



SUMMARY RECORD OF THE 36th MEETING

Chairman: Mr. HAMER (Netherlands)

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The meeting was called to order at 3 p.m.

AGENDA ITEM 101: ALTERNATIVE APPROACHES AND WAYS AND MEANS WITHIN THE UNITED NATIONS SYSTEM FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS: REPORTS OF THE SECRETARY-GENERAL (A/41/3, chap. V sect. A, A/41/454, A/41/70-S/17708, A/41/607, A/41/701; A/C.3/41/L.4 and Corr.1, A/C.3/41/L.5, A/C.3/41/L.34)

1. Mr. BUFFUM (Under-Secretary-General for Political and General Assembly Affairs), introducing agenda item 101, said that the United Nations was doing its utmost to make the human rights enshrined in the Universal Declaration and the International Covenants better known. The personalized version of the Universal Declaration of Human Rights recently issued by the Secretary-General was a step in that direction. It was also incumbent on the United Nations to encourage Governments to bring their judicial, administrative and institutional framework into line with international standards and, above all, to ensure that those standards were applied and respected in practice. That meant that the Organization had to respond to gross violations of human rights, wherever they might occur, and facilitate the tasks of human rights groups.

2. The United Nations also supported efforts made by countries to instil respect for human rights in their young people on a priority basis. The Secretariat had prepared a draft teaching booklet on basic human rights (E/CN.4/1986/20/Add.1), which was currently being considered by the Commission on Human Rights.

3. Special attention should be given to enhancing the role of national and local human rights institutions. The Secretariat would soon be submitting a report to the Commission on Human Rights, which could facilitate the preparation of a United Nations manual on such institutions. That manual, in turn, could become a valuable reference work for Governments.

4. One of the most effective ways of ensuring that human rights were respected in certain individual cases was the exercise of the Secretary-General's good offices. He devoted more time than was generally known to such interventions.

5. In conclusion, he wished to assure the members of the Committee that the Secretary-General and all who were working on the question of human rights continued to attach the highest priority to finding the means to ensure that those rights were fully enjoyed all over the world.

6. Mr. QUINN (Australia) said an interesting feature of the discussion of agenda item 101 had been its dual focus on the philosophical and the practical. While it could sometimes be criticized as a grab-bag of miscellaneous items, there was nonetheless a common theme running through them: the effectiveness of the conceptual framework, techniques and procedures established to protect and promote human rights and the potential, if any, to improve them.

7. At the core of all human rights activity was a network of international legal principles, notably the Universal Declaration of Human Rights, the twentieth anniversary of which had just been celebrated.

/...

(Mr. Quinn, Australia)

8. Australia was actively engaged in negotiations on a variety of draft instruments currently on the United Nations agenda dealing with, for example, the rights of the child, migrant workers, individuals, groups and organs of society which protected and promoted human rights, and indigenous populations. In recent years, international instruments had been adopted, inter alia, on the rights of non-citizens, juvenile offenders, victims of crime and abuse of power, and torture. Those achievements were cause for great satisfaction, but some lessons must be learnt from experience: to draft and adopt an instrument was not enough; the focus must then be on effective practical implementation.

9. Perhaps the time had come to define the broad parameters for further standard-setting. It was not a matter of rewriting or paraphrasing existing instruments, but rather of developing more concise ones, such as the short declaration on disappearances adopted by the Sub-Commission on Prevention of Discrimination and Protection of Minorities. With a view to maintaining a high level of quality control over the new instruments, the Australian delegation, after consulting other delegations during the session, wished to identify some key criteria: international human rights instruments must be consistent with but not merely duplicate human rights law; they must be of fundamental character and real value and derive from the inherent dignity of the human person; they must be sufficiently precise to give rise to identifiable and practicable rights and obligations; they must be applicable and have practical relevance in various social and legal systems; and, finally, they must attract broad international support. His delegation would be very interested to hear the views of other delegations on those criteria.

10. Financial restrictions demanded a more careful mobilization of United Nations resources allocated to the protection and promotion of human rights. Human rights could no longer be considered a discrete policy area.

11. There was an obvious link, for example, between the effects of development policies on respect for human rights and refugee flows. That linkage was particularly well illustrated in the case of economic, social and cultural rights. The new expert committee which had been established to oversee the implementation of the International Covenant on Economic, Social and Cultural Rights should give impetus to the international debate about those rights. At its forty-second session, the Commission on Human Rights had adopted, at Australia's initiative, resolution 1986/13 with a view to more effective implementation of the Covenant. Australia hoped to see a more thoughtful examination of those rights in all United Nations bodies. In that context, he wished to underline the importance of the right to development, which Australia believed was integrally linked with enjoyment of the rights covered in the International Covenant on Economic, Social and Cultural Rights. His delegation hoped a consensus on the right to development would be reached.

12. At a time when the credibility of the United Nations was under scrutiny, it was vital for the international community to be aware of what the United Nations had achieved and how it was tackling the problems before it. Public information activities were therefore of crucial significance. The Australian delegation

(Mr. Quinn, Australia)

whole-heartedly endorsed the assessment by the Under-Secretary-General for Political and General Assembly Affairs that the teaching of human rights was important, and the United Nations had a key role in that field. His delegation was participating in the elaboration of a draft resolution for adoption at the current session, which sought to give impetus to United Nations public information activities in the field of human rights. It was essential for knowledge of human rights to permeate all communities, especially among the young, who were the key to success in the struggle to protect and promote those rights in all parts of the world.

13. Mr. EWERLOF (Sweden) stressed the growing confusion as to who should benefit from human rights and who had to respect and ensure them. Some human rights, while collective in nature, such as freedom of assembly and of association, of religion and cultural or linguistic expression, and in fact all economic, social or cultural rights, had none the less been conferred on the individual.

14. The growing tendency to equate collective rights with human rights had recently resulted in attempts in the United Nations to establish the right of peoples to development as an inalienable human right through the adoption of a draft declaration. The right to development referred, for instance, to the right of each nation to claim respect for its national independence, territorial integrity and sovereignty over its natural wealth and resources. By virtue of that right, each people, nation or State could freely determine its development objectives and set its own priorities.

15. That draft declaration, however, made only fleeting reference to the right to development of the human personality, which fortunately was the subject of several UNESCO and ILO conventions and of various important provisions of the other instruments. The State also had an obligation to guarantee various rights to every individual. Collective rights, on the other hand, could be claimed only by a people, a nation or a State.

16. Human rights had their origin in concepts of natural law, and efforts to equate collective rights with human rights tended to create confusion between two separate concepts and to undermine the safeguards of the individual against oppression and abuse of power by authorities. That confusion, whether intentional or not, would inevitably weaken the potential of the United Nations to continue to act for the protection of human rights whenever they were violated.

17. As the process of development was central to the goals and activities of the United Nations, the Swedish Government had always been very involved in those activities and was fully prepared to discuss, in an appropriate framework, the right to development of peoples, nations and States. In so doing, it was important not to compromise values that were fundamental to the world community and to continue to defend human rights and condemn violations thereof.

18. Ms. CLARK (United States of America) said she wished to state her views on the definition of "human rights". She recalled the basic principle of a democratic Government born of free and periodic elections and deriving its mandate from the will of the governed. Any Government that claimed to be democratic must in return

(Ms. Clark, United States)

respect and protect the rights of all individuals within its jurisdiction, even those who were hostile to it. Those rights, both civil and political, of the individual consisted in fact of great limitations on the power of government, as illustrated in the Bill of Rights in the United States Constitution.

19. The United States Government had often been criticized for allowing the existence of Fascist groups. As a democratic Government it did in fact tolerate - precisely for the sake of freedom of thought and expression, and in so far as they did not threaten the security and rights of others - minuscule groups that advocated such obnoxious and hate-filled ideologies as fascism and communism. That did not mean that it condoned their theories, but simply that in a democracy no one could be persecuted for his beliefs or his words, however unpopular they might be.

20. While the United States fully recognized the importance of economic and social rights, it insisted that they were qualitatively different from civil and political rights. It had stated on many occasions that social and economic "rights" were in reality the goals of sound and humane policies. The only way for Governments to achieve those goals was to adopt policies which did not hamper the energy and creativity of the individual, which were critical to economic and social development. Experience showed that those nations which relied on the freedom and imagination of the individual were more prosperous than those which relied on State control, intervention and economic planning. In the countries of the East under communist domination, millions of persons were deprived of their civil and political rights and it was precisely in those States that people enjoyed the fewest social and economic "rights".

21. Her delegation felt that individual rights and national development went together. Nations that trusted their people advanced, and those that mistrusted and feared their citizens stagnated. The United States firmly believed that the exercise of civil and political rights of the individual did not depend on a nation's economic and social level. Rich or poor, a people must have the right to express itself, assemble peaceably and elect or petition its Government without fear of arrest. There was no valid excuse for the denial of due process of law, torture, summary executions, concentration camps or slave labour.

22. The United States understood perfectly the legitimate concerns of many delegations in respect of development problems. It contributed to various multilateral and bilateral programmes designed to help countries solve those problems and had provided over \$300 billion in official assistance to other nations since 1945. Moreover, according to United Nations statistics, the Western States were providing approximately 92 per cent of the voluntary contributions to the United Nations system for operational activities for development. Those same States also provided 98 per cent of the contributions to refugee, humanitarian, special economic and disaster relief activities. The communist States of Eastern Europe, on the other hand, the same ones that talked the most about their deep interest in social and economic "rights", provided only 1 per cent of the contributions to United Nations development activities, much of it in non-convertible currency, and nothing to disaster relief. They were contributing, however, to the creation of millions of refugees.

(Ms. Clark, United States)

23. Of course the international community had a role to play, but the solution of social and economic problems was primarily the responsibility of Member States. Enumerating endless "rights", such as the "right to development", which still had to be defined, demeaned and threatened rights protecting the individual from official abuse without fostering economic and social development. The totalitarian nations often had recourse to the creation of new rights in order to hide the fact that their peoples had no political, civil, economic or social rights.

24. In conclusion, she recalled that the United Nations had been trying since its founding to define "human rights and fundamental freedoms" and that it had a major responsibility to investigate serious human rights abuses. The agenda item under consideration should therefore not be used to divert attention from that task.

25. Mr. DOWEK (Israel) said that human rights had no frontiers and that communities of interest or the relative importance of countries in the international arena neither could nor should influence their most rigorous implementation. The international community had a duty to defend human rights with the same vigour in all countries and, if it failed in that duty, it risked losing its moral authority.

26. Contrary to what occurred in organic chemistry, where nothing was lost and nothing was created, in the area of human rights, unfortunately, everything could be lost and everything created. For example, of the 140 countries listed in the Khalifa report on South Africa's trading partners, 127 had disappeared. Similarly, millions of human beings who were prisoners of the "socialist paradise", as well as Soviet Jews, seemed to have been forgotten, not to mention Afghanistan, Cambodia, the Kurds, the Christians in the Sudan, the tortures in Syrian prisons, repression in Nicaragua and Cuba, the forced disappearances of hostages, terrorism and many other crimes that were known to everyone, but were not and never would be examined by the United Nations.

27. Many countries, including Norway, Argentina, Yugoslavia and Poland, had also criticized the way the United Nations examined the question of human rights. The partiality and extreme politicization of debates, repetitions, exaggerations of certain violations, particularly the misuse of the term "genocide", half truths and silence about genuine human rights violations, all hurt the credibility of the United Nations and helped to undermine the effectiveness of the measures it took in that area. While every day it was creating a new human right, adopting new resolutions and drafting new conventions, the United Nations was moving further away from giving effect to the rights set forth in the Universal Declaration of Human Rights and in its Charter. In that respect it was merely the victim of a campaign of deception and disinformation orchestrated by a coalition of totalitarian countries which, while claiming to be the great champions of human rights on the international level, refused to implement those rights at home. It was tragic in that connection that countries such as Syria, Libya, Iran, Viet Nam, Cuba, Nicaragua, Afghanistan and others of that ilk sat in the Commission on Human Rights and imposed their own false norms on the international community.

(Mr. Dowek, Israel)

28. However tirelessly the United Nations debated human rights, it would make no progress until it was ready to protect the entire human community with the same vigour. He cited the example of one non-governmental organization that truly defended human rights with an apolitical and universal approach, working honestly to obtain information from various sources and refusing to succumb to sensationalism and to disregard the facts. The proof of the success of that non-governmental organization was that its reports had an entirely different impact from those of the United Nations. The enjoyment of human rights could be truly improved only by taking a new and impartial approach and by rejecting hypocrisy. He cited in that connection the words of Mr. Poul Hartling, the former High Commissioner for Refugees, who, in a book of memoirs published in Denmark, had said how difficult it was for diplomats to say "no". Israel did have the courage to say "no" to the double standard imposed by some on the international community and "yes" to joint action by nations to restore to all human beings the rights given them by their creator.

AGENDA ITEM 88: IMPORTANCE OF THE UNIVERSAL REALIZATION OF THE RIGHT OF PEOPLES TO SELF-DETERMINATION AND OF THE SPEEDY GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES FOR THE EFFECTIVE GUARANTEE AND OBSERVANCE OF HUMAN RIGHTS: REPORTS OF THE SECRETARY-GENERAL. (continued) (A/C.3/41/L.14/Rev.1, L.28, L.36)

Draft resolution A/C.3/41/L.14/Rev.1 (and amendments A/C.3/41/L.28 and L.36)

29. Mr. MLENDEZ (El Salvador) introduced draft amendment L.36 to revised draft resolution A/C.3/41/L.14/Rev.1. The amendment consisted in deleting the reference to the States of Central America in the third preambular paragraph as well as the reference to Central America in the fourth line of paragraph 1. His delegation categorically condemned the use of mercenaries but felt that the above-mentioned references to Central America were confusing. A very clear distinction must be made between national liberation movements fighting for independence in colonial or neo-colonial situations and armed groups that sought to destabilize or overthrow official Governments. Moreover, the situation in Central America was very complicated and should not be mentioned in the context of the draft resolution under consideration. It should also be recalled that the question of Central America was under consideration in plenary. To discuss it in the Third Committee was to anticipate the outcome of discussions which were taking place in other forums, particularly under the Contadora Agreement.

30. Miss AYORINDE (Nigeria), introducing draft resolution A/C.3/41/L.14/Rev.1, said that, contrary to the statements of some delegations, the draft resolution did not duplicate the one to be submitted to the Sixth Committee concerning the drafting of an international convention against the recruitment, use, financing and training of mercenaries. The Sixth Committee was dealing with the concept of mercenarism itself, while the Third Committee, like the Commission on Human Rights and the Economic and Social Council, was considering the consequences of that concept on human life and survival.

31. The present draft resolution dealt with human rights and self-determination, questions which were no doubt very controversial but which were well within the competence of the Third Committee. The text before the Third Committee was the

(Miss Ayorinde, Nigeria)

result of long negotiations and accommodated the concerns of many delegations. A number of amendments had been made to it. Thus, at the end of the second preambular paragraph, the following phrase had been added: "and that their legitimate struggle can in no way be considered as or equated to mercenary activities". With great reluctance and in a spirit of compromise, the sponsors had agreed to delete, at the end of the fourth preambular paragraph of draft resolution A/C.3/41/L.14, the words "and, like genocide, is a crime against humanity" which were contained in the original version of the draft resolution. In paragraph 1, the words "so-called humanitarian aid" had been replaced by the words "abuse of humanitarian aid". Paragraph 5 was a new paragraph proposed by Pakistan. The phrase "Requests the Secretary-General to submit a report on this question to the General Assembly at its forty-second session", at the beginning of paragraph 8, had been deleted and the rest of paragraph 8 had been added to the end of paragraph 7. Lastly, Mozambique should be deleted from the list of sponsors.

32. In accordance with rule 117 of the Rules of Procedure of the General Assembly, her delegation moved the closure of the debate on draft resolution A/C.3/41/L.14/Rev.1 and requested that it should be immediately put to the vote.

33. Mr. BASHIR (Pakistan), in reply to a quest for clarification made by the Chairman, said that the amendments contained in document A/C.3/41/L.28 applied also to the draft resolution as it had just been introduced by the representative of Nigeria. Indeed, in the view of his delegation, it was damaging to the very concept of assistance to refer to humanitarian aid in the context of the draft resolution under consideration.

34. A recorded vote was taken on the Nigerian motion to close debate and proceed to the vote on draft resolution A/C.3/41/L.14/Rev.1.

In favour: Afghanistan, Albania, Algeria, Angola, Argentina, Benin, Bolivia, Botswana, Bulgaria, Burkina Faso, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Cape Verde, China, Congo, Cuba, Cyprus, Czechoslovakia, Democratic Yemen, Ethiopia, Gabon, Gambia, German Democratic Republic, Ghana, Guinea, Guinea-Bissau, Guyana, Hungary, India, Indonesia, Iran (Islamic Republic of), Iraq, Kenya, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Madagascar, Mauritania, Mexico, Mongolia, Mozambique, Nicaragua, Nigeria, Panama, Peru, Poland, Qatar, Romania, Rwanda, Sao Tome and Principe, Seychelles, Sierra Leone, Sri Lanka, Suriname, Syrian Arab Republic, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Tanzania, Viet Nam, Yemen, Yugoslavia, Zambia, Zimbabwe.

Against: Australia, Austria, Belgium, Brazil, Canada, Chile, Colombia, Comoros, Costa Rica, Côte d'Ivoire, Denmark, El Salvador, Fiji, Finland, France, Germany, Federal Republic of, Greece, Guatemala, Honduras, Iceland, Ireland, Israel, Italy, Japan, Luxembourg,

(Mrs. Toure, Mali)

41. However, the reference to humanitarian aid in paragraph 1 of the draft resolution undermined the very concept of international humanitarian assistance. Mali was not ashamed to admit that humanitarian aid, which it had often received at its request after natural disasters, had been of great help to it. His delegation therefore raised special objections concerning the phrase "including abuse of humanitarian aid" contained in paragraph 1, and would vote in favour of the amendments contained in document A/C.3/41/L.28.

42. Mrs. ALVAREZ (France) said that France condemned the use of mercenaries and could imagine, like the sponsors of draft resolution A/C.3/41/L.14/Rev.1, that such activity might lead to violations of human rights. France would, however, vote against the draft resolution because of the unacceptable wording which it contained. Her delegation felt, moreover, that the way in which the text had been drafted and negotiated was contrary to the elementary rules of international co-operation accepted at the United Nations. It regretted in particular that the delegations, in an authoritarian manner, had seen fit to deny the possibility of making comments on the draft resolution, which continued to raise numerous problems. While thanking the Nigerian delegation for its conciliatory efforts, her delegation regretted that those efforts had not succeeded because of the partisan and militant approach adopted by some delegations.

43. Mercenarism was too important a question for the international community to be divided about how to deal with it, and for some delegations to refuse to discuss it seriously. Her delegation hoped that, in future, the drafting of a resolution on the question would be subject to consultations among all interested countries.

44. Mrs. CASTRO de BARISH (Costa Rica), supported by Mr. PASTOR (Honduras), said that her delegation could not vote in favour of draft resolution A/C.3/41/L.14/Rev.1 unless the amendments submitted in document A/C.3/41/L.36, of which her delegation was a co-sponsor, were adopted. She appreciated the conciliatory efforts of the Nigerian delegation, but she felt that they were insufficient. She understood why the African States were mentioned in the draft resolution under consideration; however, as the representative of El Salvador had indicated, reference should not be made in it to Central America. In that regard, her delegation welcomed the fact that Economic and Social Council resolution 1986/43 condemned mercenarism in a general way without mentioning any region in particular. She hoped that the other delegations, and particularly those representing the non-aligned countries, would understand Costa Rica's point of view and would support it. She requested that a separate vote should be taken on the third preambular paragraph and on paragraph 1 of draft resolution A/C.3/41/L.14/Rev.1, if the proposed amendments contained in document L.36 were not adopted.

45. A recorded vote was taken on the proposed amendments to draft resolution A/C.3/41/L.14/Rev.1 contained in document A/C.3/41/L.28.

In favour: Bahamas, Bahrain, Bangladesh, Barbados, Belgium, Brunei Darussalam, Chad, Chile, Comoros, Costa Rica, Côte d'Ivoire, Denmark, Djibouti, Egypt, France, Germany, Federal Republic of, Grenada, Guatemala, Haiti, Honduras, Iceland, Israel, Italy,

Jamaica, Japan, Jordan, Lebanon, Luxembourg, Malaysia, Mali, Mauritius, Morocco, Nepal, Netherlands, Niger, Norway, Oman, Pakistan, Philippines, Portugal, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Saudi Arabia, Senegal, Singapore, Somalia, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Thailand, Tunisia, Turkey, United Kingdom of Great Britain and Northern Ireland, Zaire.

Against: Afghanistan, Algeria, Angola, Argentina, Benin, Botswana, Bulgaria, Burkina Faso, Burundi, Byelorussian Soviet Socialist Republic, Cape Verde, Congo, Cuba, Cyprus, Czechoslovakia, Democratic Yemen, Ethiopia, Gabon, Gambia, German Democratic Republic, Ghana, Guinea-Bissau, Guyana, Hungary, India, Iran (Islamic Republic of), Iraq, Kenya, Lao People's Democratic Republic, Lesotho, Madagascar, Mauritania, Mexico, Mongolia, Mozambique, Nicaragua, Nigeria, Panama, Peru, Poland, Qatar, Rwanda, Sao Tome and Principe, Seychelles, Sierra Leone, Syrian Arab Republic, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Tanzania, Viet Nam, Yemen, Yugoslavia, Zambia, Zimbabwe.

Abstaining: Australia, Austria, Bolivia, Brazil, Burma, Canada, Central African Republic, China, Colombia, Ecuador, El Salvador, Fiji, Finland, Greece, Indonesia, Ireland, Liberia, Libyan Arab Jamahiriya, Malawi, New Zealand, Paraguay, Sweden, Togo, Trinidad and Tobago, Uruguay, Venezuela.

46. The amendments proposed in document A/C.3/41/L.28 were adopted by 57 votes to 56, with 26 abstentions.

47. A recorded vote was taken on the proposed amendments to draft resolution A/C.3/41/L.14/Rev.1 contained in document A/C.3/41/L.36.

In favour: Belgium, Bolivia, Chile, Costa Rica, Côte d'Ivoire, Ecuador, El Salvador, France, Germany, Federal Republic of, Grenada, Guatemala, Haiti, Honduras, Israel, Italy, Japan, Lesotho, Luxembourg, Morocco, Netherlands, Pakistan, Portugal, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Saudi Arabia, Swaziland, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America.

Against: Afghanistan, Albania, Algeria, Angola, Argentina, Benin, Botswana, Bulgaria, Burkina Faso, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Cape Verde, Comoros, Congo, Cuba, Cyprus, Czechoslovakia, Democratic Yemen, Ethiopia, Gambia, German Democratic Republic, Ghana, Guinea-Bissau, Guyana, Hungary, India, Iran (Islamic Republic of), Iraq, Kenya, Kuwait, Lao People's Democratic Republic, Libyan Arab Jamahiriya, Madagascar, Mauritania, Mexico, Mongolia, Mozambique, Nicaragua, Nigeria, Panama, Poland, Qatar, Romania, Sao Tome and Principe,

Senegal, Seychelles, Somalia, Sri Lanka, Sudan, Syrian Arab Republic, Trinidad and Tobago, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Tanzania, Viet Nam, Yemen, Yugoslavia, Zambia, Zimbabwe.

Abstaining: Australia, Austria, Bahamas, Bangladesh, Barbados, Brazil, Brunei Darussalam, Burma, Canada, Central African Republic, China, Colombia, Denmark, Egypt, Fiji, Finland, Gabon, Greece, Iceland, Indonesia, Ireland, Jamaica, Jordan, Lebanon, Liberia, Malawi, Malaysia, Mali, Nepal, New Zealand, Niger, Norway, Paraguay, Peru, Philippines, Rwanda, Singapore, Spain, Suriname, Sweden, Thailand, Togo, Tunisia, Uruguay, Venezuela.

48. The amendments proposed in document A/C.3/41/L.36 were rejected by 62 votes to 30, with 45 abstentions.

49. The CHAIRMAN pointed out a technical error in the title of draft resolution A/C.3/41/L.14/Rev.1, which should read as follows: "Use of mercenaries as a means to violate human rights and to impede the exercise of the right of peoples to self-determination". That title was identical to the title of draft resolution A/C.3/41/L.14.

50. Ms. CLARK (United States of America), speaking in explanation of vote before the vote on draft resolution A/C.3/41/L.14/Rev.1 as a whole, said that her delegation would vote against the draft resolution, which was part of a campaign to inject extraneous political issues into the human rights discussions in the Third Committee. Moreover, the resolution was a duplication of the work in progress in the Sixth Committee on the question of mercenaries. Few efforts had been made to have real consultations with the aim of achieving consensus. Her delegation had noted with satisfaction, however, that the comparison of mercenarism with genocide had been dropped.

51. The United States condemned the activities of mercenaries; however, it felt that the actual scale of that phenomenon in the world was considerably less than the draft resolution under consideration would imply. She wondered, moreover, who the "mercenary:" in question were. Were they Afghans resisting occupation? Were they foreign troops in Africa? In fact, there were probably no more than a few hundred true mercenaries around the world, while thousands of political prisoners were being held in the jails of some of the countries sponsoring the draft resolution. That was the kind of violation which needed to be examined by the Third Committee, and not a draft resolution whose aim was to deflect attention from human rights violations committed by those countries.

52. Mrs. WARZAZI (Morocco) said that Morocco condemned mercenarism and had co-sponsored Economic and Social Council resolution 1986/43 on that question to show its support for the front-line States still suffering from the activities of mercenaries. The draft resolution submitted to the Third Committee was different however; far from concentrating on the situation in southern Africa which stemmed

(Mrs. Warzazi, Morocco)

from apartheid and colonialism, it brought in other questions which were being discussed in more appropriate forums. Morocco felt that the bilateral interests at issue were not likely to strengthen the initial aims of the resolution adopted by the Economic and Social Council.

53. Moreover, her delegation wondered what developing States were being referred to in paragraph 1 of draft resolution A/C.3/41/L.14/Rev.1 in which there was an increase in the use of mercenaries. In view of that ambiguity, Morocco would abstain in the voting on the draft resolution.

54. A recorded vote was taken on the third preambular paragraph of draft resolution A/C.3/41/L.14/Rev.1.

In favour: Afghanistan, Albania, Algeria, Angola, Argentina, Benin, Bolivia, Botswana, Bulgaria, Burkina Faso, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Cape Verde, Colombia, Comoros, Congo, Cuba, Cyprus, Czechoslovakia, Democratic Yemen, Djibouti, Egypt, Ethiopia, Gabon, Gambia, German Democratic Republic, Ghana, Guinea-Bissau, Guyana, Haiti, Hungary, India, Iran (Islamic Republic of), Iraq, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Mauritania, Mexico, Mongolia, Mozambique, Nicaragua, Nigeria, Panama, Peru, Poland, Qatar, Romania, Rwanda, Sao Tome and Principe, Senegal, Seychelles, Sierra Leone, Somalia, Sri Lanka, Sudan, Suriname, Syrian Arab Republic, Trinidad and Tobago, Tunisia, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Tanzania, Viet Nam, Yemen, Yugoslavia, Zambia, Zimbabwe.

Against: Belgium, Chile, Costa Rica, El Salvador, France, Germany, Federal Republic of, Grenada, Guatemala, Honduras, Israel, Italy, Japan, Luxembourg, Netherlands, Portugal, Saint Vincent and the Grenadines, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Australia, Austria, Bahrain, Bangladesh, Barbados, Brazil, Brunei Darussalam, Burma, Canada, Central African Republic, China, Côte d'Ivoire, Denmark, Ecuador, Fiji, Finland, Greece, Iceland, Indonesia, Ireland, Jamaica, Jordan, Malawi, Malaysia, Nepal, New Zealand, Niger, Norway, Oman, Pakistan, Paraguay, Philippines, Samoa, Saudi Arabia, Singapore, Spain, Swaziland, Sweden, Thailand, Togo, Uruguay, Venezuela, Zaire.

55. The third preambular paragraph was adopted by 76 votes to 19, with 43 abstentions.

56. A recorded vote was taken on paragraph 1 of draft resolution A/C.3/41/L.14/Rev.1, as amended.

In favour: Afghanistan, Albania, Algeria, Angola, Argentina, Bahrain, Bangladesh, Benin, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Cape Verde, Colombia, Comoros, Congo, Cuba, Cyprus, Czechoslovakia, Democratic Yemen, Ecuador, Egypt, Ethiopia, Gabon, Gambia, German Democratic Republic, Ghana, Guinea-Bissau, Guyana, Haiti, Hungary, India, Indonesia, Iran (Islamic Republic of), Iraq, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malaysia, Mali, Mauritania, Mexico, Mongolia, Mozambique, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Peru, Poland, Qatar, Romania, Rwanda, Sao Tome and Principe, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Sri Lanka, Sudan, Suriname, Swaziland, 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, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia, Zimbabwe.

Against: Belgium, Chile, Costa Rica, El Salvador, France, Germany, Federal Republic of, Guatemala, Honduras, Israel, Italy, Japan, Luxembourg, Netherlands, Portugal, Saint Vincent and the Grenadines, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Australia, Austria, Barbados, Burma, Canada, Central African Republic, China, Côte d'Ivoire, Denmark, Fiji, Finland, Greece, Iceland, Ireland, Jamaica, Malawi, New Zealand, Norway, Paraguay, Philippines, Samoa, Spain, Sweden, Uruguay, Venezuela.

57. Paragraph 1, as amended, was adopted by 94 votes to 17, with 25 abstentions.

58. A recorded vote was taken on paragraph 6 of draft resolution A/C.3/41/L.14/Rev.1.

In favour: Afghanistan, Algeria, Angola, Argentina, Bahrain, Bangladesh, Barbados, Benin, Bhutan, Bolivia, Botswana, Brunei Darussalam, Bulgaria, Burkina Faso, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Cape Verde, China, Comoros, Congo, Côte d'Ivoire, Cuba, Cyprus, Czechoslovakia, Democratic Yemen, Djibouti, Ecuador, Egypt, Ethiopia, Gabon, Gambia, German Democratic Republic, Ghana, Guinea, Guinea-Bissau, Guyana, Haiti, Hungary, India, Iran (Islamic Republic of), Iraq, Jamaica, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malaysia, Mali, Mauritania, Mexico, Mongolia, Mozambique, Nepal, Nicaragua, Niger, Nigeria, Pakistan, Panama, Peru, Poland, Qatar, Romania,

Rwanda, Sao Tome and Principe, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Somalia, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Togo, Trinidad and Tobago, Tunisia, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Tanzania, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia, Zimbabwe.

Against: Australia, Austria, Belgium, Canada, Chile, Denmark, Fiji, Finland, France, Germany, Federal Republic of, Greece, Iceland, Indonesia, Ireland, Israel, Italy, Japan, Luxembourg, Netherlands, New Zealand, Norway, Portugal, Saint Lucia, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Bahamas, Brazil, Central African Republic, Colombia, El Salvador, Guatemala, Honduras, Jordan, Malawi, Oman, Paraguay, Philippines, Saint Vincent and the Grenadines, Samoa, Turkey, Uruguay, Venezuela.

5. Paragraph 6 was adopted by 95 votes to 27, with 17 abstentions.

60. A recorded vote was taken on draft resolution A/C.3/41/L.14/Rev.1 as a whole, as amended and orally revised.

In favour: Afghanistan, Albania, Algeria, Angola, Argentina, Bahrain, Bangladesh, Barbados, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Cape Verde, Central African Republic, China, Colombia, Comoros, Congo, Côte d'Ivoire, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Djibouti, Ecuador, Egypt, Ethiopia, Gabon, Gambia, German Democratic Republic, Ghana, Guatemala, Guinea, Guinea-Bissau, Guyana, Hungary, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malaysia, Maldives, Mali, Malta, Mauritania, Mexico, Mongolia, Mozambique, Nepal, Nicaragua, Niger, Nigeria, Pakistan, Panama, Peru, Philippines, Poland, Qatar, Romania, Rwanda, Sao Tome and Principe, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Somalia, Sri Lanka, Sudan, Suriname, Swaziland, 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, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia, Zimbabwe.

Against: Belgium, France, Germany, Federal Republic of, Italy, Japan, Luxembourg, Netherlands, Portugal, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Australia, Austria, Bahamas, Canada, Denmark, El Salvador, Fiji, Finland, Greece, Haiti, Honduras, Iceland, Ireland, Israel, Jordan, Malawi, Mauritius, Morocco, New Zealand, Norway, Oman, Paraguay, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Spain, Sweden, Uruguay, Venezuela.

61. Draft resolution A/C.3/41/L.14/Rev.1, as amended and orally revised, was adopted by 26 votes to 10, with 29 abstentions.

Explanations of vote after the vote on draft resolution A/C.3/41/L.14/Rev.1

62. Mr. HOPPE (Denmark), speaking on behalf of the Nordic countries, said that those countries resolutely condemned mercenarism. Nevertheless, there had been no reason to consider that question in the Third Committee, much less in the context of human rights. They had therefore voted against the draft resolution.

63. Mr. VILLAGRA DELGADO (Argentina) said that his delegation had voted in favour of the draft resolution because Argentina resolutely condemned the use of mercenaries anywhere.

64. Mr. DIRAR (Sudan) said that his delegation's vote in favour of the draft resolution reflected a position of principle consistent with the position taken by the Sudan when that question had been considered by the Organization of African Unity. Africa being the continent most seriously affected by the problem of mercenaries.

65. Mr. RODRIGUEZ-CUADRO (Peru) said that his delegation had voted in favour of the draft resolution on the understanding that the references in the text to liberation movements referred to movements struggling against colonial and foreign occupation and the racist apartheid régime. Although it had supported the draft resolution, his delegation would have preferred to see the term "mercenarism" defined more precisely.

66. Mrs. ITO (Japan) said that her delegation had voted against the draft resolution, not only because the Third Committee was not the proper place to consider the question of mercenaries, but because the text prejudged the outcome of the work of the Ad Hoc Committee on the Drafting of an International Convention against the Recruitment, Use, Financing and Training of Mercenaries.

67. Mr. FICHY (Austria) said that his delegation had abstained in the vote on the draft resolution because, even though it condemned the utilization of mercenaries, it believed that the question was a complex one and was, in fact, already being dealt with by the Sixth Committee. Consideration of that question in the Third Committee constituted a duplication of effort, and thus a poor use of the limited resources available to the United Nations. Like the representative of Japan, he believed that the resolution jeopardized the constructive work of the Ad Hoc Committee on the drafting of an international convention against mercenarism. His delegation had also voted against paragraph 6 of the text because it opposed the appointment of a special rapporteur on that topic.

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68. Mr. LY (Senegal) said he had voted in favour of the amendments proposed by Pakistan and draft resolution A/C.3/41/L.14/Rev.1 as a whole. Senegal condemned the utilization of mercenaries in any part of the world. Africa, where mercenaries had even been used to overthrow Governments, was one of the principal victims of that scourge. That was why Senegal had actively participated in the drafting of Additional Protocol I to the Geneva Conventions of 1949 dealing with mercenaries, had signed and ratified the OAU Convention condemning and outlawing mercenarism, and had actively participated in the work of the Ad Hoc Committee on the drafting of an international convention against mercenarism. Senegal had also been a sponsor of Commission on Human Rights resolution 1986/26, in which the Commission had condemned the growing use of mercenaries, and of Economic and Social Council resolution 1986/43, which also dealt with that subject. His delegation did regret, however, that the sponsors of the draft resolution had not considered all aspects of the question. The manner in which the problem of mercenarism was set out in the agenda for the session raised problems of a methodological nature.

69. As for the reference to humanitarian assistance, he wished to point out that Senegal supported the provision of such assistance at the international level, particularly in the case of disasters.

70. Mr. ZARIF (Islamic Republic of Iran) said that his delegation had voted against the amendments contained in document A/C.3/41/L.28. While the Islamic Republic of Iran had always supported the principle of humanitarian aid, there were undoubtedly instances in which such aid had been misused for political reasons. The revisions which the sponsors had made to the draft resolution took that into account, thereby making the amendment proposed by Pakistan unnecessary.

71. Mr. HOGUE (Australia) said that, although Australia resolutely condemned mercenarism, his delegation had abstained in the vote on draft resolution A/C.3/41/L.14/Rev.1 and had voted against paragraph 6 of the text. The question of mercenarism was an important question on which a consensus ought to have been reached. It was also unfortunate that more productive co-ordination with the Sixth Committee had not taken place. His delegation was opposed to paragraph 6 partly because it believed that no special rapporteur on the question could accomplish anything useful until the term "mercenarism" was precisely defined.

72. Mr. DOWEK (Israel) said that his delegation had voted in favour of the amendments but had abstained on the draft resolution as a whole, which dealt with a question that had been allocated to the Sixth Committee.

73. Mrs. MIGNOTT (Jamaica) said she had voted in favour of draft resolution A/C.3/41/L.14/Rev.1. Nevertheless, she had reservations with regard to the eighth preambular paragraph, in which the General Assembly welcomed the adoption by the Economic and Social Council of resolution 1986/43. Her delegation had in fact abstained in the vote on that resolution. She asked to have her reservations reflected in the summary record of the meeting.

74. Mr. NAGWANI (Oman) said that his delegation had abstained in the vote on the draft resolution because the question had been allocated to the Sixth Committee, and because an ad hoc committee had been established to draft a convention against mercenarism.

75. Mr. AKYOL (Turkey) said that his delegation had voted in favour of the draft resolution for reasons of principle. Turkish law prohibited the recruitment and use of mercenaries. However, the draft resolution might have a negative impact on the work of the Ad Hoc Committee on the drafting of an international convention against mercenarism, of which Turkey was a member.
76. Mr. DIRAR (Sudan), speaking in exercise of the right of reply recalled that, in his statement, the representative of the Zionist entity had referred to the situation of Christians in the Sudan. He understood the difficult position in which the Zionist entity found itself when human rights were discussed. The whole world was aware of the human rights situation in Palestine, of the widespread racial and religious discrimination there and of the Zionists' collusion with South Africa. Furthermore, the Zionist régime's expansionist intentions were clearly revealed in the allusion to the situation of Christians in the Sudan. The representative of the Zionist entity was clearly arrogating to himself the right to speak on behalf of Christians. That was a clear warning to all States with Christian citizens. For its part, the Sudan considered the accusations of the representative of the Zionist entity to constitute a flagrant intervention in the affairs of another State. He wished to point out, however, that Christians in the Sudan were equal to all other citizens in respect of their rights and duties; there was no discrimination on any grounds in the Sudan. His delegation knew full well that the representative of the Zionist entity was simply trying to divert attention from the odious practices of his country, which was the last to be able to speak of discrimination on the basis of religion.
77. The CHAIRMAN reminded the representative of the Sudan that countries should be called by their names.
78. Mr. DOWEK (Israel) said that he represented a democratic society and therefore had no difficulty in discussing human rights. The aggressiveness of the representative of the Sudan would not solve the problem of the Christian community living in his country, where the Islamic Shariah had been imposed on the entire population.
79. Mrs. RODRIGUEZ PEREZ (Cuba) said that the delegation of the Zionist racist régime of Israel, South Africa's principal ally, was singularly ill-suited to speak of repression in other countries. She wished to remind that delegation that it had no moral right to occupy a seat in the United Nations, and that if it did so, it was only because it had powerful allies. The representative of Israel had spoken of peace. Surely, the only peace he could speak of was the peace of the grave.
80. Mr. DIRAR (Sudan) noted that the representative of the Zionist entity had described the régime he represented as democratic. It should be pointed out in that connection that, in the Sudan, disputes were settled by peaceful means, which was not the case in Israel. Generally speaking, Israel was not in a position to give advice to anyone.
81. Mr. DOWEK (Israel) said that when the representative of Cuba took the floor, she tended to use high-flown rhetoric but her eloquence could not conceal facts that were known to everyone. There was not enough time to describe the situation in Cuba in detail.

82. Mrs. RODRIGUEZ PEREZ (Cuba) advised the representative of Israel to base himself on specific facts when attacking another country; the excuse of insufficient time fooled no one.

83. Mr. NABIEL (Afghanistan) said that one of the countries attacked by the representative of Israel was Afghanistan. He wished to point out that, in Afghanistan, even counter-revolutionaries detested the Israeli régime. As for groups that sympathized with Israel, they were the true enemies of Afghanistan.

The meeting rose at 6.05 p.m.