



SUMMARY RECORD OF THE 73rd MEETING

Chairman: Mr. GARVALOV (Bulgaria)

CONTENTS

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

AGENDA ITEM 82: TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

- (d) DRAFT BODY OF PRINCIPLES FOR THE PROTECTION OF ALL PERSONS UNDER ANY FORM OF DETENTION OR IMPRISONMENT

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The meeting was called to order at 3.20 p.m.

AGENDA ITEM 12: REPORT OF THE ECONOMIC AND SOCIAL COUNCIL (continued)
(A/C.3/35/13, 14, A/C.3/35/L.54/Rev.1, L.72, L.84, L.85, L.86, L.93, L.94, L.95,
A/C.3/35/L.52/Rev.2, L.60, L.61, L.64, L.66, L.68, L.70, L.71, L.74, L.76, L.77,
L.78, L.79, L.88)

1. The CHAIRMAN invited the Committee to consider draft resolution A/C.3/35/L.85 on measures to improve the situation and ensure the human rights and dignity of all migrant workers. He reminded members that discussion of the Working Group's report (A/C.3/35/13) had been deferred until action had been taken on the draft resolution. In reply to a question from Mrs. SEMICHI (Algeria), he said he understood from the Chairman of the Working Group that the title of the report was to be changed to "Report of the Chairman of the Open-Ended Working Group". He asked whether the Chairman of the Working Group on questions of the human rights of individuals who are not citizens of the country in which they live, and of the draft body of principles for the protection of all persons under any form of detention or imprisonment would agree to a similar change in the Working Group's report in document A/C.3/34/14.

2. Mr. NORDENFELT (Sweden), Chairman of that Working Group, agreed to the change.

3. Mrs. SEMICHI (Algeria) introduced several amendments to draft resolution A/C.3/35/L.85, which the sponsors had agreed upon as a result of intensive consultations. In paragraph 2, the words "of the Chairman" should be inserted after "report" and the words "submitted by its Chairman" deleted. In a spirit of compromise, in order to eliminate the difficulties of certain delegations, in particular those of the European Economic Community, the sponsors had also agreed to add the following new paragraph 5, with the existing paragraph 5 being renumbered 6.

"Also invites the Secretary-General to communicate the above-mentioned documents, for information, to the competent organs of the United Nations system and to other interested organizations with a view to enabling them to participate in the work of the Working Group and to co-operate in the preparation of the draft convention."

In paragraph 6 (formerly para. 5) the words "the competent organs of the United Nations system and other interested organizations" should be inserted in the first line after "Governments".

4. Mr. GONZALEZ de LEON (Mexico), Chairman of the Working Group, suggested, as a point of style, that in the new paragraph 5 the words "with a view to enabling" should be changed to "in order to enable".

5. Mrs. SEMICHI (Algeria) accepted that amendment.

6. Mrs. SANTANDER-DOWNING (Secretary of the Committee) announced that Cape Verde, Suriname, Mauritania, Nigeria and Rwanda had joined the sponsors of the draft resolution.
7. Mr. O'DONOVAN (Ireland) said that, as one of the representatives involved in the consultations with the sponsors of draft resolution A/C.3/35/L.85, he appreciated the changes introduced by the representative of Algeria and welcomed the sponsors' spirit of co-operation, which would enable his delegation to vote in favour of the draft resolution.
8. Mrs. WARZAZI (Morocco) suggested that at the end of the new paragraph 5 the reference should be to "a", not "the" draft convention. She also suggested that the French text should read "coopérer à l'élaboration", not "dans l'élaboration".
9. Mr. AMPAT (Congo) thanked the Algerian representative for amending the draft resolution. In connexion with paragraph 2, however, he did not see how the Committee could express satisfaction with a report that it had not discussed. Members would recall that the Chairman had postponed discussion of the report and that many delegations had indicated that the report did not reflect the views of all members of the Working Group.
10. Mrs. SEMICHI (Algeria) said that the comments of the representative of the Congo were pertinent. The Working Group had discussed the matter before the preceding meeting of the Committee, and that was one of the reasons why the draft resolution had not been introduced before the Working Group's report. Now that the Chairman of the Working Group had introduced the report and there was no doubt that the report existed and had been submitted to all members of the Committee, the Committee would be aware of all the implications when it took a decision on the draft resolution. It was easy to become involved in lengthy disputes over words, but every one knew what paragraph 2 meant. What was important was for the Committee to continue with its work.
11. With respect to the comments of the Moroccan representative, she said that the word "dans" in the French text was correct, since the Committee was now in the process of preparing the draft convention. The word "the" was also correct because the draft convention had already been referred to earlier in the draft resolution. The wording of the new paragraph 5 was correct and unambiguous.
12. Mrs. SABATIER (Niger), referring to paragraph 4, said that the documents should be submitted to all Governments for comment, not only the Governments of delegations which had been able to participate in the work of the Working Group. She proposed that the words "instructions from their respective Governments" should be replaced by "comments received from Member States".
13. Mr. JOHNSON (United States) said that the representatives of the Congo and the Niger had raised important points which the Committee should take into account. As he had already explained, his delegation found the report in document A/C.3/35/13 unsatisfactory for a number of reasons. It was not an accurate report of the proceedings of the Working Group, nor of the views expressed. It was not objective, and the working papers, which included papers from his own delegation and that of Italy, were not treated consistently. The statement in paragraph 12 that the

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(Mr. Johnson, United States)

Working Group had decided that the report should be transmitted to Governments was inaccurate: it had been decided that it should be submitted to Governments, specialized agencies and other international organizations. He appreciated the co-operative attitude of the Algerian representative in including a reference to specialized agencies and other interested organizations, but there was no request for comments. The difficulties could have been avoided if the Chairman of the Working Group had consulted delegations before submitting the report.

14. Accordingly, he proposed a number of amendments. Paragraph 2 should be deleted. Paragraph 4 should be redrafted to read: "Invites the Secretary-General to communicate to Member States the report of the Chairman of the Working Group and the documents annexed to it and to request comments on the report and the annexed documents prior to the forthcoming intersessional meeting." In the new paragraph 5, the words "for information" should be replaced by "for the purpose of receiving comments". The new paragraph 6 (formerly para. 5) should be amended to read "... to communicate to Member States, the competent organs of the United Nations system and the interested international organizations a report on the progress made by the Working Group at its forthcoming intersessional meeting, in order to obtain comments and to ensure effective preparation ...".

15. Regarding the third preambular paragraph, he agreed that migrant workers made the contribution indicated, but the benefits received by the countries of origin should also be recognized. He therefore proposed the addition of the words "as well as the economic benefits derived by the States of origin from migrant workers" at the end of the paragraph. In the sixth preambular paragraph, the word "for" in the first line should be replaced by the words "to consider".

16. Mrs. SEMICHI (Algeria) reminded the representative of the Niger that the Working Group had been open to all Member States, as specified in General Assembly resolution 34/172.

17. Her delegation was surprised that the representative of the United States was attempting to propose amendments at the eleventh hour. All the amendments proposed by the United States delegation had already been considered by the sponsors, and her delegation therefore regretted the departure from the spirit of compromise with which the Committee had begun its work. The sponsors were unable to accept any of the amendments proposed by the representative of the United States.

18. Mr. GONZALEZ de LEON (Mexico) said his delegation regretted that the good faith with which the Committee had begun its work was now apparently lost. As Chairman of the Working Group, he had accepted the phrase "with satisfaction" in paragraph 2, since that had been the wish of the Working Group. However, as the representative of Mexico, he said that his delegation was not satisfied with the report because it was far too timid. Nevertheless, the Committee had to take note of the report, since in paragraph 4 it invited the Secretary-General to communicate it to Governments.

19. The amendments proposed by the United States delegation gave the impression that that delegation was in no hurry to prepare a draft convention protecting

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(Mr. Gonzalez de Leon, Mexico)

the rights of migrant workers but was, instead, attempting to set back the work of the Working Group. As the Chairman of the Working Group, he had to respect the amendments submitted by the representative of the United States; however, in his capacity as the representative of Mexico, he rejected them.

20. Mr. O'DONOVAN (Ireland), speaking on a point of order, proposed that the meeting should be suspended for 15 minutes to enable delegations to hold consultations on the draft resolution.

21. The CHAIRMAN, under rule 118 of the rules of procedure, put the Irish proposal to the vote.

22. The proposal was adopted by 37 votes to 33, with 27 abstentions.

The meeting was suspended at 4.15 p.m. and resumed at 4.30 p.m.

23. Mr. MATELJAK (Yugoslavia) said that his delegation had the impression that the amendments proposed by the United States were intended to delay the work of the Committee. It rejected the practice adopted by the United States and the amendments proposed by it.

24. Mrs. CASTILLO (Dominican Republic) said that she wished to express her delegation's opposition to the United States amendments and suggested that the Committee should proceed to a vote on the draft resolution.

25. Ms. RICHTER (Argentina) said that she did not see how delegations could consider the United States proposals without a written text, especially since the translation varied with each repetition.

26. Mr. MORENO-SALCEDO (Philippines) said that it was not quite fair to compare the work of the Working Group on migrant workers with the other two working groups, which had had drafts as a basis for their work. The Working Group on migrant workers had begun its work with no draft available, and the Chairman had diligently listened to all views before submitting a draft. Furthermore, he had annexed to his report the views expressed by the representatives of Italy and the United States, so that diverse views had been faithfully reflected.

27. He did not see how the Committee could fail to take note of the report of the Chairman in paragraph 2, since in paragraph 4 it invited the Secretary-General to submit that report to Governments. As far as his delegation was concerned, it took note of the Chairman's report "with satisfaction". If delegations were sincere in their claims about seeking ways to ease the plight of migrant workers, then they should proceed expeditiously with the drafting of the proposed convention.

28. Mrs. SEMICHI (Algeria) proposed that the debate should be closed and the Committee should proceed to a vote on the draft resolution, as revised by the sponsors.

29. The CHAIRMAN read out rule 117 of the rules of procedure and asked whether there were two members who wished to speak against the closure of the debate.

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30. Mrs. SABATIER (Niger) said that her delegation was opposed to the closure of the debate because although she had requested permission to speak prior to the suspension of the meeting, she had not received it, while the representative of Algeria, who had requested permission after the suspension, had been given it, and also because, the Committee had not been informed of the results of the consultations held during the suspension of the meeting.

31. Mr. O'DONOVAN (Ireland) said that his delegation did not intend to speak against closure but wished to appeal to the representative of Algeria not to press her proposal, in order that the delegations of the United States and Ireland might comment on the United States proposals.

32. The CHAIRMAN, under rule 117 of the rules of procedure, put the proposal for the closure of the debate to the vote.

33. The proposal was adopted by 86 votes to 16, with 18 abstentions.

34. The CHAIRMAN said that the Committee could proceed to a vote on the draft resolution as revised by the sponsors.

35. Mrs. SEMICHI (Algeria) said that, after consultations, the sponsors of the draft resolution had decided to reject the amendments proposed by the United States.

36. Mr. JOHNSON (United States) said that his delegation would like to simplify matters for the Committee. Unlike the Philippines, the United States had been present at all of the debates of the Working Group.

37. The CHAIRMAN, speaking on a point of order, said that the United States appeared to be trying to reopen the debate. He asked whether or not the United States would withdraw its proposed amendments.

38. Mr. JOHNSON (United States) said that, in a spirit of compromise, the United States would withdraw its amendments to the third and sixth preambular paragraphs. In paragraph 2, his delegation proposed replacing the word "satisfaction" with the word "appreciation". In paragraph 4, it proposed inserting the words "for comment" after the words "annexed to it". In the new paragraph 5, it proposed replacing the word "information" with the words "receiving comments". In paragraph 6, it would insert the words "for comment" before the words "in order to ensure effective preparation".

39. Mrs. SEMICHI (Algeria), speaking on a point of order, said that a decision had been taken to close the debate, and the Committee should therefore proceed to a vote.

40. The CHAIRMAN said that he was not reopening the debate but that the representative of the United States was explaining which amendments had been retained and which had been withdrawn.

41. Mrs. SEMICHI (Algeria) said that, in her delegation's view, the United States was aware that the amending of amendments gave it the opportunity to reopen the debate; it should reflect upon the meaning of the closure vote.
42. Mrs. SABATIER (Niger) proposed that in paragraph 4 the words "their respective" should be omitted.
43. Mrs. WARZAZI (Morocco) said that paragraph 4 should be made consistent with paragraph 2 by inserting the words "of the Chairman" after the word "report".
44. Mr. MATELJAK (Yugoslavia), speaking on a point of order, asked whether his delegation could offer an explanation of vote before the voting.
45. The CHAIRMAN said that because it was late, he would prefer that explanations should be given on Monday morning.
46. Mrs. WARZAZI (Morocco) said that it would be more logical to wait until after the vote for an explanation.
47. The CHAIRMAN suggested that a vote should be taken on the amendments to draft resolution A/C.3/35/L.85.
48. Mr. O'DONOVAN (Ireland), speaking on a point of order, asked whether the sponsors would accept the revised draft resolution and whether it could be adopted without a vote.
49. Mr. GAGLIARDI (Brazil), speaking on a point of order, said that the phrase "with satisfaction" in paragraph 2 had already been deleted by Mexico, one of the sponsors.
50. The CHAIRMAN said that such a deletion had not been confirmed by the other sponsors.
51. Mrs. SEMICHI (Algeria) proposed that the Committee should vote on the first United States amendment, which would replace the word "satisfaction" with the word "appreciation".
52. The amendment was rejected by 71 votes to 19, with 23 abstentions.
53. The CHAIRMAN invited the Committee to vote on the second United States amendment to paragraph 4, which would add the phrase "for comment".
54. The amendment was rejected by 61 votes to 33, with 21 abstentions.
55. The CHAIRMAN invited the Committee to vote on Niger's amendment to paragraph 4, which would delete the words "their respective".
56. The amendment was rejected by 57 votes to 13, with 39 abstentions.
57. The CHAIRMAN invited the Committee to vote on the third United States amendment, which would replace the word "information" with the words "receiving comments" in the new paragraph 5.
58. The amendment was rejected by 64 votes to 30, with 19 abstentions.

59. The CHAIRMAN invited the Committee to vote on the fourth United States amendment to the new paragraph 6, which would insert the words "for comment".

60. The amendment was rejected by 65 votes to 30, with 19 abstentions.

61. The CHAIRMAN invited the Committee to vote on draft resolution A/C.3/35/L.85, as revised by the sponsors.

62. At the request of the representative of the Netherlands, a recorded vote was taken on draft resolution A/C.3/35/L.85.

In favour: Afghanistan, Algeria, Angola, Argentina, Austria, Bahamas, Bahrain, Bangladesh, Barbados, Benin, Bolivia, Botswana, Brazil, Bulgaria, Burundi, Byelorussian Soviet Socialist Republic, Canada, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Congo, Costa Rica, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Fiji, Finland, Gabon, Gambia, German Democratic Republic, Ghana, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran, Iraq, Ireland, Israel, Italy, Jamaica, Jordan, Lao People's Democratic Republic, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mexico, Mongolia, Morocco, Mozambique, Nepal, Nicaragua, Nigeria, Norway, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Romania, Rwanda, Sao Tome and Principe, Saudi Arabia, Senegal, Somalia, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syrian Arab Republic, Thailand, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Cameroon, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia, Zimbabwe.

Against: None.

Abstaining: Australia, Belgium, France, Germany, Federal Republic of, Greece, Japan, Luxembourg, Netherlands, New Zealand, Papua New Guinea, United Kingdom of Great Britain and Northern Ireland, United States of America.

63. Draft resolution A/C.3/35/L.85, as revised, was adopted by 117 votes to none, with 12 abstentions.

A/C.3/35/L.86 and A/C.3/35/L.73/Rev.1

64. The CHAIRMAN invited the Committee to consider draft resolution A/C.3/35/L.86; he understood that some delegations might wish also to refer to draft resolution A/C.3/35/L.73/Rev.1 (agenda item 82), which dealt with what they considered to be a related topic.

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65. Mrs. SEMICHI (Algeria) said that resolution A/C.3/35/L.85, just adopted, requested the Working Group to continue its work. Difficulties were bound to arise if another working group were established by draft resolution A/C.3/35/L.86 and still another by draft resolution A/C.3/35/L.73/Rev.1. She did not believe it would be possible to arrange enough meetings for all those working groups, and she therefore asked the sponsors of the two draft resolutions now before the Committee to consider whether their purpose might be served just as well by a single working group.
66. Mr. MATELJAK (Yugoslavia) endorsed the Algerian suggestion.
67. Mr. EDIS (United Kingdom) said that as a sponsor of draft resolution A/C.3/35/L.86, his delegation found it disconcerting to receive such a suggestion at so late a stage. As far as he knew, neither the Algerian nor the Yugoslav delegation had discussed the idea with the sponsors of either of the draft resolutions. Although he had been obliged to abstain in the vote on draft resolution A/C.3/35/L.85, his Government considered itself committed to making every effort, at future meetings of the working group established by that resolution, to help prepare the draft convention on migrant workers' rights. In becoming a sponsor of draft resolution A/C.3/35/L.86, his delegation had not intended to hamper the work of the working group established under draft resolution A/C.3/35/L.85, and he assumed that that was the view of the other sponsors. He saw no advantage in a single working group and would thus find difficulty in accepting the Algerian suggestion.
68. Mr. BYKOV (Union of Soviet Socialist Republics) said that he favoured the Algerian suggestion because three working groups could only lead to confusion. He hoped that the sponsors of draft resolutions A/C.3/35/L.86 and A/C.3/35/L.73/Rev.1 could agree to the solution suggested by Algeria. Failing that, he proposed that draft resolution A/C.3/35/L.86 should be amended by deleting paragraph 2. If that was done, the question of establishing one or more working groups could always be considered again at the thirty-sixth session.
69. Mr. GONZALEZ de LEON (Mexico) agreed that one working group could easily deal with the tasks to be allotted by the two draft resolutions under discussion, since much of the material to be considered already existed in draft form. He therefore appealed to the other sponsors of the two draft resolutions to agree on an amendment whereby only one working group would be established.
70. Mr. NORDENFELT (Sweden) observed that the statements of financial implications prepared in respect of draft resolutions A/C.3/35/L.73/Rev.1 and A/C.3/35/L.86 (A/C.3/35/L.92 and A/C.3/35/L.95 respectively) were based on the assumption that the working groups concerned would meet twice a week for six weeks during the thirty-sixth session of the General Assembly. He therefore proposed that the Committee should adopt another draft resolution whereby the General Assembly would take note of draft resolutions A/C.3/35/L.73/Rev.1 and A/C.3/35/L.86 and decide to establish at its thirty-sixth session a working group to meet, if possible, twice weekly for six weeks with a view to the further elaboration of the draft body of principles and the draft declaration on the human rights of individuals not citizens of the country in which they lived.

71. Mr. EDIS (United Kingdom) pointed out that draft resolution A/C.3/35/L.86 specifically mentioned the fact that the working group preparing the draft declaration had not had sufficient time to conclude its work. It was the normal practice to continue such bodies at the following session, and he therefore could not concur with the Swedish proposal. However, statements of financial implications were based on the Secretariat's somewhat arbitrary estimate of the time required to complete the work, and there was therefore nothing to prevent the Committee from making its own statement - a recorded observation by the Chairman, for instance - of how the time devoted to the items should be allocated (for example, that the Working Group on migrant workers should hold 20 meetings and the working groups on the rights of non-citizens and on the draft body of principles 10 each).

72. Miss KEKEDO (Papua New Guinea) deplored the way in which the Committee seemed always ready to adopt items favourable to a particular bloc, whereas the wishes of smaller countries, such as her own, which was not aligned with the North, South, East or West, were often overlooked. She had supported draft resolution A/C.3/35/L.85 in a spirit of solidarity, but her delegation considered the protection of non-citizens to be more important and had therefore joined in sponsoring draft resolution A/C.3/35/L.86. If the Committee's work would be assisted by the Swedish proposal, she could support it, but she appealed for a greater degree of co-operation and an understanding of the needs of small nations.

73. Mr. WALKATE (Netherlands) said that his delegation, as a sponsor of both draft resolutions, felt that the topics dealt with by the two texts deserved equal attention. He noted that the Working Group on migrant workers was to hold an intersessional meeting as well as meetings during the thirty-sixth session of the General Assembly. The subjects to be dealt with by the other two working groups were interrelated and would also affect the position of migrant workers. What was needed, therefore, was an equitable distribution of the work allotted to the two working groups proposed.

74. Miss NAGA (Egypt) said that the smaller delegations had a problem in that they wished to join in sponsoring draft resolutions on matters of particular interest to them but often found difficulty in attending all the meetings which might arise therefrom. She therefore supported the Swedish proposal, since it was her understanding that the joint working group would distribute equitably the work on the protection of non-citizens and on the draft body of principles.

75. Mrs. de GUELMAN (Uruguay) said that her delegation had become a sponsor of draft resolution A/C.3/35/L.86 in the belief that the international legal protection of the human rights of non-citizens should be studied by a working group convened specifically for that purpose. She therefore supported the United Kingdom view that draft resolution A/C.3/35/L.86 should be left as it stood.

76. Mr. GOODEN (Jamaica) said that his delegation had joined in sponsoring draft resolution A/C.3/35/L.85 because the rights of Jamaican citizens who were migrant workers needed protection; he also supported draft resolution A/C.3/35/L.86, the purpose of which was to give protection through the United

(Mr. Gooden, Jamaica)

Nations to individuals who were not citizens of the country in which they lived. He endorsed the United Kingdom view that the current session's work on the subject must be continued and that there should be separate working groups on non-citizens and on the draft body of principles, with a clear statement of how the time spent on those topics was to be divided.

77. Mrs. WARZAZI (Morocco) said that she preferred keeping draft resolution A/C.3/35/L.86 in its present form. The difficulty concerning the working groups might be met by amending paragraph 2 of draft resolution A/C.3/35/L.73/Rev.1 to state that the working group established under draft resolution A/C.3/35/L.86 should also be responsible for concluding the consideration of the draft body of principles.

78. Ms. RICHTER (Argentina) expressed surprise at the interest being shown by delegations which had not been members of the working groups under discussion. She agreed that the number of working group meetings likely to result from adoption of the two draft resolutions posed a problem. The Moroccan proposal had the disadvantage of prejudging the question whether consideration could be concluded in 1981, and she therefore preferred the Swedish proposal.

79. Mr. KLEIN (Austria) said that the question how many working groups should deal with the two subjects under discussion seemed largely a matter of semantics. He could support either the Swedish or the United Kingdom proposal.

80. Mr. FAREED (Pakistan) proposed the closure of the debate on draft resolution A/C.3/35/L.86 in accordance with rule 117 of the rules of procedure.

81. Mr. GONZALEZ de LEON (Mexico) opposed the motion for closure because the possibilities had by no means been exhausted. For example, the consideration of the draft body of principles called for by draft resolution A/C.3/35/L.73/Rev.1 could be referred to the Legal Committee.

82. Mr. WALKATE (Netherlands) also opposed the closure on the ground that the possibilities existed; for example, he could support the Mexican proposal.

83. The proposal for closure was adopted by 51 votes to 38, with 22 abstentions.

84. Mr. NORDENFELT (Sweden) said it appeared that not all the sponsors of draft resolutions A/C.3/35/L.73/Rev.1 and A/C.3/35/L.86 agreed with this proposal, and he accordingly withdrew it.

85. The CHAIRMAN invited the Committee to vote on the USSR proposal that draft resolution A/C.3/35/L.86 should be amended by deleting paragraph 2.

86. At the request of the representative of the United Kingdom, a recorded vote was taken on the USSR proposal.

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In favour: Afghanistan, Algeria, Argentina, Benin, Bulgaria, Byelorussian Soviet Socialist Republic, Cuba, Czechoslovakia, Democratic Yemen, Ethiopia, German Democratic Republic, Hungary, Lao People's Democratic Republic, Mongolia, Poland, Romania, Syrian Arab Republic, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Tanzania, Viet Nam.

Against: Australia, Austria, Bahamas, Barbados, Belgium, Botswana, Canada, Chile, Colombia, Costa Rica, Democratic Kampuchea, Denmark, Ecuador, Egypt, El Salvador, Fiji, Finland, France, Gambia, Germany, Federal Republic of, Ghana, Greece, Guatemala, Haiti, Honduras, Iceland, Ireland, Israel, Italy, Jamaica, Japan, Lebanon, Liberia, Luxembourg, Morocco, Nepal, Netherlands, New Zealand, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Philippines, Portugal, Saudi Arabia, Senegal, Singapore, Somalia, Spain, Sweden, Thailand, Trinidad and Tobago, Turkey, Uganda, United Kingdom of Great Britain and Northern Ireland, United Republic of Cameroon, United States of America, Uruguay, Venezuela.

Abstaining: Bangladesh, Bhutan, Bolivia, Brazil, Burma, Burundi, Cape Verde, Central African Republic, Chad, Congo, Cyprus, Dominican Republic, Gabon, Guinea, Guinea-Bissau, Guyana, India, Indonesia, Lesotho, Libyan Arab Jamahiriya, Madagascar, Malaysia, Maldives, Mali, Mauritania, Mexico, Nicaragua, Rwanda, Sao Tome and Principe, Swaziland, Tunisia, Yugoslavia, Zaire, Zambia, Zimbabwe.

87. The amendment proposed by the USSR was rejected by 62 votes to 21, with 35 abstentions.

88. At the suggestion of Mr. O'DONOVAN (Ireland), the Chairman invited the Committee to adopt draft resolution A/C.3/35/L.86.

89. Draft resolution A/C.3/35/L.86 was adopted without a vote.

A/C.3/35/L.72

90. Mrs. RODRIGUEZ (Venezuela) said that draft resolution A/C.3/35/L.72 should be amended as follows: in paragraph 2 insert the words "annexed to this resolution" before the final semicolon; in paragraph 4, delete the word "faithfully" in line 4 of the English text. She hoped that the draft resolution would be adopted by consensus.

91. Draft resolution A/C.3/35/L.72 was adopted without a vote.

AGENDA ITEM 82: TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

- (d) DRAFT BODY OF PRINCIPLES FOR THE PROTECTION OF ALL PERSONS UNDER ANY FORM OF DETENTION OR IMPRISONMENT (A/C.3/35/L.73/Rev.1)

92. The CHAIRMAN invited the Committee to consider draft resolution A/C.3/35/L.73/Rev.1. He reminded the Committee that parts of the text had already been discussed in connexion with the discussion of draft resolution A/C.3/35/L.86; for example, the representative of Morocco had proposed an amendment to paragraph 2.
93. Mrs. WARZAZI (Morocco) said that the situation had changed; she had opposed the Swedish proposal made in connexion with draft resolution A/C.3/35/L.86 but supported the subsequent Mexican proposal that the item should be referred to the Legal Committee.
94. The CHAIRMAN said that that proposal seemed to be one for the General Committee and beyond the competence of the Third Committee.
95. Ms. RICHTER (Argentina) referred to General Assembly resolution 684 (VII), which recommended that when a Committee considered the legal aspects of a question important, it should refer the question to the Sixth Committee for legal advice. The Mexican proposal could surely be adopted in the light of that resolution.
96. Mr. GONZALEZ de LEON (Mexico) proposed that the Committee should adopt a text in which it mentioned General Assembly resolution 684 (VII), took note of the constructive work undertaken by the working group (as in the existing para. 1) and decided to refer to the Legal Committee the draft principles in question, together with the report of the open-ended Working Group (A/C.3/35/14), so that the Legal Committee could continue the work on the draft body of principles.
97. Mr. VOLLERS (Federal Republic of Germany) said he doubted that the Third Committee could thus commit the General Committee at the next General Assembly session. The Third Committee should vote on the draft resolution before it and leave the decision on allocation of work to the General Committee, although the Rapporteur could, of course, include in his report a recommendation that the item should be referred to the Sixth Committee.
98. Mr. WALKATE (Netherlands) agreed with the proposal of the Federal Republic of Germany. The Mexican proposal deserved serious consideration, but at the next session rather than the present one.
99. Mr. MORENO-SALCEDO (Philippines) said that his delegation, as a sponsor of the draft resolution, agreed with the proposal that it should be voted on as it stood.
100. Mr. O'DONOVAN (Ireland) also agreed with that proposal and pointed out that General Assembly resolution 684 (VII) was merely a recommendation, so that the decision on the disposition of the item remained with the Third Committee.
101. Mr. NORDENFELT (Sweden) proposed the closure of the debate on draft resolution A/C.3/35/L.73/Rev.1.

102. Mr. GONZALEZ de LEON (Mexico) opposed the closure of the debate because he had made a proposal which had yet to be dealt with.

103. Mrs. SEMICHI (Algeria) supported the representative of Mexico.

104. The CHAIRMAN put the motion for closure to the vote.

105. The proposal for the closure of the debate on draft resolution A/C.3/35/L.73/Rev.1 was adopted by 62 votes to 29, with 23 abstentions.

106. The CHAIRMAN said that some representatives wished the Committee to proceed to a vote on the Moroccan proposal, while others insisted that a vote must be taken on draft resolution A/C.3/35/L.73/Rev.1.

107. After a procedural discussion in which Mr. VOLLERS (Federal Republic of Germany), Mr. GAGLIARDI (Brazil), Ms. RICHTER (Argentina), Mrs. SEMICHI (Algeria) and Mrs. WARZAZI (Morocco) participated, the Chairman suggested that the discussion should be adjourned, on the understanding that the item would be taken up without fail at the next meeting.

108. It was so decided.

The meeting rose at 7.10 p.m.