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Wednesday, 5 December 1979

UN/SA COLLECTION

THIRD COMMITTEE
69th meeting
held on
at 3.00 p.m.
New York

SUMMARY RECORD OF THE 69th MEETING

Chairman: Mr. SOBHY (Egypt)

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The meeting was called to order at 3.10 p.m.

AGENDA ITEM 12: REPORT OF THE ECONOMIC AND SOCIAL COUNCIL (continued)
(A/C.3/34/L.34/Rev.1, L.40, L.56/Rev.1, L.59, L.60/Rev.1, L.61, L.62, L.63/Rev.1,
L.64, L.69, L.74)

Draft resolution A/C.3/34/L.59

1. Mr. OKOTH (Uganda) announced that Equatorial Guinea had joined the sponsors of the draft resolution. Consultations had been held between the sponsors and interested delegations, on the basis of which he would now present oral revisions of the text which he hoped would enjoy the support of all delegations. Firstly, in keeping with standard United Nations terminology, the words "mass and flagrant" should be used wherever the words "gross and persistent" now appeared in the draft, i.e. in the title, in the third and fifth preambular paragraphs and in operative paragraphs 1, 2, 3 and 4. Secondly, paragraph 1 should be amended to read: "Expresses satisfaction that during this year several situations of mass and flagrant violations of human rights have ceased, though many serious situations remain to be resolved,". Thirdly, paragraph 4 should be amended to read: "Urges the appropriate United Nations bodies, within their mandates, in particular the Commission on Human Rights, to take timely and effective action in existing and future cases of mass and flagrant violations of human rights;". Fourthly, paragraph 5 should be amended to read: "Stresses the important role that the Secretary-General can play in situations where there are mass and flagrant violations of human rights."

2. Draft resolution A/C.3/34/L.59, as orally revised, was adopted without a vote.

Draft resolution A/C.3/34/L.62

3. Mr. NORDENFELT (Sweden) said that consultations had been held between the sponsors and interested delegations on draft resolution A/C.3/34/L.62 as a result of which, in addition to the revisions he had introduced at the previous meeting, the sponsors had decided to revise what was now the fourth preambular paragraph, namely, the one beginning with the words "Noting, however,"; it would read: "Noting, however, that certain prisoners belonging to the above-mentioned categories may have been duly convicted of common-law offences on the basis of legislation which is not contrary to the provisions of the Universal Declaration of Human Rights, or may be detained pending a trial in respect of such offences,". The aim of the revision was to make it clear that offenders against South African legislation under apartheid were not covered by the paragraph.

4. Mr. PAPADEMAS (Secretary of the Committee) said that the United Republic of Tanzania was no longer a sponsor of the draft resolution.

5. Mr. AYENI (Nigeria) said that his delegation, although it was a sponsor of the draft, still had serious difficulties with what was now the fourth preambular paragraph and felt that it should either be deleted or further amended to meet those difficulties.
6. The CHAIRMAN observed that despite the impression given by the representative of Sweden, it would appear that the sponsors were not in agreement on the new text.
7. Mr. LUNGU (Zambia) said that his delegation would prefer to have it made absolutely clear, especially for those who were not members of the Committee, that the reference to common-law offenders in the revised preambular paragraph in question did not contemplate offenders against South African legislation under apartheid. He therefore suggested that the words "such as legislation under apartheid," should be inserted after the words "Universal Declaration of Human Rights,".
8. Mrs. SIBAL (India) said that the difficulties of the Nigerian delegation might be overcome by moving the new second preambular paragraph, beginning with the words "Recognizing" into fourth place, following the preambular paragraph beginning with the words "Noting, however,".
9. The CHAIRMAN noted that none of the sponsors seemed to object to the Zambian suggestion.
10. Mr. OULD SID'AHMED VALL (Mauritania) felt that the Zambian suggestion improved the text. That revision could, however, in turn be further improved by including references to the struggle against racism and racial discrimination, colonialism, aggression and foreign occupation, so as not to appear to confer legitimacy on such situations.
11. Mrs. SIBAL (India) said that her delegation's suggestion to move the new second preambular paragraph beginning with the word "Recognizing" to fourth place, i.e. after the preambular paragraph beginning with the word "Noting, however," would eliminate the need for revisions, including the Zambian and Mauritanian suggestions, in that latter preambular paragraph, since the categories of prisoners or detainees referred to in that paragraph would be covered by the two preceding preambular paragraphs.
12. Mr. OULD SID'AHMED VALL (Mauritania) agreed with the representative of India.
13. Mr. NORDENFELT (Sweden) said that the sponsors could accept the Indian suggestion.
14. Mr. NYAMEKYE (Ghana) said that the Indian suggestion, which would delete the Zambian amendment, would not solve the problem of African delegations.
15. Mr. AYENI (Nigeria) said that as a sponsor of the draft resolution his delegation should be consulted with regard to changes in the text. It supported the Zambian suggestion and was not satisfied that Zambia's difficulties had been taken into account.

(Mr. Ayeni, Nigeria)

16. After a brief discussion in which Mr. NYAMEKYE (Ghana), Mrs. MORRISON (Lesotho) and the CHAIRMAN took part, Mr. AYENI (Nigeria) said that his delegation would withdraw its sponsorship of the draft resolution in order to facilitate the Committee's work.

17. Mrs. SIBAL (India) pointed out that the phrase suggested by Zambia could be interpreted to mean exactly the opposite of what the Committee wished to say. A wording should be found which would not be open to such misinterpretation.

18. Mr. NORDENFELT (Sweden) said that though he was grateful for the efforts of delegations to clarify the resolution further, the wording that had been proposed did not do so. He would therefore revert to the version he had submitted in his first statement at the current meeting, without the Zambian amendment, on the clear understanding that legislation under apartheid was contrary to the Universal Declaration of Human Rights.

19. Mr. LUNGU (Zambia) said that it was of course clearly understood by members of the Committee that apartheid was contrary to the Universal Declaration of Human Rights, but others outside it might not be aware of that fact and he had therefore wanted to include an amendment to that effect. However, if his wording raised a problem, he would not press it.

20. Mrs. RUSSELL (Barbados) said that she must regretfully withdraw her delegation's sponsorship of the draft resolution. She would have liked the wording to be made clearer and was unable to sponsor the text as proposed by the Swedish delegation.

21. Mr. GONZALEZ de LEON (Mexico) suggested that in order to bring the Spanish translation of what was now the fourth preambular paragraph into line with the English text, the words "que es posible" in the first line should be deleted and the word "hayan" in the second line should be changed to "pueden haber".

22. Mr. NORDENFELT (Sweden) said he had a suggestion that he felt might lead to unity. He proposed that what was now the fourth preambular paragraph should read "Noting, however, that certain prisoners belonging to the above-mentioned categories may have been duly convicted of common-law offences on the basis of legislation which is not, unlike the legislation under apartheid, contrary to the provisions of the Universal Declaration of Human Rights, or may be detained pending a trial in respect of such offences". He hoped the proposal would make it possible for those delegations which had withdrawn their sponsorship to rejoin the sponsors.

23. Mr. RIOS (Panama) said that, though he could accept that text, he found it more confusing than the original wording.

24. Mr. CHALAMILA (United Republic of Tanzania) said that he too was confused and he therefore proposed that the preambular paragraph in question, should simply be deleted.

√ 25. The CHAIRMAN said that as agreement did not yet seem to have been reached, he would suggest that further consideration of draft resolution A/C.3/34/L.62 should be deferred to a later meeting.

26. It was so decided.

Draft resolution A/C.3/34/L.63/Rev.1

27. Mr. CARDWELL (United States of America), speaking on behalf of the sponsors of the revised draft resolution, now joined by the delegations of Denmark, Italy, Lesotho, Mali, Mauritius, Morocco, Nigeria, Panama, Somalia and Thailand, introduced the revised text in document A/C.3/34/L.63/Rev.1. It was his Government's conviction that the problems associated with illicit narcotics would not be solved until there was a global strategy for combating them in which all affected nations participated, and the only organization capable of conceiving and carrying out such a plan was the United Nations. The draft resolution was a step towards such global co-operation, and failure to adopt it would impede useful progress in combating problems that were faced by all countries to one degree or another.

28. The United Nations had repeatedly proved itself in the health field. The deadly disease small-pox had recently been eliminated, and there was no reason why the United Nations could not also develop an effective strategy against the disease, corruption and death inherent in illicit narcotics production and abuse.

29. There were no radically new ideas in the draft resolution itself. Its purpose was to reaffirm and advance ideas, suggestions and plans which had already been discussed in many forums and on which a firm consensus had been reached. It drew upon work done by the Commission on Narcotic Drugs, in particular the Commission's resolution 8 (XXVIII) proposing principles to guide future international drug control activities. In sponsoring it, the United States was working towards a goal that had been defined and created by the United Nations. Adoption of the draft resolution would be an important step in the field of drug abuse not only for Member States but for the Organization itself.

30. The ideas set forth in the draft resolution reflected the most recent thinking on the subject of illicit narcotics by the world scientific and political communities, and certain aspects of the problem received new emphasis. Certainly, the United States approach to drug abuse in the world community had developed and changed in nearly two decades of intensive research and experience.

31. Thus, an important feature of the draft resolution was its request that the agencies and programmes of the United Nations system should themselves become more active in carrying out narcotics control activities. Since the Organization and its Members had committed themselves individually and collectively to the control of narcotics, translating that into practical steps should pose no problem for the General Assembly.

32. The second very important feature was the emphasis on illicit narcotics control in the context of national economic consumption, or supply and demand. Economic assistance for development could play a critical role in reducing the supply of illicit narcotics by providing producers with an alternative source of income. The United States had come to understand that development assistance did not involve simply an offer of substitute crops but required an integrated

(Mr. Cardwell, United States)

development effort that would generate reliable income for former illicit narcotics producers. At the same time, effective illicit narcotics control measures must remain part of such a development programme. The cost and complexity of combined development assistance and narcotics control were massive and would require international commitment and international financial backing over a long period. The United States was committed to that long-term effort, and hoped that other countries would demonstrate their agreement by supporting the draft resolution. The text was the result of wide-ranging consultations with members of the Committee and he hoped that it could be adopted by consensus.

33. There were two small changes to be made in the text as reproduced in document A/C.3/34/L.63/Rev.1. In the third preambular paragraph, the word "and" should be inserted between "traffickers" and "criminal organizations", and in operative paragraph 7 the words "to provide" should be replaced by "to consider providing".

34. Mr. BYKOV (Union of Soviet Socialist Republics) said that his delegation recognized that certain countries had serious problems of drug abuse and it therefore had no quarrel with the aim of the revised draft resolution. It had some difficulty, however, with the phrase "taking into account" in operative paragraph 1. Of the principles referred to in the draft resolution, one, the tenth, concerning above-average priority for international drug abuse control, was a matter for the Fifth Committee rather than the Third. Priorities among programmes were, according to the views of the Committee for Programme and Co-ordination, to be considered in the Fifth Committee. Any change in priorities could jeopardize other programmes that were even more important. In the circumstances, therefore, he suggested that the phrase should be replaced by "noting these principles". If the sponsors accepted that small change, he would be able to associate himself with the proposal that the resolution should be adopted without a vote.

35. Mr. CARDWELL (United States of America) said that the amendment was acceptable to the sponsors.

36. Ms. RICHTER (Argentina), speaking in explanation of vote, said that although the revised text of the draft resolution had taken the suggestions made by interested delegations into account, to some extent it still contained points with respect to which she wished to enter a formal reservation. Regarding the reference in the sixth preambular paragraph to General Assembly resolution 32/124, she recalled that her delegation had stated its reservations on operative paragraph 3 of the latter, which mentioned UNDP assistance, at the time of its adoption. The sixth preambular paragraph also referred to resolution 8 (XXVIII) of the Commission on Narcotic Drugs, the third and fourth paragraphs of the annex to 1C which did not, in her delegation's view, reflect the necessary balance between measures referring to illicit production and trade on the one hand and illicit demands on the other. Her delegation had also been unable to support paragraph 10 of the annex to the resolution.

37. In regard to operative paragraph 6 of the revised draft resolution, she took it that the UNDP programmes referred to would be undertaken at the request of States and would be developed within the framework of their national Indicative Planning Figures.

(Ms. Richter, Argentina)

38. Despite those reservations, Argentina remained firm in its determination to combat the illicit trade in, production of, and demand for narcotic drugs. It was for that reason that it was the depository of the South American Agreement on Narcotic Drugs and Psychotropic Substances concluded at Buenos Aires in 1979, to which Economic and Social Council resolution 1979/7 referred.

39. Draft resolution A/C.3/34/L.63/Rev.1, as orally revised, was adopted without a vote.

Draft resolution A/C.3/34/L.64.

40. Mr. SHAFT (United States of America) introduced the draft resolution on behalf of the sponsors, who had been joined by Canada, El Salvador, Ireland, Japan and Mexico. The aim of the draft resolution was to emphasize the significance of the right of amparo or habeas corpus for the protection of human rights and to suggest that a world-wide seminar on the subject would be timely and useful. Many countries possessed remedies similar to amparo or habeas corpus and the resolution therefore referred specifically to "other legal remedies to the same effect". The proposed seminar would be designed not to enhance the skills of lawyers but to achieve a broader general understanding of those remedies and their practical application in the present-day world.

41. As a result of consultations, he wished to make two small changes in the text. In operative paragraph 1 (a) the word "unlawful" should be inserted before "detention". In operative paragraph 4 the words "a world-wide" should be replaced by "an international". There was a further, more substantial, amendment that he believed was also acceptable to the other sponsors although he had not had an opportunity to consult them all before introducing the draft resolution: in the first sentence of operative paragraph 1 the word "availability" should be replaced by "application, within the legal system of States". He felt sure that if the sponsors agreed to that change the Committee would be able to adopt the resolution without a vote.

42. Mr. GONZALEZ de LEON (Mexico) said he had no objection to the changes proposed by the United States delegation but that the Spanish version should be brought more closely into line with the English text. He noted in particular that the word "ilegal" should be inserted after "detencion" in operative paragraph 1 (a), while the word "presas" in operative paragraph 1 (b) should be changed to "ilegalmente detenidas".

43. The CHAIRMAN said that the final Spanish text would be in conformity with the English text as orally revised. Since he heard no objection, he took it that the changes were acceptable to all the sponsors of the draft resolution.

44. Draft resolution A/C.3/34/L.64, as orally revised, was adopted without a vote.

Draft resolution A/C.3/34/L.69

45. Mr. HEINEMANN (Netherlands) said that the delegations of Algeria, Austria, Cuba, Cyprus, Grenada, Jamaica, Mexico, Mozambique, Nicaragua, the United Republic of Tanzania and Yugoslavia had become sponsors of draft resolution A/C.3/34/L.69. The sponsors had followed closely the findings of the

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(Mr. Heinemann, Netherlands)

reports of the Special Rapporteur on the Situation of Human Rights in Chile (A/34/583) and of the Expert on the Question of the Fate of Missing and Disappeared Persons in Chile (A/34/583/Add.1), and were concerned at the delay in the publication of those reports. Recent information regarding the discovery of hundreds of unmarked graves, though not referred to in those reports, was of sufficient importance to warrant being referred to in the seventh preambular paragraph of the draft resolution.

46. The first preambular paragraph should be amended to read: "Noting that all Governments have an obligation to respect and promote human rights in accordance with the responsibilities ...". The words "and 33/173 on disappeared persons" at the end of the second preambular paragraph should be deleted. The ninth preambular paragraph should begin: "Calling the attention of the Commission on Human Rights ...". Paragraph 6 should begin: "Expresses its deep concern although noting that no persons are reported to have disappeared in Chile during 1978 and 1979, that the numerous persons ...". In paragraph 7 the word "Government" should be replaced by the word "authorities", and the words "and to punish those found guilty" should be added at the end of the paragraph. In paragraph 9 the word "Government" should be replaced by the word "authorities".

47. The draft resolution, as revised, was the result of a compromise reached after serious and intense consultations and reflected the amendments submitted by two delegations. He hoped that no attempt would be made to change the revised text.

48. Mr. LIVERMORE (Canada) said that the Irish and Canadian delegations were of the belief that the standards expected of Chile should be no different from those expected of other States. The amendments to the first preambular paragraph and operative paragraph 6 met their concerns, and they were now in a position to support the draft resolution.

49. Mr. O'DONOVAN (Ireland) said that his delegation welcomed the agreement reached. For technical reasons it would be unable to become a sponsor of the draft resolution, although it would have liked to do so.

50. The CHAIRMAN announced that draft resolution A/C.3/34/L.74 had been withdrawn.

51. Mr. DIEYE (Special Rapporteur on the Situation of Human Rights in Chile) said that Chile's statement concerning the Special Rapporteur's report (A/34/583) was disappointing in that it failed to give any precise information or to offer any constructive criticism of the report. As Special Rapporteur, he was not animated by political considerations, would not respond to the political comments made by the representative of Chile and had no intention of engaging in a battle of words with the Chilean Government, since that would not help to bring about a restoration of human rights in Chile, which was what everyone sought. It was regrettable, however, that a Member State should impugn the credibility of the United Nations by claiming that resolutions adopted by the General Assembly and United Nations bodies were illegal, discriminatory, unbalanced, unjust and contrary to the Charter. There was no reason for Chile to be the subject of discrimination by the international community. At the same time, the fact that Chile had accepted the principle of an

(Mr. Dieve)

investigation and had co-operated in the process was no reason for the international community to cease monitoring the human rights situation. Violations of human rights should be denounced wherever they occurred. The remarks made by the representative of Chile were totally unacceptable and were based on subjective considerations.

52. Chile had argued that it respected the pertinent instruments to which it was a party, such as the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. It should be borne in mind, however, that the General Assembly was entitled to take such action as it deemed appropriate to investigate suspected violations of human rights. No source which had not been checked, often against statements by the Government itself, had been considered acceptable either by the Special Rapporteur or by the Expert. If the Government really intended to produce its own sources and seriously investigate alleged violations of human rights, it should co-operate fully with the Special Rapporteur and the Expert. It was doubtful whether any independent legal authority would be able to function effectively in a country where a general amnesty had been proclaimed for all those implicated in cases of disappearances and murder.

53. The representative of Chile had stated that under article 4 of the International Covenant on Civil and Political Rights the right of return could be suspended in certain circumstances. According to the letter and spirit of article 4, paragraph 3, of the Covenant, the derogation from the obligations under the Covenant should be temporary. The disturbing fact was that the suspension of the right of return in Chile had been in effect since 1973.

54. Although there had been several cases of torture, resulting in at least one death, the authorities had consistently challenged the testimony of those claiming that they had been tortured.

55. In conclusion, he noted the important work done by UNESCO and ILO in reporting violations by Chile of the provisions of instruments to which it was a party. As Special Rapporteur, he would continue to fulfil the mandate entrusted to him by the Commission on Human Rights with the sole aim of establishing the truth and helping to restore human rights in Chile, without regard for any political considerations. He solemnly called on the Government of Chile to co-operate in putting an end to the distressing situation which existed.

56. Mrs. SYLVESTER-HENRY (Grenada) said that Chilean fascism had extended itself into the Caribbean through Grenada when the recently deposed Eric Gairy had visited Chile; he had concluded military agreements for the supply of arms and the training of Grenadian soldiers and had established close ties with the Chilean ruling clique. One of the first actions of the new Government of Grenada had been to break off all diplomatic and military relations with Chile because of the bloody and repressive character of that régime.

57. With the assistance of a foreign Power, the present military junta in Chile had overthrown the democratically elected Government of President Allende and had

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(Mrs. Sylvester-Henry, Grenada)

established a Fascist military dictatorship, murdering the President and thousands of Chilean heroes. Despite pleas and pressure from the international community, serious violations of human rights continued to take place in Chile.

58. Her delegation welcomed the withdrawal of draft resolution A/C.3/34/L.74 and the compromise reached. It drew attention in particular to paragraphs 4 and 5 of draft resolution A/C.3/34/L.69, since the people of Grenada had also suffered as a result of the violation of the rights referred to in those paragraphs. It urged all delegations to support the draft resolution and to call on Chile to terminate the existing State of Emergency, illegal arrests, torture and other inhuman and degrading forms of punishment and to comply with the Charter of the United Nations in bringing peace and justice to Chile. Grenada made that appeal in the name of all democratic and progressive forces, in the name of all those who had struggled and were still struggling for the liberation of Chile and, particularly, in the name of those who had perished in the struggle.

59. Mr. SHERIFIS (Cyprus) said that the deprivation of human rights and the negation of fundamental freedoms should be a universal concern. United Nations bodies, particularly the Commission on Human Rights, should not simply theorize and confine themselves to the adoption of high-sounding resolutions; they should adopt action-oriented decisions providing for pragmatic and concrete measures, with adequate machinery to follow up their application.

60. He wished to commend the Special Rapporteur on his impartiality, perseverance and wisdom; he was confident that the Special Rapporteur's report (A/34/583) would receive the in-depth examination it deserved from the Commission on Human Rights. His delegation also expected the Commission to study with the utmost attention the report of the Expert on the Question of the Fate of Missing and Disappeared Persons in Chile (A/34/583/Add.1). It especially appreciated the recommendation in paragraph 196 of the Expert's report that careful consideration should be given to establishing particular measures at the United Nations level to respond rapidly and effectively to reports of large-scale disappearances of persons.

61. His delegation hoped that the Chilean Government would co-operate with the Special Rapporteur and the Expert. It would like the mandate of the Special Rapporteur to be extended and felt that the Commission on Human Rights should consider the most effective ways of establishing the fate of missing and disappeared persons. With those considerations in mind, Cyprus had co-sponsored draft resolution A/C.3/34/L.69.

62. Miss NUÑEZ (Venezuela) said that her delegation would vote for draft resolution A/C.3/34/L.69, because Latin America in particular, among all the regions of the world, had long been a vigorous champion of the exercise of human rights and fundamental freedoms in the political, economic and social spheres. There was an undeniable link between respect for human rights and peace and security, since the essential basis of many crises was a violation of those rights. Considerations of regional solidarity must take second place to the promotion of human rights; there must be a constant effort to make respect for human rights

(Miss Nuñez, Venezuela)

more universal, since the consequences of violations were universal in their effect on peaceful co-existence between States, and they had universally harmful effects on efforts to maintain world peace and security.

63. Mr. BIALY (Poland) said that the draft resolution was not strong enough, but, as the representative of the Netherlands had pointed out, the text was the result of compromise. His delegation felt deep concern and indignation over the continuing and flagrant violation of human rights in Chile. One of the violations referred to by the Special Rapporteur in his report (A/34/583, para. 105) was the ill-treatment of minors, and his delegation wished to emphasize that example as particularly inhuman at a time when the world was observing the International Year of the Child. As the Declaration of the Rights of the Child stated, mankind owed to the child the best it had to give. What was occurring in Chile was an intolerable violation of the obligations set forth in the Charter and of all instruments of international law. The international community should exert every pressure to ensure restoration of human rights in Chile, and he was convinced that the draft resolution would contribute to that end. His delegation had been particularly astonished, in view of conditions in Chile, that Chile had been accepted as a sponsor of the draft resolution in document A/C.3/34/L.65, adopted by the Committee under item 88 on "Torture and other cruel, inhuman or degrading treatment or punishment". It also appeared from statements that had been made in connexion with draft resolution A/C.3/34/L.61, on the United Nations Trust Fund for Chile, that there was no limit to the extent to which double standards could be adopted where the violation of human rights was concerned.

64. Mr. BERGTHUN (Norway) said that his delegation was prepared to support draft resolution A/C.3/34/L.69, as orally revised. The Special Rapporteur was doing important work, and Norway supported the extension of his mandate. The United Nations should continue its efforts to clarify the fate of missing and disappeared persons in Chile. It was also important to ensure the efficient operation of the United Nations Trust Fund, and he wished to announce that the Norwegian Government would contribute \$25,000 to it.

65. Mr. GONZALEZ de LEON (Mexico) said he had certain corrections to the Spanish version of the draft resolution to which he would draw the attention of the Secretariat.

66. Mr. BYKOV (Union of Soviet Socialist Republics) said that his delegation supported the draft resolution, which reflected the indignation of the international community at the mass and flagrant violations of human rights in Chile. It was time to call a halt to the terror and repression in that country and to restore the rights of its people. According to the report of the Special Rapporteur and of the Expert on missing and disappeared persons, the Fascist junta in Chile was still refusing to carry out the General Assembly's demands that it should put an end to its violations of human rights, give information on disappeared persons, and restore democratic rights and freedom. Until it did so, the United Nations must continue

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(Mr. Bykov, USSR)

to give constant attention to the question, in accordance with previous resolutions. His delegation expressed its solidarity with the suffering people of Chile and was confident that the United Nations and the international community would finally make the Chilean junta heed its voice and put an end to violence and repression in Chile.

67. Mr. HOLLWAY (Australia) said that his delegation supported the draft resolution. However, the fact should be faced that Chile was not the only country in which such violations of human rights as, for example, those set forth in operative paragraph 4 of the draft resolution were occurring. Accordingly, his delegation viewed the work done by the Committee on human rights in Chile not only as being of benefit to the people of Chile but also as setting precedents for other countries. His delegation viewed operative paragraph 9 as an invitation to the Commission on Human Rights at its thirty-sixth session to renew the mandate of the Expert on missing and disappeared persons. Australia would like to see a more coherent institutional framework for the study of that problem, and thought the Commission on Human Rights should explore the possibility of entrusting to the Special Rapporteur the additional task of investigating the question of disappeared persons. In the meantime the Expert's report would be of value in relation to the general work on the question of missing and disappeared persons which his delegation believed necessary.

68. In an earlier vote, on draft resolution A/C.3/34/L.61 on the United Nations Trust Fund for Chile, Australia had abstained, for reasons that were well known.

69. Mr. CALDERON (Chile) said that although he had very serious doubts about the relevance of the statement by Mr. Dieye, who had in effect submitted a second report, with the same lack of objectivity that had characterized the first, he did not wish to enter into a polemical discussion, since he had no intention of sanctioning, even tacitly, one more irregular procedure among so many.

70. He wished to reaffirm the position he had taken at the sixty-seventh meeting. Chile was prepared to renew co-operation with any procedure of a general character that reflected at least a minimum of seriousness. The existing procedure did not fit that description, and Chile therefore regarded it as entirely invalid.

71. Mrs. HOUNGAVOU (Benin) said she wished to thank the Special Rapporteur for his valuable and impartial work. Despite supposed improvements, the situation in Chile remained as bad as ever, if not worse. The international community should exert pressure to bring to an end the mass violations of human rights that were taking place there. Her delegation wished to express its solidarity with the oppressed people of Chile, and it supported draft resolution A/C.3/34/L.69. She congratulated the Special Rapporteur and the Expert on missing and disappeared persons on their work, and asked that the mandate of the Special Rapporteur should be extended.

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72. Mr. SHAFT (United States of America) said that his delegation would vote for the draft resolution on human rights in Chile in document A/C.3/34/L.69 because it wished to associate itself with the recommendations in paragraph 5, calling on the authorities in Chile to improve the observance of and respect for human rights. The United States welcomed the firmness of the United Nations in continuing to demonstrate concern for human rights in Chile and its appeal to the Chilean Government to adopt further improvements in its human rights practices.

73. However, his delegation had reservations about the accuracy of certain statements in the draft resolution to the effect that there had been a deterioration since the last report in several categories of human rights practice. Although there was still much need for improvement in the observance of human rights in Chile, there had been some improvements during the preceding year and they should be recognized. While the guilt-by-association decree adopted by the Chilean Government in April 1979 would appear to open the way for more sweeping arrests, as the draft resolution suggested, the decree had not been used thus far, and there was considerable doubt that the Chilean courts would uphold widespread use. In contrast to the conclusion reached in the draft resolution, cases of torture and mistreatment were not believed to have increased during the past year. Freedom of assembly and association had remained restricted, but the restrictions were less in terms of the length of time arrested demonstrators were held. Despite the statement in the draft resolution about trade union rights, and although those rights fell short of what workers' organizations had sought, during the period under review the right to form unions, to strike and to negotiate collectively had been restored. That having been said, his Government continued to support United Nations and other efforts to persuade the Chilean authorities to effect further and continuing improvements in those and other human rights areas.

74. The CHAIRMAN invited the Committee to vote on draft resolution A/C.3/34/L.69.

75. At the request of the representatives of Chile and Mexico, a recorded vote was taken.

In favour: Afghanistan, Algeria, Angola, Australia, Austria, Bahrain, Bangladesh, Barbados, Belgium, Benin, Bhutan, Botswana, Bulgaria, Burundi, Byelorussian Soviet Socialist Republic, Canada, Cape Verde, Colombia, Congo, Cuba, Cyprus, Czechoslovakia, Democratic Yemen, Denmark, Dominican Republic, Ecuador, El Salvador, Equatorial Guinea, Ethiopia, Finland, France, German Democratic Republic, Germany, Federal Republic of, Ghana, Greece, Grenada, Guinea, Guinea-Bissau, Guyana, Hungary, Iceland, India, Iran, Iraq, Ireland, Italy, Jamaica, Kenya, Kuwait, Lao People's Democratic Republic, Lesotho, Libyan Arab Jamahiriya, Luxembourg, Madagascar, Maldives, Mali, Mexico, Mongolia, Mozambique, Netherlands, New Zealand, Nicaragua, Niger, Norway, Pakistan, Poland, Portugal, Qatar, Rwanda, Sao Tome and Principe, Senegal, Sierra Leone, Spain, Sudan, Swaziland, Sweden, Syrian Arab Republic, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic,

Union of Soviet Socialist Republics, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Cameroon, United Republic of Tanzania, United States of America, Venezuela, Viet Nam, Yemen, Yugoslavia, Zambia

Against: Argentina, Brazil, Chile, Lebanon, Paraguay, Uruguay

Abstaining: Bahamas, Bolivia, Burma, Costa Rica, Egypt, Fiji, Guatemala, Honduras, Indonesia, Israel, Ivory Coast, Japan, Malawi, Malaysia, Morocco, Nepal, Nigeria, Oman, Panama, Peru, Philippines, Romania, Saudi Arabia, Singapore, Suriname, Thailand, Upper Volta, Zaire

76. The draft resolution was adopted by 93 votes to 6, with 28 abstentions.

Draft resolution A/C.3/34/L.62

77. Mr. NORDENFELT (Sweden) said that after consultations the sponsors of the draft resolution had decided not to press it to a vote at the current session.

78. Mr. O'DONOVAN (Ireland), speaking in explanation of vote, said that the nine member States of the European Community had given their views already, in a statement made on their behalf by the representative of Ireland at the 66th meeting. The principles of the United Nations set forth in the Charter and in other human rights instruments required the Organization to deal with grave violations of human rights wherever they occurred. Consequently the nine member States of the European Community had voted in favour of draft resolution A/C.3/34/L.69. In the light of what had been happening in Chile in recent years, the situation called for the special attention of the international community. It had not been easy for all the nine delegations to vote for the draft resolution, because it did not sufficiently reflect recent developments in Chile. There had been no case of disappeared persons since the end of 1977. It should be remembered that there were other places where violations as serious as those that had taken place in Chile, or worse, had occurred. The General Assembly should concern itself with those cases also. Its moral authority would be fully recognized only when its actions were seen to be non-selective and objective, thus making it impossible to impugn them by citing neglect of the same sort of situation elsewhere. The member States of the Community had already expressed their concern, in the debate on Kampuchea in the General Assembly and in the Third Committee, at the Organization's failure to exercise its responsibility in a situation where there were flagrant violations of human rights. That view had been taken by various regional groups, including the group of Eastern European States.

79. Mr. YEPES ENRIQUEZ (Ecuador) said that Ecuador attached special importance to the defence of human rights, and consequently his delegation had not been able to withhold its support for draft resolution A/C.3/34/L.69. But the defence of human rights should be a matter of principle, and not a question of any particular country. There appeared to be a selective campaign against violations of human rights in only certain countries. The same standards should apply to any country, regardless of its political, economic or social system. His delegation was not satisfied with the wording of the draft resolution, but it supported in particular operative paragraphs 4, 6 and 7. As the Minister for Foreign Affairs of Ecuador

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(Mr. Yepes Enriquez, Ecuador)

had said at the international seminar on human rights in Latin America held at Quito in November 1979, there was no real conflict between the obligation to respect human rights and the principle of non-intervention in the internal affairs of another State, and both obligations could be fulfilled. To express a view as to how human rights could be promoted did not constitute intervention in the internal affairs of another State, but was merely the fulfilment of an obligation undertaken by all States. Ecuador hoped that all violations of human rights would disappear from Latin America. It was regrettable that there were still violations in some countries, even though all Latin Americans belonged to nations that had fought for their freedom and independence.

80. Mr. RODRIGUEZ MEDINA (Colombia) said that human rights related to the treatment of individuals; consequently, those rights could not be made subject to any political considerations relating to particular political systems, and must be defended everywhere. The United Nations should not make the mistake of concentrating on selected countries when dealing with a universal question. That could only lead to discrimination and harm the defence of the noble cause of human rights.

81. Mr. LIVERMORE (Canada) said that his delegation had voted for draft resolution A/C.3/34/L.69 but had abstained, at the 68th meeting, in the voting on draft resolution A/C.3/34/L.61, concerning the United Nations Trust Fund for Chile. Canada fully supported efforts to account for all disappeared persons, to seek the restoration of the formerly democratic system in Chile and to establish full legal guarantees for the protection of human rights. However, it was incongruous to treat the Chilean situation as though it were currently the most serious example of the violation of human rights in the world, which was clearly not the case. Similar situations existed in many countries. His delegation endorsed the appeal made in operative paragraph 5 of draft resolution A/C.3/34/L.69, but considered that the same appeal could be made to many other States. It was also important, in its view, that when changes had been effected, as they had in Chile since 1975, the United Nations should recognize the fact, even if those changes were considered insufficient. Otherwise the United Nations efforts to encourage change might be counter-productive.

82. With respect to draft resolution A/C.3/34/L.61, he said that Canada had done its part to help Chileans after 1973 by accepting over 7,000 refugees from Chile. It did not wish to prevent other countries from providing assistance through the Trust Fund if they so desired, but there were other important intergovernmental and non-governmental bodies providing help. For example, the International Committee of the Red Cross had appealed in 1978 for funds to help political prisoners throughout Latin America, and only a small proportion of those funds had been required for Chile. Canada had responded with a contribution of \$112,000. That was only one example, but it confirmed Canada's belief that it would be far better to set up a trust fund for contributions to help all victims of human rights abuses everywhere, and not to restrict that activity to Chile.

83. Ms. FAWTHORPE (New Zealand) said that her delegation had voted in favour of draft resolution A/C.3/34/L.69. The late distribution of the reports of the Special Rapporteur and the Expert on disappeared persons had made it impossible for

(Ms. Fawthorpe, New Zealand)

her delegation to give the documents the careful study needed, and she welcomed the reference to the late distribution in the fifth preambular paragraph of the draft resolution. New Zealand's vote should be interpreted in a constructive spirit, particularly in relation to the sixth preambular paragraph and operative paragraphs 4 and 5 (b) and (c). Her Government's appeal to the Chilean Government derived from its desire to see a continuation in the relaxation of restrictions on such rights as the rights of free speech and assembly.

84. New Zealand was deeply concerned with the question of disappeared persons, but the problem was not confined to Chile. Chile's willingness to respond to the appeal in operative paragraph 7 would for many be a reflection of its general attitude, and would influence the approach of the General Assembly at the thirty-fifth session. New Zealand doubted the propriety of operative subparagraph 5 (h), which could undoubtedly be equally well addressed to a large number of other Member States.

85. Mr. MATELJAK (Yugoslavia) said that his delegation had joined the consensus on draft resolution A/C.3/34/L.59, although it considered that the text needed further improvement, notably in the fourth and fifth preambular paragraphs and operative paragraph 1.

86. Mr. SHAFT (United States of America) said that his delegation had joined the consensus on draft resolution A/C.3/34/L.56, but it wished to note for the record that it was current United States policy that new drugs could not be exported, except for very narrow investigatory purposes, unless approved for use in the United States. That policy was broader in scope than that proposed in the draft resolution, which referred only to "banned products".

87. The United States would not presume to make judgements for other nations. Various laws required the provision of information on major regulatory actions banning or limiting the use of products deemed unsafe for United States domestic purposes. Other countries were told what decisions had been taken and why, either when the regulatory action was taken or at the time of export. The United States believed that countries wishing to import such products should decide for themselves whether the risk of use outweighed the possible benefits.

88. The United States was in sympathy with the general spirit of the draft resolution, but with regard to chemicals it took the position that informed decisions should be made by countries wishing to import products and that the burden of control should not be placed on the exporting countries. The United States currently imposed some limitations on exports, but the policy was under review, in the light of the demands of some importing countries that they should be allowed to make the decisions themselves. In the light of the divergence of views, an informed debate in the World Health Organization on the question would be useful.

89. Mr. GAGLIARDI (Brazil) said that his delegation had voted in favour of draft resolution A/C.3/34/L.63/Rev.1. As a member of the Commission on Narcotic Drugs, Brazil had followed closely the work of that body. However, his Government had some reservations regarding the annex to resolution 8 (XXVIII) of the Commission,

(Mr. Gagliardi, Brazil)

as it had pointed out when the Economic and Social Council had adopted decision 1979/17 at its first regular session in 1979.

90. He wished to reiterate his delegation's reservations to the draft resolution, although it maintained its whole-hearted support for the campaign to eradicate illicit demand for, trafficking in and production of narcotic drugs.

91. Mr. SAIGNAVONG (Lao People's Democratic Republic), speaking in exercise of the right of reply, said that on the previous day the representative of Canada had accused the Lao People's Democratic Republic of violating human rights. He did not wish to enter into a polemical argument, but he did not understand what was meant. There had been refugees, who had been settled in a number of countries, including Canada. His delegation had explained the position during the debate on agenda item 83, relating to the Office of the United Nations High Commissioner for Refugees, and stated what category of persons was involved and why they had left. They had gone of their own accord, and indeed the Government had done all it could to persuade them not to leave. It was now the Government's policy to encourage voluntary repatriation. What violations of human rights were involved there? His country was small in terms of both population and geographical area, and it needed all its people to help in the task of reconstruction after the ravages of war. The Government, conscious of its responsibilities, had mobilized all its resources to improve the living conditions of its people and ensure that all could obtain work and live in dignity.

92. Canada should recall the time when it had been a member of the International Control Commission under the Geneva Agreements of 1954 and 1962 on Laos. At that time its neighbour's military planes had killed thousands of civilians, and nearly 900,000 people had had to leave their homes. Yet Canada had never attempted to stop the destruction; it had even put obstacles in the way of the conclusion of an agreement, and ignored violations by the United States of the Geneva Agreements. It was therefore an accomplice in the violation of the human rights of the Lao people, and shared the guilt with those directly responsible for them.

93. The CHAIRMAN said that the Committee had thus concluded its consideration of agenda item 12.

The meeting rose at 6.25 p.m.