

DRAFT DECISION II

The General Assembly considers that the meeting of the Working Group of Governmental Experts on the Right to Development, scheduled to be held in January 1986, should be postponed to a later date, so as to enable the Commission on Human Rights at its forty-second session to provide the Working Group with appropriate guidance for its future work, in the light of the relevant discussions and decisions taken during the fortieth session of the General Assembly.
