



SUMMARY RECORD OF THE 63rd MEETING

Chairman: Mr. RITTER (Panama)

later: Mr. DIRAR (Sudan)

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

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The meeting was called to order at 7.15 p.m.

AGENDA ITEM 12: REPORT OF THE ECONOMIC AND SOCIAL COUNCIL (continued)  
(A/C.3/42/L.5, L.40, L.48, L.72, L.76, L.82, L.84, L.86, L.87, L.88 and L.89/Rev.1.)

Draft resolution A/C.3/42/L.89/Rev.1

1. Mr. MATSOUKA (Ukrainian Soviet Socialist Republic) said that after consideration of the various observations made on the revised draft resolution contained in document A/C.3/42/L.89/Rev.1, the co-sponsors had been able to accept certain amendments, including deletion of the fourth preambular paragraph and operative paragraphs 11 and 15. In addition, they had agreed to amend the third preambular paragraph as suggested by the representative of the Federal Republic of Germany, paragraph 1 as suggested by the representative of Egypt and paragraphs 5, 9 and 13 as suggested by the representatives of Australia and Morocco. The co-sponsors had been as flexible and constructive as possible to meet the problems raised and they hoped that the amendments listed would enable the Committee to agree on the draft resolution.
2. Mr. QUINN (Australia) said that he was grateful for clarification of the amendments suggested and for the accommodating attitude of the co-sponsors. However, the situation with regard to the proposal made by the representative of Costa Rica was not clear and one or two Australian suggestions appeared to have been overlooked.
3. Mr. HAMER (Netherlands) said that his delegation had submitted proposed amendments to the co-sponsors at an early stage but, with one exception, none had been accepted. He did not find that surprising. However, if there was to be a text on strengthening international co-operation in the field of human rights, it should include a more or less balanced picture of the ideas in the field of human rights or which States were supposed to co-operate. As it stood, the text did not contain the ideas that it should if it was to be of any use.
4. The main problem was that the Committee was considering a text about co-operation on co-operation, which was not very useful. A great deal of time was spent in discussing such texts, which had little or no significance. The time would be better spent on draft resolutions about the actual implementation of human rights. He therefore called on the co-sponsors to withdraw their text because it could not be adopted without a vote and that would not be a good beginning for the co-operation that it advocated.
5. Ms. YOUNG (United Kingdom) said that her delegation had expressed serious reservations about the draft resolution from the start. In general, there seemed to be little value in a draft about co-operation on co-operation. The sort of co-operation needed was that aimed at ensuring full implementation of the undertakings already embodied in the various international instruments on human rights. There seemed to be little point in asking the General Assembly to set out principles for international co-operation in the field of human rights when they

(Ms. Young, United Kingdom)

were already incorporated in the United Nations Charter, the Universal Declaration of Human Rights and the two international covenants. Moreover, the task of drawing up a suitable text could certainly not be undertaken at the present late stage, so she too urged the sponsors not to insist on proceeding with their draft resolution.

6. Mrs. COLL (Ireland) said that action should be deferred on the draft resolution because it had been flawed from the outset and could not be supported even as amended. Only operative paragraph 4, with its affirmation that the primary aim of international co-operation in the field of human rights was a life of freedom and dignity for each human being, embodied the essence of the Committee's interest in human rights. Others read as if international co-operation in that field had to be conducted in such a way as to further but not inconvenience inter-State relations. However, that was not the Committee's concern. The basic flaw in the revised draft resolution was that it contained no unequivocal statement of the primary need to defend the countless anonymous individual victims of human rights violations, wherever they were to be found. Without such a statement, her delegation had to withhold its support.

7. Mr. LINDHOLM (Sweden) said that his delegation had reservations about several elements in the revised draft resolution. In particular, the notion of strengthening international co-operation in the field of human rights that it conveyed was ambiguous and could be interpreted so as to impair the safeguarding of individual human rights. The protection of such rights was concerned solely with the relations between States and individual human beings, not with inter-State relations.

8. Mr. HYNES (Canada) said that he appreciated the readiness of the sponsors to revise their draft resolution, but the Canadian comment about its promotion of co-operation for the sake of co-operation had not been addressed. He therefore reiterated his request that the sponsors defer action on the subject to a future session of the General Assembly. Other reasons for postponement were that the text had changed considerably in the past few hours and the Committee had not had time to give it due consideration.

9. Miss BYRNE (United States of America) said that if a vote was taken, her delegation must vote against the revised draft resolution because, although her country favoured international co-operation in the field of human rights, the text before the Committee set out unacceptable pre-conditions. Some paragraphs attempted to establish a non-existent linkage between human rights matters and international political co-operation among States. If such a linkage were admitted, it would provide Governments with an excuse to violate human rights until they had attained other goals, and some would never agree that they were in a position to respect human rights and fundamental freedoms. Moreover, the sixth preambular paragraph revived language used in General Assembly resolution 32/130, which had attempted to focus the international community's attention on so-called mass and flagrant violations of human rights with the intention of shifting it away from Governments which ground their citizens' rights down every day. The adoption of such a draft resolution would reverse years of conceptual development in United Nations work on human rights.

10. Mrs. CASTRO de BARISH (Costa Rica) said that she must insist on the inclusion of her proposed oral amendments to the third preambular paragraph and paragraph 2 of the revised draft resolution. The Optional Protocol to the International Covenant on Civil and Political Rights was an important instrument for the protection of those rights, and acceptance of it was a test of readiness for international co-operation in protecting them. If the Committee omitted to mention such a fundamental document, it would be failing in its obligation not to abandon those whose human rights were being violated with impunity in so many parts of the world. Her amendment would obviously not oblige all States to comply with the Optional Protocol, but only those that were parties to it. Whether they were parties to it or not, States could not reasonably object to including references to the Optional Protocol in the relevant paragraphs because it was an example of international co-operation in the field of human rights.
11. Mr. MATSOUKA (Ukrainian Soviet Socialist Republic) said that the Committee had heard several statements from one particular regional group of States. Many of them seemed divorced from reality and he was astonished by the contention that human rights could not be a field for inter-State co-operation, especially in view of the provisions of Article 1, paragraph 3 of the United Nations Charter. However, co-operation could not be imposed on those who were not ready for it. Those who refused to co-operate could not be compelled to do so. The sponsors had therefore agreed to defer action on the revised draft resolution until the next session of the General Assembly to allow more time for consideration, in the hope that all delegations would be prepared by then to support the strengthening of international co-operation in the field of human rights.
12. Mr. TROUVEROY (Belgium) said that opposition to the adoption of the revised draft resolution as it stood had not come from only one group of States. To achieve success, the draft resolution should have been presented sooner, so as to allow time for mature consideration. But in any event, the strengthening of international co-operation in the field of human rights should be a matter of deeds rather than of words.
13. Mrs. WARZAZI (Morocco) thanked the representative of the Ukrainian Soviet Socialist Republic for agreeing to defer action. The draft resolution was an important one and much had been learned in discussing the problems that it raised. It was therefore essential that the Committee should have sufficient time to consider the subject before adopting a final text. She hoped that such a document could be prepared in time for the next session of the General Assembly.
14. Mr. GOLEMANOV (Bulgaria) pointed out that the draft resolution had been withdrawn by its sponsors, who had seen its presentation as a test of States' readiness to strengthen international co-operation in the field of human rights. The test had proved very revealing.

15. The CHAIRMAN said that, if he heard no objection, he would take it that the Committee wished to endorse the suggestion by the representative of the Ukrainian SSR, on behalf of the co-sponsors, that action on the revised draft resolution be deferred until a future session of the General Assembly.

16. It was so decided.

Explanations of vote

17. Mr. REINBOTHE (Federal Republic of Germany) said that his delegation had abstained in the vote on draft resolution A/C.3/42/L.76 on the human rights of migrant workers. He recalled the statement on 2 October 1987 by the Chairman of the Working Group on the Drafting of an International Convention on the Rights of Migrant Workers that the adoption without a vote of the resolution on an extension of its mandate would recognize the need for a convention and also the competence of the United Nations in protecting migrant workers.

18. His delegation maintained its substantive reservations on the need to adopt a convention on the protection of the rights of migrant workers, on the grounds that such protection was already amply guaranteed and sufficiently and adequately put in effect by other United Nations instruments, in particular the Covenants on human rights and the Universal Declaration. Those instruments protected all human beings whatever their social status, origin and nationality, and to restate those human rights every time an international instrument was drawn up on behalf of a particular category of people would be tantamount to regarding existing human rights instruments as inadequate and valueless. It was important to avoid devaluing those Covenants by an inflationary increase in human rights instruments and by creating unnecessary, if not detrimental, competition between the draft convention on the one hand and the Universal Declaration and the Covenants on the other. Rather, all States should be urged to implement the rights defined in the Covenants and guarantee their protection, and the instruments created for the effective realization of human rights at the international level should be further developed.

19. His delegation also had objections to many of the provisions adopted by the Working Group, as reflected in the Group's report. In particular, the provisions of the draft convention on so-called illegal migrant workers, by putting them on a more or less equal footing with legal migrant workers, tended to sanction illegal immigration, whereas the fundamental rights incorporated in the Covenants provided sufficient protection for the illegal immigrants. The results so far achieved by the Working Group needed careful and critical examination and his delegation would have to reconsider its further participation. On the basis of the present draft, the Federal Republic of Germany would be unable to ratify or even sign the convention.

20. Miss BYRNE (United States), referring to draft resolution A/C.3/42/L.72, said that, as a major international donor of humanitarian assistance, her Government was anxious that there should be no obstacles to the swift and prompt delivery of emergency relief assistance to refugees, displaced persons and victims of the

(Miss Byrne, United States)

drought in Ethiopia. It called upon all parties in Ethiopia to allow relief supplies to flow freely through the country and to ensure that they were delivered in a manner consistent with the protection of human rights. Her Government was particularly concerned that plans for resettlement should be based on voluntary resettlement with due regard to protecting, not harming, human life and human dignity and without causing the involuntary separation of families.

21. The omission of any reference to the points she had outlined had prevented her delegation from joining in the consensus on the draft resolution.

22. Her delegation had voted against draft resolution A/C.3/42/L.76 because it maintained its opinion that the International Labour Organisation was the appropriate forum for any substantive discussion of issues relating to migrant workers. It was not convinced of the need for an additional convention on migrant worker matters other than ILO Conventions Nos. 95 and 143. No General Assembly working group could match the ability of the ILO General Conference and secretariat to draft international labour instruments reflecting the interests of workers, employers and governments. Moreover, virtually all the countries represented in the Working Group were also represented in the ILO.

23. Regarding draft resolutions A/C.3/42/L.82 and L.84, she drew the Committee's attention to her delegation's explanation of vote at the forty-first session of the General Assembly.

24. Her delegation had abstained on draft resolution L.88. In the first place, it had long believed as a matter of principle that nations should not be singled out for discriminatory treatment on the issue of human rights when other countries in which such rights were gravely abused went unmentioned. In that context the draft resolution was inappropriate and inadequate. The draft resolution also lacked balance: it pointed out many serious and continuing human rights problems in Chile but failed to recognize the Chilean Government's recent tangible steps to enhance respect for human rights, as outlined in the report of the Special Rapporteur.

25. The United States was fully aware that human rights abuses persisted in Chile and were unlikely to end until Chile returned to a fully institutionized democratic system. However, resolutions such as the one just approved lacked the objectivity to advance the cause of human rights in Chile.

26. Mr. KHAIBAKI (Afghanistan) expressed regret that his delegation had been unavoidably absent during the vote on draft resolution A/C.3/42/L.40. Had it been present it would have voted against it because it considered it contrary to the purposes for which resolutions were intended. Its main promoters did not hide their design to wage a psychological war against his country and its people. Afghanistan had never been consulted on the form or substance of the draft resolution, which suffered from a serious lack of political realism and had been drafted with political motivation without acknowledging important aspects of human rights in his country, which was constantly threatened and violated by foreign interference and aggression by certain circles.

(Mr. Khaibaki, Afghanistan)

27. His delegation had expressed its ideas to some of the sponsors of the draft resolution but had met with no co-operation, which showed that they were trying to extend their undeclared war against his country to the Third Committee.
28. Giving any kind of legitimacy to such misuse of the United Nations for political ends would undermine the principle of non-interference in the internal affairs of Member States with dangerous consequences for the promotion of genuine human rights.
29. Notwithstanding his position on the draft resolution, which even ignored the report of the Rapporteur, his country would continue its co-operation with the United Nations bodies concerned with human rights.
30. Mrs. ITO (Japan) said that her delegation had abstained on draft resolution A/C.3/42/L.48 because it considered it inappropriate to express its position on a resolution referring to a specific problem faced by one of the parties to the Iran-Iraq conflict when her country was continuing its diplomatic efforts to create a climate conducive to a solution to the conflict. However, her delegation shared the deep concern over the alleged violations of human rights described in the interim report of the Special Representative of the Commission on Human Rights and agreed on the need for the Government of Iran to extend him full co-operation and to permit him to visit the country in order to produce a more equitable report.
31. Her delegation was pleased to have joined the consensus on draft resolution A/C.3/42/L.76, despite some reservations concerning operative paragraph 5 in view of the current financial constraints. Careful consideration would be needed in drafting the international convention in question, so that it obtained universal approval.
32. Her delegation had also joined the consensus on draft resolution A/C.3/42/L.87 but wished to point out that it was inappropriate to refer to a global strategy for shelter to the year 2000 in the terms used in paragraph 3. HABITAT was the most appropriate party to draft such a strategy.
33. Her delegation had also abstained on draft resolution A/C.3/42/L.88, because it lacked balance and failed to refer to anti-government terrorist activities. However, her delegation was deeply concerned about the situation of human rights in Chile and hoped that the authorities would make every possible effort to promote democratization in response to the call of the international community.
34. Mr. Dirar (Sudan) took the Chair.
35. Mrs. WARAZI (Morocco) said that her delegation had abstained in the vote on draft resolution A/C.3/42/L.48, but that that in no way signified indifference to certain inhumane behaviour and sufferings caused by violations of human rights as confirmed by the Special Rapporteur in the report he had presented to the Committee.

36. Ms. CLARK (New Zealand) said that, while her delegation had voted in favour of draft resolution A/C.3/42/L.5, it believed that it was the prerogative of each State to interpret the term "family" in the context of the resolution according to its own laws and customs. It would therefore have voted for the Netherlands amendment which made it clear that the international year of the family, if proclaimed, would encompass all the societies represented in the United Nations.

37. Mr. RICALDONI (Uruguay) said that, as in previous years, his delegation had voted in favour of draft resolution A/C.3/42/L.88. While, however, it agreed with the basic principles underlying the resolution, and with its recommendations, he had reservations about some of the wording, which was superfluous and weakened the resolution without enhancing the protection of the rights and freedoms of those concerned.

38. Mr. ALVAREZ (France) said that his delegation had voted in favour of draft resolution A/C.3/42/L.72, despite certain ambiguities in the text, on the understanding that it did not apply to internal resettlement programmes in the country concerned.

39. Mr. JAMALUDDIN (Malaysia) said that his delegation had joined in the consensus on draft resolution A/C.3/42/L.84, although it was not a signatory to the International Covenant on Civil and Political Rights.

40. Ms. YOUNG (United Kingdom) said that her delegation had voted in favour of draft resolution A/C.3/42/L.88 because of her Government's continuing concern about the human rights situation in Chile and in particular its recent deterioration. However, it welcomed the sponsors' recognition of the Chilean Government's continued co-operation with the Special Rapporteur and the positive steps taken by the Chilean Government during the current year. Her delegation regretted that it had again proved impossible to achieve a fully balanced resolution. It failed to reflect the Special Rapporteur's concern that insufficient international attention was given to terrorism in Chile. Once more, the text contained a reference to the Special Rapporteur which sought to prejudge the Commission on Human Rights' decision on his mandate.

41. Her delegation had abstained on draft resolution A/C.3/42/L.76 due to reservations about the usefulness of the work done by the Working Group on the Drafting of an International Convention on the Protection of the Rights of all Migrant Workers. It was also concerned at being asked to condone a further breach of the General Assembly's rules on the holdings of meetings, contained in resolution 31/140, section I, according to which United Nations bodies were expected to meet at their respective headquarters. The resources required to implement the draft resolution were excessive and she hoped that the Secretariat would absorb them as far as possible within existing appropriations.

42. Ms. LAFORTUNE (Canada) said that her delegation had abstained on draft resolution A/C.3/42/L.76. The subject was very important to Canada and ought to be discussed in ILO. In her delegation's view, the Working Group would do better to take account of the standards and principles already established by the ILO.



(Ms. Lafortune, Canada)

43. Her delegation had voted against draft resolution A/C.3/42/L.86 because it contained an implicit imbalance between the fundamental objectives of the Charter and the Universal Declaration of Human Rights and particular concepts concerning economic and social inequalities. Moreover it overburdened the Secretariat with reports on activities connected with the improvement of social life which Member States had opportunities to discuss elsewhere.

44. Her delegation had voted in favour of draft resolution A/C.3/42/L.88 and supported in particular the provisions of operative paragraphs 4 and 9. Despite the steps already taken by the Chilean authorities, there was still a great deal to be done and she urged the authorities to give all possible attention to the concern of the international community about violations of human rights in Chile.

45. Mr. LINDHOLM (Sweden), speaking on behalf of the Nordic countries - Denmark, Finland, Iceland, Norway and Sweden - said that they had abstained in the vote on draft resolution A/C.3/42/L.5. They were not in favour of an international year of the family because they doubted the value of international years and considered that effort and expenditure were rarely commensurate with results. A proliferation of international years should be avoided, particularly in the present United Nations financial situation. International years should be celebrated mainly in the context of specific long-term plans of action.

46. Mr. KRENKEL (Austria) said that his delegation had voted in favour of draft resolution A/C.3/42/L.5 because it recognized the role of the family as a basic unit of society, not because it was convinced of the value of another international year. The title of the agenda item proposed in operative paragraph 3 - "Families in the development process" - should be reconsidered in order to reflect fully the differing concepts of the role and situation of the family throughout the world.

47. The CHAIRMAN suggested that the Committee should recommend the General Assembly to take note of documents A/42/488, A/42/504, A/42/568 and A/42/658.

48. It was so decided.

In-depth study of the United Nations intergovernmental structure and functions in the economic and social fields

49. Mr. QUINN (Australia) said that he wished to follow up the comment he had made at the end of the Committee's 61st meeting concerning Economic and Social Council decision 1987/112 requesting the intergovernmental bodies in the economic and social sectors to submit their views and proposals to the Special Commission of the Economic and Social Council on the in-depth study of the United Nations intergovernmental structure and functions in the economic and social fields. He understood that the matter was under discussion in the Second Committee and that a decision would be adopted requesting the intergovernmental bodies in the economic field that had not yet done so to submit their views and proposals to the Special Commission. He suggested that a similar decision should be adopted by the Third Committee with respect to the social field, on the lines of the draft decision

(Mr. Quinn, Australia)

proposed by Guatemala on behalf of the Group of 77 in the Second Committee (A/C.2/42/L.40), which was currently being circulated. That proposal seemed a logical corollary of the Third Committee's responsibility to the Special Commission in the social field. It seemed a purely procedural matter but should it present any difficulties, he would not insist.

50. After some discussion in which Miss AIOUAZE (Algeria), Mr. FRAMBACH (German Democratic Republic), Mr. BEN HAMIDA (Tunisia) and Mr. QUINN (Australia) took part, the CHAIRMAN suggested that the decision should be postponed until the Committee's next meeting.

51. It was so decided.

The meeting rose at 3.50 p.m.