



SUMMARY RECORD OF THE 82nd MEETING

Chairman: Mr. GARVALOV (Bulgaria)

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The meeting was called to order at 3.40 p.m.

AGENDA ITEM 12: REPORT OF THE ECONOMIC AND SOCIAL COUNCIL (A/C.3/35/L.70/Rev.1, L.74, L.76, L.71, L.78, L.79, L.96)

AGENDA ITEM 65: CRIME PREVENTION AND CONTROL (A/C.3/35/L.65/Rev.1)

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AGENDA ITEM 82: TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT (A/C.3/35/L.82)

- (a) QUESTIONNAIRE ON THE DECLARATION ON THE PROTECTION OF ALL PERSONS FROM BEING SUBJECTED TO TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT
- (b) UNILATERAL DECLARATIONS BY MEMBER STATES AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT
- (c) DRAFT CODE OF MEDICAL ETHICS (A/C.3/35/L.83)
- (d) DRAFT BODY OF PRINCIPLES FOR THE PROTECTION OF ALL PERSONS UNDER ANY FORM OF DETENTION OR IMPRISONMENT

Draft resolution A/C.3/35/L.78

1. Mr. GAGLIARDI (Brazil) said that draft resolution A/C.3/35/L.78 should have been dealt with under item 77 rather than item 12. His delegation had already pointed out, and substantiated with quotations from the holders of the office of Secretary-General, that the Charter did not provide for the activities in question. Without denying the Secretary-General the option to get in touch with Governments in order to help them to alleviate human suffering, he considered that the term "good offices", which, in international law, referred to a procedure for the settlement of disputes through mediation at the request of the parties concerned, could not apply to matters affecting the internal competence of States, such as relations between a State and citizens under its jurisdiction. Accordingly, the draft resolution could establish a precedent in the interpretation of the Charter. Since the sponsors did not wish to withdraw the text, his delegation suggested the addition of a seventh preambular paragraph to read:

"Bearing in mind the Charter of the United Nations, particularly Article 2, paragraph 7,".

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(Mr. Gagliardi, Brazil)

In the operative part, a new paragraph should be inserted to read:

"4. Affirms that nothing in this resolution should be understood as authorizing a qualitative change in the role of the Secretary-General or endorsing any action not in line with the principles set forth in the Charter, particularly in Article 2, paragraph 7;"

2. Those amendments would contribute to a better understanding of the strictly humanitarian character of the draft and would dispel all possible doubts concerning the intentions of the sponsors.

3. Mr. FARIS (Jordan) said that the draft resolution should also refer to foreign occupation, which was in itself a mass and flagrant violation not only of the human rights of the populations living under foreign occupation, but also of the rights of peoples. A fourth preambular paragraph should therefore be inserted to read:

"Considering that foreign forcible domination and occupation are mass and flagrant violations of human rights,"

In the sixth preambular paragraph, the words "particularly in territories under foreign forcible acquisition, domination and occupation" should be inserted after the words "flagrant violations of human rights". In paragraph 3, the words "particularly in territories under foreign forcible acquisition, domination and occupation" should be inserted after the word "arise".

4. Mr. RANGASHARI (India) suggested that, in paragraph 3, the words "with its consent", which the representative of Canada wished to insert after the words "with the Government concerned", should be replaced by the words "upon its request". The wording would thus correspond to that of resolution 33 (XXXVI) of the Commission on Human Rights concerning Equatorial Guinea. The meaning of the words "what forms of assistance the United Nations can provide to the Government concerned" should be clarified.

5. Mr. SHESTACK (United States of America), referring to the amendments proposed by the representative of Brazil, said that any explicit reference to the Charter would be superfluous; it was obvious that the functions of the Secretary-General were laid down in the Charter and that the Secretary-General could not go beyond the mandate entrusted to him therein.

6. With reference to the Soviet representative's statement limiting the scope of the "good offices" of the Secretary-General to conciliation in the event of conflict, he said that in addition to that role, the Secretary-General could use his good offices in cases of human rights violations. For example, in 1967, the representatives of Poland and Czechoslovakia, on behalf of the socialist States, had approached the Secretary-General to request him to use his good offices to stop the persecution of political militants then detained in Greece.

7. With respect to the amendment proposed by the representative of India, the

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(Mr. Shestack, United States)

fact that the consent of Governments would be required for the Secretary-General to use his good offices would be an adequate guarantee of non-interference in the internal affairs of States. There would be no need to wait until the Government concerned had requested the Secretary-General to use his good offices.

8. Mr. EDIS (United Kingdom) said that the draft resolution did not seek to give the Secretary-General a new mandate, but rather to formalize a well-established and universally recognized practice, as indicated in the section of the report of the Secretary-General on the work of the Organization (A/35/1) dealing with good offices. A number of countries had already availed themselves of the good offices of the Secretary-General. While it was true that discretion was required, the draft resolution merely sought to support the work of the Secretary-General with respect to violations of human rights.

9. Mr. ROME (Israel) said that he regretted that political implications were being introduced into a resolution which had been inspired by humanitarian concerns. Jordan's amendments, in which such allusions were obvious, could well be applied to the Soviet Union's forced occupation of Afghanistan. It could also be applied to the occupation of Khuzistan by Iraq, whose President recently declared that occupation conferred rights. Since his delegation was resolved to maintain the strictly humanitarian character of resolution A/C.3/35/L.78, it would vote against the amendments.

10. Ms. WELLS (Australia) said that India's proposal to replace the words "with its consent" by "upon its request" in paragraph 3 was based on resolution 33 (XXXVI) concerning Equatorial Guinea of the Commission on Human Rights. However, the situation of Equatorial Guinea was entirely different because it was a question of restoring the situation after violations of human rights had been committed, a task in which the representative of Equatorial Guinea was quite prepared to co-operate.

11. Resolution 32 (XXXVI) of the Commission on Human Rights concerning Guatemala had requested the Secretary-General to make contact with the Government of Guatemala. In such cases the success of the move obviously depended upon the consent of the Government. Therefore, the original wording of the draft resolution, which was broader in scope, should be maintained, it being understood that good offices could only be used with the consent of the Government concerned.

12. Mr. GAGLIARDI (Brazil), also referring to the report of the Secretary-General on the work of the Organization, said that, where human rights were concerned, it was important to act with the greatest discretion and with exclusively humanitarian motives. While it was an established practice for all Secretaries-General to make direct and confidential contact with Governments on the subject of human rights, those actions should not be given an official status. The sole aim of Brazil's amendment was thus to ensure respect for the principle of non-interference in the internal affairs of States. Any official confirmation of the practice of direct contacts between the Secretary-General and Governments which would transform them into actual "good offices" would mean a dangerous reinterpretation of the Charter, which was certainly not the intention of the sponsors of the draft resolution.

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13. Mr. MATELJAK (Yugoslavia) noted that the draft resolution under consideration was far from simple, since some of its provisions specified the role of the Secretary-General in given situations. In the opinion of his delegation, therefore, the decision to offer his good offices should be left to the discretion of the Secretary-General.

14. Mr. McKINNON (Canada) said that the sponsors of the draft resolution had no difficulty in accepting the Jordanian amendments. The situations foreseen by those amendments were actually supposed to be covered by the draft resolution, whose purpose was to include all situations justifying the good offices of the Secretary-General.

15. On the other hand, the sponsors could not accept the Brazilian amendments. The references to the provisions of the Charter were insulting to the Secretary-General, who was well aware that his mandate consisted in acting in accordance with the principles of the Charter.

16. Canada did not see the need for the Indian amendment in view of the amendment to paragraph 3 proposed by Canada at the 81st meeting. Obviously, a Government could decline the offer of the Secretary-General. In fact, cases had already occurred where the Secretary-General had made direct contact with a Government to offer his good offices. It was necessary to leave the Secretary-General the necessary latitude and have confidence in his judgement.

17. Mr. VOLLERS (Federal Republic of Germany) said that he was surprised at the difficulties seemingly caused for certain delegations by the draft resolution under consideration. The importance accorded by the Charter to the protection of human rights was obvious from its first Article. It was thus perfectly normal to encourage the Secretary-General to offer his good offices in an area which was among the primary concerns of the Organization. Moreover, it was precisely by direct contacts that a mission of good offices could be carried out.

18. Finally, in reply to the argument of some delegations who considered it superfluous to mention the functions which the Secretary-General was already performing, he felt that it was important to bring out the importance of the good offices of the Secretary-General, especially in the context of violations of human rights.

19. Mr. BYKOV (Union of Soviet Socialist Republics) said that the mandate given to the Secretary-General by the draft resolution put the Committee and the Secretary-General himself in a difficult position. If, under resolution 27 (XXXVI) the Commission on Human Rights, the Secretary-General could offer the good offices envisaged in the United Nations Charter in the area of human rights, the adoption of a new text on the question seemed useless: it could only add to the inflated number of United Nations resolutions and showed a lack of confidence in the judgement of the Secretary-General. The adoption of such a document would not help to strengthen respect for human rights. Other measures could be envisaged. For that reason, his delegation invited the sponsors to examine the proposed amendments very carefully and not to insist on a controversial text.

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20. Mr. ROS (Argentina) said that the amendment proposed by Canada at the 81st meeting did not lessen his delegation's misgivings about draft resolution A/C.3/35/L.78. In the opinion of his delegation, good offices were originally included in the scope of the Secretary-General's functions.

21. Argentina felt that the Third Committee did not have the appropriate authority to deal with the question of good offices and that it could not take a decision on such a draft resolution without benefit of legal opinion. In addition, the Secretary-General could not be expected to be in a position to evaluate the financial implications of missions of good offices.

22. Miss VOURAKIS (Greece) said that her delegation had no difficulty in accepting the amendments proposed by Jordan; on the other hand, it would be grateful if those of Brazil could be withdrawn. Her delegation shared the surprise of the representative of the Federal Republic of Germany, for it did not see how the draft resolution could be controversial. She thanked the representative of the United States for clarifying, during the preceding meeting, the subject of political prisoners in Greece in 1967.

23. Mr. O'DONOVAN (Ireland) said he was disturbed by the turn the discussions had taken. In the history of diplomacy, good offices were a current practice, governed by no written law. His delegation felt that the amendments proposed by Brazil were particularly unacceptable. Obviously, no Member State would object to paragraph 2 of the Charter, which Brazil wanted to see mentioned in the draft resolution. If the same trend continued, other Articles of the Charter which also referred to the functions of the Secretary-General, for example, paragraph 3 of Article 1, might just as well be mentioned. It would be dangerous for the Organization to place rigid limits on the role of the good offices of the Secretary-General, especially in the area of human rights, which was particularly suitable for that type of mission. As any diplomat knew, good offices were based on direct contacts, which served as a kind of indispensable lubricant for the smooth working of United Nations machinery.

24. Mr. RANGASHARI (India) said that he had carefully reread paragraph 3, as amended, of draft resolution A/C.3/35/L.78. If the intention of the Canadian amendment was to invite the Secretary-General to offer his good offices to a Government with a view to assisting it, the consent of that Government was not sufficient: it would have to request those good offices. His delegation would thus prefer to retain the wording of the resolution which the Commission on Human Rights had adopted without a vote.

25. Mr. DERESSA (Ethiopia) said that his delegation shared the concern of other delegations over draft resolution A/C.3/35/L.78. The amendments proposed by Brazil and India would make the text more consistent with the provisions of the Charter. Yet, despite those amendments, his delegation considered the draft resolution to be superfluous and would welcome its withdrawal by the sponsors.

26. Mr. McKINNON (Canada) said that, in view of the number of speakers who had stated that it would be useful to confirm to the Secretary-General the usefulness of his good offices role in the field of human rights, his delegation considered that the Third Committee should take a decision on the matter.

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27. The CHAIRMAN said that, if he heard no objection, he would take it that the members of the Committee wished to accept the amendments proposed by Jordan.

28. Mr. McKINNON (Canada) requested that recorded votes be taken on draft resolution A/C.3/35/L.78 and the other proposed amendments to it.

29. The CHAIRMAN invited the Committee to vote on the first Brazilian amendment, by which a seventh paragraph, which he had read out, would be added to the preamble.

30. Mr. O'DONOVAN (Ireland) said that his delegation would be obliged to vote against the first Brazilian amendment since, as he had stated, there were no grounds for drawing a distinction between the different purposes and principles of the Charter.

31. A recorded vote was taken on the first Brazilian amendment.

In favour: Afghanistan, Algeria, Angola, Argentina, Bangladesh, Benin, Bhutan, Bolivia, Botswana, Brazil, Bulgaria, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cape Verde, Chile, Congo, Cuba, Czechoslovakia, Democratic Yemen, Egypt, Ethiopia, German Democratic Republic, Guatemala, Guinea, Guinea-Bissau, Guyana, Hungary, India, Indonesia, Iran, Iraq, Kenya, Kuwait, Lao People's Democratic Republic, Liberia, Libyan Arab Jamahiriya, Madagascar, Malaysia, Maldives, Mongolia, Mozambique, Nepal, Nicaragua, Oman, Pakistan, Paraguay, Peru, Philippines, Poland, Qatar, Romania, Sao Tome and Principe, Singapore, Somalia, Sri Lanka, Sudan, Syrian Arab Republic, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Tanzania, Uruguay, Viet Nam, Yugoslavia, Zambia.

Against: Australia, Austria, Belgium, Canada, Cyprus, Denmark, Ecuador, Finland, France, Gabon, Germany, Federal Republic of, Greece, Haiti, Honduras, Iceland, Ireland, Israel, Italy, Japan, Lesotho, Luxembourg, Mexico, Netherlands, New Zealand, Norway, Portugal, Senegal, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Bahrain, Barbados, Central African Republic, Colombia, Costa Rica, Dominican Republic, Fiji, Ghana, Ivory Coast, Jamaica, Mali, Mauritania, Morocco, Niger, Nigeria, Panama, Papua New Guinea, Rwanda, Saudi Arabia, Suriname, Swaziland, Thailand, Trinidad and Tobago, Tunisia, Turkey, United Republic of Cameroon, Venezuela, Zaire.

32. The first Brazilian amendment was adopted by 67 votes to 31, with 28 abstentions.

33. The CHAIRMAN invited the Committee to vote on the amendment to paragraph 3 proposed by India.

34. Mr. SHESTACK (United States of America) said that his delegation would vote against the Indian amendment, which it did not deem appropriate.

35. A recorded vote was taken on the Indian amendment.

In favour: Afghanistan, Angola, Argentina, Bahrain, Bangladesh, Bhutan, Bolivia, Brazil, Bulgaria, Burundi, Byelorussian Soviet Socialist Republic, Cape Verde, Chile, Cuba, Czechoslovakia, Democratic Yemen,* Egypt, Ethiopia, German Democratic Republic, Guatemala, Guinea-Bissau, Guyana, Hungary, India, Indonesia, Iraq, Kenya, Kuwait, Lao People's Democratic Republic, Madagascar, Mongolia, Nepal, Oman, Paraguay, Peru, Poland, Qatar, Romania, Sri Lanka, Sudan, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Cameroon, United Republic of Tanzania, Viet Nam, Yugoslavia.

Against: Australia, Austria, Belgium, Canada, Cyprus, Denmark, Ecuador, Fiji, Finland, France, Gabon, Germany, Federal Republic of, Greece, Haiti, Iceland, Ireland, Israel, Italy, Ivory Coast, Japan, Lebanon, Lesotho, Luxembourg, Mexico, Morocco, Netherlands, New Zealand, Norway, Papua New Guinea, Portugal, Rwanda, Senegal, Spain, Sweden, Tunisia, Turkey, Uganda, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Algeria, Barbados, Benin, Botswana, Central African Republic, Colombia, Congo, Costa Rica, Djibouti, Dominican Republic, Ghana, Guinea, Honduras, Jamaica, Liberia, Libyan Arab Jamahiriya, Malaysia, Maldives, Mali, Mauritania, Mozambique, Nicaragua, Niger, Nigeria, Pakistan, Panama, Philippines, Sao Tome and Principe, Saudi Arabia, Singapore, Somalia, Suriname, Swaziland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Venezuela, Zaire, Zambia.

36. The Indian amendment was adopted by 47 votes to 39, with 40 abstentions.

37. Mr. SAIF (Democratic Yemen) said that his delegation had intended to vote against the Indian amendment.

38. The CHAIRMAN invited the Committee to vote on the second Brazilian amendment, by which a new paragraph 4, which he had read out, would be inserted in the text.

39. Mrs. WARZAZI (Morocco) asked the representative of Brazil to withdraw his second amendment.

40. Mr. GONZÁLEZ de LEÓN (Mexico) said that his delegation would vote against the second Brazilian amendment. In common with the first Brazilian amendment and

* See para. 37 below.

(Mr. González de León, Mexico)

the Indian amendment, which had already been adopted, that amendment utterly vitiated the text under consideration. His delegation would therefore vote against the draft resolution as a whole.

41. Mrs. WARZAZI (Morocco) said that her delegation would vote against the second Brazilian amendment for the same reasons as the Mexican delegation.

42. Mr. SPINELLI (Italy) proposed that the second Brazilian amendment, which his delegation considered futile, not be voted upon.

43. The CHAIRMAN read out rule 128 of the rules of procedures of the General Assembly and said that the proposal made by the representative of Italy could not be considered a point of order in connexion with the conduct of the voting.

44. At the request of the representative of Sweden, a separate vote was taken on the words "particularly in Article 2, paragraph 7".

45. A recorded vote was taken on the words "particularly in Article 2, paragraph 7" in the second Brazilian amendment.

In favour: Afghanistan, Algeria, Angola, Argentina, Bangladesh, Benin, Bolivia, Botswana, Brazil, Bulgaria, Byelorussian Soviet Socialist Republic, Cape Verde, Chile, Congo, Cuba, Czechoslovakia, Democratic Yemen, Egypt, Ethiopia, German Democratic Republic, Guatemala, Guinea-Bissau, Guyana, Hungary, India, Iran, Lao People's Democratic Republic, Libyan Arab Jamahiriya, Madagascar, Maldives, Mongolia, Mozambique, Nicaragua, Oman, Paraguay, Peru, Philippines, Poland, Romania, Sao Tome and Principe, Somalia, Sudan, Syrian Arab Republic, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Tanzania, Uruguay, Viet Nam, Yugoslavia, Zambia.

Against: Australia, Austria, Belgium, Canada, Cyprus, Denmark, Ecuador, Fiji, Finland, France, Germany, Federal Republic of, Greece, Honduras, Iceland, Ireland, Israel, Italy, Ivory Coast, Japan, Lebanon, Lesotho, Luxembourg, Mexico, Morocco, Netherlands, New Zealand, Norway, Papua New Guinea, Portugal, Senegal, Spain, Sweden, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Bahamas, Barbados, Bhutan, Burundi, Central African Republic, Chad, Colombia, Costa Rica, Djibouti, Dominican Republic, Ghana, Guinea, Haiti, Jamaica, Kenya, Liberia, Mali, Nigeria, Pakistan, Panama, Rwanda, Saudi Arabia, Sri Lanka, Suriname, Swaziland, Thailand, Togo, Trinidad and Tobago, Tunisia, United Republic of Cameroon, Venezuela, Zaire.

46. The words "particularly in Article 2, paragraph 7" were retained by 51 votes to 35, with 32 abstentions.

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47. Mr. O'DONOVAN (Ireland), referring to the Italian proposal, said it seemed to him that the Committee was always free to decide whether or not to vote on a proposal. He therefore suggested that neither the second Brazilian amendment nor draft resolution A/C.3/35/L.78 as a whole should be put to the vote.

48. The CHAIRMAN invited the Committee to vote on the proposal of the representative of Ireland.

49. A recorded vote was taken on the proposal.

In favour: Australia, Austria, Bahamas, Barbados, Belgium, Canada, Central African Republic, Chad, Colombia, Costa Rica, Cyprus, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, Fiji, Finland, France, Germany, Federal Republic of, Ghana, Greece, Guinea, Haiti, Honduras, Iceland, India, Iraq, Ireland, Israel, Italy, Ivory Coast, Jamaica, Japan, Jordan, Lebanon, Lesotho, Luxembourg, Mauritania, Mexico, Morocco, Netherlands, New Zealand, Niger, Norway, Oman, Papua New Guinea, Portugal, Rwanda, Senegal, Somalia, Spain, Sudan, Swaziland, Sweden, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Yugoslavia.

Against: Afghanistan, Algeria, Angola, Argentina, Bolivia, Brazil, Bulgaria, Byelorussian Soviet Socialist Republic, Congo, Cuba, Czechoslovakia, Democratic Yemen, Ethiopia, German Democratic Republic, Guatemala, Guinea-Bissau, Hungary, Iran, Kuwait, Lao People's Democratic Republic, Liberia, Madagascar, Mongolia, Nicaragua, Paraguay, Peru, Poland, Romania, Sao Tome and Principe, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Viet Nam, Zambia.

Abstaining: Bahrain, Bangladesh, Benin, Bhutan, Burundi, Chile, Guyana, Indonesia, Kenya, Libyan Arab Jamahiriya, Malawi, Malaysia, Maldives, Mali, Nigeria, Pakistan, Panama, Philippines, Qatar, Saudi Arabia, Singapore, Sri Lanka, Suriname, Syrian Arab Republic, Thailand, United Arab Emirates, United Republic of Cameroon, Venezuela, Zaire.

50. The proposal was adopted by 64 votes to 33, with 29 abstentions.

50a. Mr. GAGLIARDI (Brazil) welcomed the result of the vote, which showed that the delegations voting for the Irish proposal had realized what lay behind the proposed draft resolution and had been unable to accept a text that would change the role of the Secretary-General, contrary to their wishes.

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51. Mr. CABRAL (Guinea-Bissau) requested that note should be taken of the fact that the Committee, by voting on the Irish proposal, had contravened the rules of procedure. The Chairman had already announced that a vote would be taken on the Brazilian amendment, and it had not been possible for him to reverse his decision.

52. The CHAIRMAN said that he took note of the comment of the representative of Guinea-Bissau but considered that his decision had been entirely in order.

53. Mr. NORDENFELT (Sweden) said he considered it very important that the Secretary-General should use his good offices under the provisions of Article 1, paragraph 3, of the United Nations Charter, since that would help to achieve the purposes of the United Nations and to promote values which were upheld by all its Members.

54. Miss SABATIER (Niger), supported by Mrs. WARZAZI (Morocco), said that she was very pleased with the vote because, if the Brazilian amendment had been adopted, the General Assembly would have been placed in a paradoxical situation. Draft resolution A/C.3/35/L.78 sought to give the Secretary-General certain duties while the General Assembly, which was the supreme organ, was reluctant to provide him with a broader mandate. Delegations had therefore needed time to reflect on the attitude they would adopt to the question. For that reason, her delegation had voted in favour of the proposal of the representative of Ireland.

55. Miss VOURAKIS (Greece) said that, unlike the representative of Brazil, she regretted that the Committee had not been able to take a decision on the draft resolution and that the Secretary-General was thus prevented from using his good offices, despite the fact that they had proved very helpful in the past.

56. Mrs. SEMICHI (Algeria) said she would like to know where in the rules of procedure the representative of Ireland had found a basis for his proposal.

57. Mrs. WARZAZI (Morocco) asked the Chairman to state whether other committees had ever found themselves in a situation like that of the Third Committee at the current meeting.

58. Miss KEKODO (Papua New Guinea) said that she would have voted for the draft resolution in its original form if it had been put to the vote because, in her view, the Committee was not sufficiently concerned with violations and the sufferings they caused. She also wished to support the views of the representative of the Niger, which were very sound and correct.

59. Mr. EDIS (United Kingdom) said he hoped that, as the Committee had been unable to take a decision at the thirty-fifth session on the question of the good offices of the Secretary-General, he would continue to be guided by the provisions of resolution 27 (XXXVI) of the Commission on Human Rights, exerting his best endeavours on behalf of human rights whenever he considered that his actions might be of assistance to the persons or groups concerned, and continuing and intensifying the good offices envisaged in the Charter of the United Nations

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(Mr. Edis, United Kingdom)

in the field of human rights. That resolution, sponsored by States representing all regions of the world, had been adopted without a vote.

60. Mr. BYKOV (Union of Soviet Socialist Republics) said that he had voted for the Brazilian amendments. If the sponsors of the draft resolution had not pressed a controversial proposal, the Committee would have saved a great deal of time and would not have got into its present paradoxical situation. The resolutions on human rights and the good offices of the Secretary-General which the General Assembly and the Commission on Human Rights had adopted by consensus in 1979 should therefore be interpreted in the light of the decision that had just been taken.

61. Miss WELLS (Australia) said that she disagreed with the Soviet representative's interpretation of the discussion at the current meeting. She endorsed the views of the representative of the United Kingdom concerning the Commission on Human Rights resolution on the good offices role of the Secretary-General and those expressed in draft resolution A/C.3/35/L.78 in its original form. She deplored the Committee's lack of confidence in the collective responsibility of States and in the actions of the Secretary-General.

62. Mrs. BARISH (Costa Rica) said that she would have voted for draft resolution A/C.3/35/L.78 if it had been put to the vote, as it would have broadened the mandate of the Secretary-General in the field of human rights. However, since the amendments which had been proposed would have weakened it, it had been better not to take a vote on it.

63. Mrs. GUELMAN (Uruguay) said that she would have voted for draft resolution A/C.3/35/L.78 if it had been put to the vote, because direct contacts between the Secretary-General and Governments could be extremely helpful. It was clear from the text that such contacts could have taken place only with the consent of the Governments whose situation it was proposed to study.

64. Mr. MATELJAK (Yugoslavia) observed that the Committee would not have found itself in such a situation if it had not decided to meddle with the functions of the Secretary-General.

65. Mr. CHADERTON MATOS (Venezuela) said that he would have voted for the draft resolution, but had abstained on the Irish proposal for the reasons just stated by the representative of Costa Rica. However, his delegation wished to emphasize that the Committee should do all it could to strengthen and broaden the role of the Organization and of the Secretary-General in the field of human rights; for there was still much to be done in the United Nations to uphold human rights in various parts of the world and in various countries.

66. Mr. O'DONOVAN (Ireland), replying to the representative of Algeria, said that, as his delegation interpreted the rules of procedure of the General Assembly, the Committee could decide to interrupt the voting process at any time, as long as the results of the vote were not known.

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67. The CHAIRMAN requested the members of the Committee to resume consideration of draft resolution A/C.3/35/L.7/Rev.1 and the amendments to that draft resolution contained in document A/C.3/35/L.96.

68. Mr. SCHLEGEL (German Democratic Republic) announced that Togo and Seychelles had joined in sponsoring draft resolution A/C.3/35/L.70/Rev.1.

69. The sponsors of the draft resolution had continued their consultations with the sponsors of document A/C.3/35/L.96 with a view to arriving at a generally acceptable formulation. In a spirit of co-operation and compromise, the sponsors of the original draft resolution had agreed to make a number of additional changes to the text. In the third preambular paragraph, the words "the unlimited validity of" in the first line should be deleted, so that the beginning of the text would read: "Reaffirming the purposes and principles ...". The second part of that paragraph would read: "... which are aimed at maintaining international peace and security", with the rest of the text identical to that of the amendment proposed in paragraph 4 of document A/C.3/35/L.96. The words "and observance" should be added after the word "promotion" in the fourth preambular paragraph. Lastly, the words "in accordance with the national constitutional systems" should be added at the end of operative paragraph 2.

70. Mr. WALKATE (Netherlands) said that his delegation appreciated the spirit of compromise shown by the sponsors of draft resolution A/C.3/35/L.70/Rev.1. The new oral amendments which had just been submitted certainly improved the text. He had consulted the other sponsors of document A/C.3/35/L.96 and would indicate the changes which they wished to introduce in that document in view of the further amendments to the draft resolution. First, the title of the draft resolution could be taken from draft resolution A/C.3/35/L.70/Rev.1, subject to the replacement of the word "nazist" by the word "nazi" in the English text. The words "and all forms of totalitarian ideologies and practices" in document A/C.3/35/L.96 would then be added to the end of the title.

71. Paragraph 2 of document A/C.3/35/L.96 had become redundant. Paragraph 3 remained valid and should be acceptable to the sponsors of draft resolution A/C.3/35/L.70/Rev.1, since the words "aggression" and "foreign occupation" appeared in the first preambular paragraph of their text. Paragraph 4 was also superfluous, since the sponsors of draft resolution A/C.3/35/L.70/Rev.1 had accepted the proposed amendments to the third preambular paragraph. The text of the fourth preambular paragraph proposed in paragraph 5 remained valid, although the words "and protection" should be replaced by the words "and observance", in accordance with the suggestion made by the sponsors of draft resolution A/C.3/35/L.70/Rev.1. Paragraphs 6, 8, 10 and 11 remained valid. The texts of paragraphs 7 and 9 should be brought into line with the title by replacing the words "nazism and fascism" by the words "nazi, fascist and neo-fascist activities". He expressed the hope that those changes would permit the speedy adoption of the draft resolution.

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72. Miss VOUKARIS (Greece) pointed out that, during consultations with the sponsors of draft resolution A/C.3/35/L.70/Rev.1, she had expressed concern at what she considered to be a lack of balance in the text of the draft resolution. It was regrettable that the representative of the German Democratic Republic had failed to take account of the constructive proposals submitted by her delegation with a view to achieving a compromise. The draft resolution dealt with a thorny problem. No member of the Committee wished to defend ideologies and practices based on nazism and fascism; the text of the draft resolution, however, dealt with only one aspect of the question and failed to mention manifestations of totalitarian ideologies which were also dangerous and could have unforeseeable consequences. Her delegation felt that the scope of the draft resolution should be broadened to include explicitly all forms of totalitarianism. That would provide a sounder and more balanced basis for efforts to eliminate ideologies which denied individuals and peoples the right to freedom and dignity.

73. In reply to the statement made at the previous meeting by the representative of the German Democratic Republic, who had expressed surprise at her delegation's position, she recalled that Greece had been one of the countries which had experienced Nazi aggression and occupation during the Second World War and had courageously defended themselves against the armies of invasion and occupation. Her country was opposed to all forms of foreign military occupation and all totalitarian ideologies and practices.

74. Mr. SCOBLE (Australia) said that all delegations present were opposed to nazism and fascism. Certain delegations claimed to struggle more actively than others against those ideologies, but most representatives would agree that that argument was fallacious and that democracies such as Australia had always opposed all forms of totalitarianism. Australians enjoyed a pluralistic political system: over the past 10 years they had elected Governments of both the left and the right and they had not allowed the Communist Party to be prohibited. Australia had fought against nazism 40 years earlier in order to defend that freedom of expression and oppose ideological extremism.

75. His delegation wondered whether it was true that, in submitting the draft resolution before the Committee, the delegation of the German Democratic Republic had simply wished to draw the attention of the international community to nazism and neo-fascism. If that was the case, the draft resolution would be worded moderately in order to command a consensus, whereas even in its amended form it was deliberately couched in language calculated to arouse the opposition of the Western delegations.

76. His delegation, recalling the consternation and impatience shown by the delegation of the Ukrainian SSR towards the delegations which had proposed amendments to the draft resolution, pointed out that one of the hallmarks of a totalitarian régime was precisely that it did not brook the slightest opposition. His delegation, moreover, found it surprising that certain African delegations, particularly the delegations of the Congo, Guinea-Bissau and Benin, had stated that the phenomenon of nazism or fascism was not limited to Europe, which perhaps meant that such movements also existed in Africa or elsewhere.

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(Mr. Scoble, Australia)

77. Fascism was one of the many forms of totalitarianism, which was a political ideology of either the right or the left whereby the rights of the individual were subordinated to the requirements of the State. Fascism was a type of military totalitarianism in which the army, the police and, invariably, the secret police, repressed the people and glorified the idea of the State. The test of a totalitarian State was whether law-abiding citizens enjoyed freedom of movement within the country and were free to leave it if they wished. In that regard, it should perhaps be asked whether totalitarian States existed in the modern age and, if so, where. Such terms as nazism, fascism and totalitarianism could be twisted and used as insults against those of whose ideas or activities one disapproved. They were principally the tools of trade of those who wished to mask their real intentions and were used for propaganda purposes in United Nations debates. His delegation had joined in sponsoring the amendments contained in document A/C.3/35/L.96 because it felt it was time for draft resolutions submitted to the Committee to be worded in a clearer, more straightforward and less inflammatory manner.

78. Mr. RAKOTOZAFY (Madagascar) said that his delegation appreciated the efforts of the representative of the Netherlands to work out a compromise. Nevertheless, he wished to add the words "based on racial intolerance, hatred and terror" to the title proposed by the representative of the Netherlands, after the words "all forms of totalitarian ideologies and practices". That amendment applied to all parts of the text where the wording used in the title appeared, for example the ninth preambular paragraph and operative paragraph 1.

79. Mr. BIALY (Poland) said that several countries were witnessing increasing activities by groups and organizations propagating and practising nazism, fascism and neo-fascism. The purpose of draft resolution A/C.3/35/L.70/Rev.1, which had twice been revised in a spirit of co-operation and compromise, was to draw the attention of the international community to those highly dangerous activities and to request it to act accordingly, without attempting to diminish the seriousness of the issue, as some delegations would prefer.

80. His delegation did not agree with the isolated views that nazism or neo-fascism were serious phenomena only in a limited number of countries. That was tantamount to implying, falsely, that the struggle against colonialism and apartheid was of no concern to Europe.

81. Bearing in mind Poland's experience during the Second World War and the Nazi occupation, his delegation felt qualified to appeal again to all delegations not to make the same error as in the 1930s by minimizing the dangers of nazism and neo-fascism. That appeal was addressed particularly to States which, together with Poland, had been members of the anti-fascist coalition during the Second World War. His delegation hoped that the sponsors of the amendments in document A/C.3/35/L.96 would withdraw them so that draft resolution A/C.3/35/L.70/Rev.1 could be adopted without a vote.

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(Mr. Bialy, Poland)

82. In connexion with the statement made by the representative of the United Kingdom the previous day, he wished to remind that representative, with respect to certain reactions to nazism, that the term "appeasement" had not been a Polish contribution to European politics. He would suggest that the United Kingdom delegation should study carefully the details of the famous "Battle of Britain", including the contribution which pilots from a central European State had made to it, before passing historical judgements and suggesting rational debate with the Nazis. He hoped that the representative of the United Kingdom, despite his antagonism towards Eastern Europe, would recognize the validity of the statement by Sir Winston Churchill, who had said that any man or State that fought against nazism would have Britain's aid and any man or State that marched with Hitler was its foe.

83. Mr. EDIS (United Kingdom) said that he in no way underestimated the role played by the Polish armed forces and Polish pilots on the side of British troops in North Africa and Italy, and he paid a tribute to the heroism which the Poles had displayed during the Warsaw uprising in 1944. However, perhaps it was not the resurgence of nazism which today constituted the main threat to Poland.

84. He regretted that some delegations had sought to distort the remarks which he had made with respect to draft resolution A/C.3/35/L.70/Rev.1. He had named no names and had restricted himself to mentioning historical facts, such as the Molotov-Ribbentrop Pact of 1940. He understood that the representative of Guinea-Bissau might have a different historical perspective, but he could not agree with what he had said regarding the role of the United Kingdom Government in Zimbabwe's accession to independence, a role which had been acknowledged by the Minister of Zimbabwe himself in the General Assembly.

85. There was no doubt that the draft resolution under consideration was inspired by the same concern for propaganda as that demonstrated by the Eastern European countries at the Conference on Security and Co-operation in Europe at Belgrade, and the Committee should establish clearly the purpose of the draft resolution and thwart any attempt to link it to a possible situation in Africa or in Latin America. The activities carried out by small right-wing extremist groups were not enough to justify the draft resolution. It could more rightly be affirmed that the extremist activities of left-wing groups caused greater havoc. If the desire was to adopt a draft resolution on nazism, such a document should be drafted in realistic terms and should not be politicized. Failing that, it would be better not to adopt a text on that issue.

86. Mr. DERESSA (Ethiopia) said that he appreciated the initiative taken by the sponsors of the original draft in order to draw the attention of the international community to nazi, fascist and neo-fascist activities. Ethiopia had been among the first victims of nazism and fascism 45 years before, and it viewed the resurgence of fascist trends in the world with grave concern. On the African continent, fascism was not an isolated phenomenon, but a brutal system of oppression from which millions of Africans suffered. Until such time as apartheid was eliminated, it could not be said that there were no fascist activities which directly threatened Africans, and the situation in South Africa and Namibia was

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(Mr. Deressa, Ethiopia)

the realization of all the expansionist dreams of dictators who had formerly carried out their vile designs on the European scene. Despite the heroic struggle which it had waged against fascist occupation, Ethiopia could not, any more than any other country, claim the credit for the victory over fascism won at the end of the Second World War. It had been a collective victory of mankind, owed to all those who had fought against that evil system and in particular to the activities of internal forces and peace-loving peoples. Similarly, today, only collective effort, constant vigilance and full commitment would prevent the re-emergence of a similar scourge. He therefore supported the draft resolution submitted by the German Democratic Republic and would vote in favour of it.

87. Mrs. SEMICHI (Algeria) moved that, under rule 117 of the rules of procedure, the debate should be closed and the Committee should proceed to the vote.

88. The CHAIRMAN said that, under that rule, permission to speak was accorded only to two speakers opposing the closure, after which the motion would be immediately put to the vote.

89. Mr. GOODEN (Jamaica) said that his delegation attached great importance to the draft resolution and wished to hear any comments which delegations might have to make before proceeding to the vote.

90. The CHAIRMAN said that, under the rules of procedure, he was required to put the motion for closure to the vote. He invited members of the Committee to vote on the motion for closure of debate put forward by the representative of Algeria.

91. The motion for closure put forward by the representative of Algeria was adopted by 67 votes to 11, with 35 abstentions.

92. The CHAIRMAN put to the vote the subamendment submitted orally by Madagascar to paragraph 1 of document A/C.3/35/L.96, as orally revised. That subamendment consisted of adding the words "based on racial intolerance, hatred and terror" after the words "totalitarian ideologies and practices" wherever similar wording appeared in the amendments submitted in document A/C.3/35/L.96, namely, in the amendments concerning the title, the ninth and tenth preambular paragraphs and operative paragraph 1 of draft resolution A/C.3/35/L.70/Rev.1.

93. The Malagasy subamendment was adopted by 51 votes to 29, with 35 abstentions.

94. The CHAIRMAN put to the vote document A/C.3/35/L.96, as amended, beginning with paragraph 1 as orally revised and subamended. The title of draft resolution A/C.3/35/L.70/Rev.1 in its amended form would be the following: "Measures to be taken against nazi, fascist and neo-fascist activities and all forms of totalitarian ideologies and practices based on racial intolerance, hatred and terror".

95. Paragraph 1 of document A/C.3/35/L.96, as amended, was adopted by 86 votes to none, with 25 abstentions.

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96. At the request of the representative of Greece, a recorded vote was taken on the remaining paragraphs of document A/C.3/35/L.96.

97. The CHAIRMAN put to the vote paragraph 3, under which the words "aggression, foreign occupation" would be added after the words "victims of" in the second preambular paragraph of draft resolution A/C.3/35/L.70/Rev.1.

In favour: Argentina, Australia, Austria, Bahrain, Bangladesh, Belgium, Bhutan, Bolivia, Brazil, Burundi, Canada, Central African Republic, Chile, China, Costa Rica, Cyprus, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, Ethiopia, Fiji, Finland, France, Gabon, Germany, Federal Republic of, Ghana, Greece, Guatemala, Guinea-Bissau, Haiti, Honduras, Iceland, India, Iran, Iraq, Ireland, Israel, Italy, Japan, Jordan, Kenya, Lesotho, Libyan Arab Jamahiriya, Luxembourg, Mauritania, Mexico, Morocco, Nepal, Netherlands, New Zealand, Niger, Nigeria, Norway, Panama, Papua New Guinea, Paraguay, Peru, Portugal, Romania, Rwanda, Saudi Arabia, Senegal, Somalia, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syrian Arab Republic, Tunisia, Turkey, Uganda, United Kingdom of Great Britain and Northern Ireland, United Republic of Cameroon, United Republic of Tanzania, United States of America, Uruguay, Venezuela, Yugoslavia, Zaire, Zambia.

Against: None.

Abstaining: Afghanistan, Algeria, Barbados, Benin, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Chad, Congo, Cuba, Czechoslovakia, Democratic Yemen, German Democratic Republic, Guyana, Hungary, Ivory Coast, Jamaica, Lao People's Democratic Republic, Madagascar, Maldives, Mali, Mongolia, Mozambique, Nicaragua, Poland, Qatar, Sao Tome and Principe, Trinidad and Tobago, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Viet Nam.

98. Paragraph 3 was adopted by 84 votes to none, with 31 abstentions.

99. The CHAIRMAN announced that paragraph 4 of the amendments had been accepted by the sponsors of draft resolution A/C.3/35/L.70/Rev.1.

100. He invited the Committee to vote on the first part of paragraph 5 of the amendments according to which the words "constitute a threat to", in the fourth preambular paragraph of draft resolution A/C.3/35/L.70/Rev.1, would be replaced by the words "may jeopardize".

In favour: Argentina, Australia, Austria, Belgium, Bolivia, Brazil, Canada, Central African Republic, Chile, Colombia, Costa Rica, Cyprus, Denmark, Finland, France, Germany, Federal Republic of, Greece, Guatemala, Honduras, Iceland, Ireland, Israel, Italy,

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Japan, Lesotho, Luxembourg, Morocco, Nepal, Netherlands, New Zealand, Nicaragua, Norway, Papua New Guinea, Paraguay, Peru, Portugal, Rwanda, Saudi Arabia, Senegal, Somalia, Spain, Swaziland, Sweden, Tunisia, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela.

Against: Afghanistan, Algeria, Benin, Bulgaria, Byelorussian Soviet Socialist Republic, Congo, Cuba, Czechoslovakia, Democratic Yemen, Dominican Republic, Ecuador, Egypt, Ethiopia, German Democratic Republic, Guinea-Bissau, Haiti, Hungary, India, Iran, Iraq, Jordan, Lao People's Democratic Republic, Libyan Arab Jamahiriya, Madagascar, Mongolia, Mozambique, Poland, Romania, Sao Tome and Principe, Syrian Arab Republic, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Viet Nam.

Abstaining: Bahrain, Bangladesh, Barbados, Bhutan, Burma, Burundi, Fiji, Gabon, Ghana, Guyana, Ivory Coast, Jamaica, Kenya, Maldives, Mali, Mexico, Nigeria, Pakistan, Panama, Sri Lanka, Sudan, Suriname, Trinidad and Tobago, Uganda, United Republic of Cameroon, United Republic of Tanzania, Yugoslavia, Zaire, Zambia.

101. The first part of paragraph 5 was adopted by 49 votes to 33, with 29 abstentions.

102. The CHAIRMAN invited the Committee to vote on the second part of paragraph 5, according to which the words "as well as", in the fourth preambular paragraph of the revised draft resolution, would be replaced by the words "and constitute".

In favour: Argentina, Australia, Austria, Belgium, Bolivia, Brazil, Canada, Chile, Colombia, Costa Rica, Cyprus, Denmark, Dominican Republic, Finland, France, Gabon, Germany, Federal Republic of, Greece, Guatemala, Haiti, Honduras, Iceland, Ireland, Israel, Italy, Japan, Lesotho, Luxembourg, Morocco, Nepal, Netherlands, New Zealand, Norway, Papua New Guinea, Paraguay, Peru, Portugal, Rwanda, Saudi Arabia, Senegal, Somalia, Spain, Swaziland, Sweden, Tunisia, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela.

Against: Algeria, Angola, Benin, Byelorussian Soviet Socialist Republic, Congo, Cuba, Czechoslovakia, Ethiopia, German Democratic Republic, Guinea-Bissau, Hungary, Iraq, Lao People's Democratic Republic, Madagascar, Mozambique, Romania, Viet Nam.

Abstaining: Bangladesh, Barbados, Bhutan, Burma, Burundi, Chad, Democratic Yemen, Ecuador, Egypt, Fiji, Ghana, India, Iran, Ivory Coast, Jamaica, Kenya, Libyan Arab Jamahiriya, Maldives, Mali, Mexico, Nicaragua, Nigeria, Pakistan, Panama, Sri Lanka,

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Sudan, Suriname, Syrian Arab Republic, Trinidad and Tobago, Uganda, United Republic of Cameroon, United Republic of Tanzania, Yugoslavia, Zaire, Zambia.

103. The second part of paragraph 5 was adopted by 50 votes to 17, with 36 abstentions.

104. Mr. WALKATE (Netherlands) said that the sponsors of the amendments had withdrawn the third part of paragraph 5. They had accepted the alternative proposal made by the sponsors of draft resolution A/C.3/35/L.70/Rev.1 to add the words "and respect" after the word "promotion" in the fourth preambular paragraph.

105. The CHAIRMAN invited the Committee to vote on paragraph 6 of the amendments, according to which the words "Universal Declaration of Human Rights" would be inserted after the words "importance of the" in the eighth preambular paragraph of draft resolution A/C.3/35/L.70/Rev.1.

In favour: Algeria, Angola, Argentina, Australia, Austria, Bahamas, Bahrain, Bangladesh, Barbados, Belgium, Benin, Bhutan, Bolivia, Brazil, Burma, Burundi, Canada, Central African Republic, Chad, Chile, Colombia, Congo, Costa Rica, Cuba, Cyprus, Democratic Yemen, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, Ethiopia, Fiji, Finland, France, Gabon, Germany, Federal Republic of, Ghana, Greece, Guatemala, Guinea-Bissau, Guyana, Haiti, Honduras, Iceland, India, Iran, Iraq, Ireland, Israel, Italy, Ivory Coast, Jamaica, Japan, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lesotho, Libyan Arab Jamahiriya, Luxembourg, Morocco, Mozambique, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Portugal, Qatar, Romania, Rwanda, Sao Tome and Principe, Saudi Arabia, Senegal, Somalia, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syrian Arab Republic, Trinidad and Tobago, Tunisia, Turkey, Uganda, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Cameroon, United Republic of Tanzania, United States of America, Uruguay, Venezuela, Yugoslavia, Zaire, Zambia.

Against: None.

Abstaining: None.

106. Paragraph 6 was adopted by 109 votes to none.

107. The CHAIRMAN read out paragraph 7 of the amendments, as orally revised by the sponsors, concerning the ninth preambular paragraph of draft resolution A/C.3/35/L.70/Rev.1. The recently adopted subamendment submitted orally by the representative of Madagascar also concerned that preambular paragraph.

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108. Mr. RAKOTOZAFY (Madagascar) read out the amendment to the ninth preambular paragraph, as orally revised, incorporating his delegation's subamendment. The preambular paragraph would reproduce the wording of the amendment to the title, as revised, subamended and adopted. The following words would be deleted: "including nazi, fascist and neo-fascist activities, and those based on the systematic denial of human rights and fundamental freedoms, in particular, on the grounds of racial intolerance, hatred and terror". The preambular paragraph would read: "Bearing in mind that nazi, fascist and neo-fascist activities and all totalitarian ideologies and practices based on racial intolerance, hatred and terror are totally incompatible with the Charter of the United Nations ...". The remainder of the paragraph would remain unchanged.

109. Miss VOURAKIS (Greece) and Mr. WALKATE (Netherlands) said that they could not endorse the text just read out; the Malagasy subamendment had not called for any deletion from the text of the amendment to the ninth preambular paragraph.

110. Miss SABATIER (Niger) said that if the Malagasy subamendment was incorporated in the text of the amendment to the ninth preambular paragraph, in other words, if after the words "totalitarian ideologies and practices" the words "based on racial intolerance, hatred and terror" were inserted, it would be necessary, in order to avoid redundancy, to delete from the text of the amendment the words "in particular, on the grounds of racial intolerance, hatred and terror".

111. Mr. WALKATE (Netherlands) read out the following revised version of the amendment to the ninth preambular paragraph which the sponsors of that amendment would be prepared to accept: "Bearing in mind that all totalitarian ideologies and practices including nazi, fascist and neo-fascist activities, and those based on the systematic denial of human rights and fundamental freedoms, are totally incompatible with the Charter of the United Nations, ..."; the rest would remain unchanged.

112. Mr. BYKOV (Union of Soviet Socialist Republics) reminded the Committee that, before the vote on the Malagasy subamendment, the representative of Madagascar had not been invited to specify how his subamendment should be fitted into the amendment to the ninth preambular paragraph. The Malagasy subamendment having been adopted, it was now for the representative of Madagascar to alter the amendment to the ninth preambular paragraph accordingly.

113. Mr. SCHLEGEL (German Democratic Republic) supported the wording read out by the representative of Madagascar.

114. Mr. RAKOTOZAFY (Madagascar) said that he believed that the version of the amendment to the ninth preambular paragraph that he had read out was in accordance with the spirit of the amendment to the title of the draft resolution as revised, subamended and subsequently adopted by the Committee.

115. Miss VOURAKIS (Greece) reminded the Committee that the purpose of the Malagasy subamendment had been not to repeat the amendment to the title of the draft resolution in its modified form, but to add the words "based on racial intolerance,

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(Miss Vourakis, Greece)

hatred and terror," wherever the words "totalitarian ideologies and practices" appeared in the text of the amendments. In addition, the sponsors of the amendment would accept, for the sake of coherence, the deletion of the words "in particular, on the grounds of racial intolerance, hatred and terror", but not the deletion of the words "and those based on the systematic denial of human rights and fundamental freedoms".

116. Mr. CABRERA (Spain) said that he shared the views expressed by the representative of Greece.

117. Mrs. WARZAZI (Morocco) said that she believed that it was the wording read out by the representative of the Netherlands which should be retained, because it took into account the Malagasy subamendment. If the representative of Madagascar also wished to delete part of the amendment to the ninth preambular paragraph, he should request a separate vote on that question.

118. Mr. SHESTACK (United States of America) supported the idea expressed by the representative of Morocco.

119. Mr. RAKOTOZAFY (Madagascar) proposed that the wording read out by the representative of the Netherlands be retained, since that was the wording which was acceptable to the sponsors of the amendment.

120. At the request of the representative of Madagascar, a separate vote was taken on the retention of the words "and those based on the systematic denial of human rights and fundamental freedoms," in the text of the amendment to the ninth preambular paragraph (seventh amendment).

In favour: Argentina, Australia, Austria, Bahrain, Bangladesh, Barbados, Belgium, Bhutan, Bolivia, Brazil, Burma, Canada, Central African Republic, Chile, Colombia, Costa Rica, Cyprus, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Fiji, Finland, France, Gabon, Germany, Federal Republic of, Ghana, Grenada, Guatemala, Haiti, Honduras, Iceland, India, Iraq, Ireland, Israel, Italy, Ivory Coast, Jamaica, Japan, Kenya, Kuwait, Lebanon, Luxembourg, Maldives, Mexico, Morocco, Nepal, Netherlands, New Zealand, Niger, Nigeria, Norway, Pakistan, Papua New Guinea, Portugal, Qatar, Saudi Arabia, Senegal, Somalia, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Togo, Tunisia, Turkey, Uganda, United Kingdom of Great Britain and Northern Ireland, United Republic of Cameroon, United Republic of Tanzania, United States of America, Uruguay, Venezuela, Yugoslavia, Zaire, Zambia.

Against: Afghanistan, Angola, Benin, Bulgaria, Byelorussian Soviet Socialist Republic, Czechoslovakia, German Democratic Republic, Hungary, Lao People's Democratic Republic, Mongolia, Mozambique, Poland, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Viet Nam.

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Abstaining: Algeria, Congo, Cuba, Democratic Yemen, Greece,* Guyana, Libyan Arab Jamahiriya, Madagascar, Mali, Nicaragua, Rwanda, Trinidad and Tobago.

121. The words "and those based on the systematic denial of human rights and fundamental freedoms," were retained in the text of the amendment to the ninth preambular paragraph by seventh amendment 81 votes to 15, with 12 abstentions.

122. Miss VOURAKIS (Greece) said that, although her vote had been recorded as an abstention, Greece had voted to retain the words in question.

123. Mrs. DOWNING (Secretary of the Committee) read out the text of the seventh amendment, which concerned the ninth preambular paragraph, with the successive alterations to it: "Bearing in mind that all totalitarian ideologies and practices based on racial intolerance, hatred and terror, including nazi, fascist and neo-fascist activities, and those based on the systematic denial of human rights and fundamental freedoms, are totally incompatible with the Charter of the United Nations, ..."; the rest would remain unchanged.

124. The CHAIRMAN put to the vote the amendment concerning the ninth preambular paragraph (seventh amendment), as revised.

In favour: Afghanistan, Algeria, Angola, Argentina, Australia, Austria, Bahrain, Bangladesh, Barbados, Belgium, Bhutan, Bolivia, Brazil, Burma, Burundi, Byelorussian Soviet Socialist Republic, Canada, Central African Republic, Chad, Chile, Colombia, Congo, Costa Rica, Cuba, Cyprus, Czechoslovakia, Democratic Yemen, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, Ethiopia, Fiji, Finland, France, Gabon, German Democratic Republic, Germany, Federal Republic of, Ghana, Greece, Guatemala, Guyana, Haiti, Honduras, Hungary, Iceland, India, Iran, Iraq, Ireland, Israel, Italy, Ivory Coast, Jamaica, Japan, Kenya, Kuwait, Lesotho, Libyan Arab Jamahiriya, Luxembourg, Madagascar, Mexico, Mongolia, Morocco, Nepal, Netherlands, New Zealand, Niger, Nigeria, Norway, Pakistan, Papua New Guinea, Paraguay, Poland, Portugal, Qatar, Romania, Saudi Arabia, Senegal, Somalia, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Togo, 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, Uruguay, Venezuela, Viet Nam, Yugoslavia, Zaire, Zambia.

Against: None.

Abstaining: Mali, Nicaragua, Panama, Sao Tome and Principe.

125. The amendment, as revised, was adopted by 104 votes to none, with 4 abstentions.

* See para. 122 below.

126. The CHAIRMAN read out the eighth amendment in document A/C.3/35/L.96, concerning the tenth preambular paragraph of draft resolution A/C.3/35/L.70/Rev.1: "Deeply concerned at the increase of activities at the national and international levels which propagate totalitarian forms of ideology and practice, including nazism, fascism and neo-fascism,". He wished to know whether the Malagasy subamendment which had been adopted earlier in the meeting should be inserted in the text.

127. Mr. RAKOTOZAFY (Madagascar) said that the words "based on racial intolerance, hatred and terror" should be inserted after the word "practice".

128. Mr. WALKATE (Netherlands) said that the sponsors of the amendments accepted the proposed change.

129. The CHAIRMAN put to the vote paragraph 8 of the amendments, as amended.

In favour: Afghanistan, Angola, Argentina, Australia, Austria, Bahrain, Bangladesh, Belgium, Bhutan, Bolivia, Brazil, Bulgaria, Burma, Burundi, Byelorussian Soviet Socialist Republic, Canada, Central African Republic, Chad, Chile, Colombia, Congo, Costa Rica, Cuba, Cyprus, Czechoslovakia, Democratic Yemen, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, Ethiopia, Fiji, Finland, France, Gabon, German Democratic Republic, Germany, Federal Republic of, Ghana, Greece, Guatemala, Honduras, Hungary, Iceland, Iraq, Ireland, Israel, Italy, Ivory Coast, Jamaica, Japan, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lesotho, Libyan Arab Jamahiriya, Luxembourg, Madagascar, Mexico, Mongolia, Morocco, Nepal, Netherlands, New Zealand, Nigeria, Norway, Pakistan, Papua New Guinea, Paraguay, Peru, Poland, Portugal, Qatar, Romania, Rwanda, Saudi Arabia, Senegal, Somalia, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Togo, 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, Uruguay, Venezuela, Viet Nam, Yugoslavia, Zaire, Zambia.

Against: Algeria.

Abstaining: Barbados, Guyana, India, Iran, Mali, Mozambique, Nicaragua, Panama, Syrian Arab Republic, Trinidad and Tobago.

130. Paragraph 8 of the amendments, as amended, was adopted by 102 votes to 1, with 10 abstentions.

131. Mr. WALKATE (Netherlands) said that, in view of the subamendment proposed by Madagascar and accepted by the sponsors, the words "in particular on the grounds of racial intolerance, group hatred or terror" in paragraph 9 of the amendments, relating to operative paragraph 1 of draft resolution A/C.3/35/L.70/Rev.1, would have to be deleted in order to avoid any redundancy. Paragraph 9, with the successive changes which had been made, would therefore replace operative

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(Mr. Walkate, Netherlands)

paragraph 1 of the draft resolution with the following: "Condemns all forms of totalitarian ideologies and practices based on racial intolerance, hatred and terror, including nazi, fascist and neo-fascist activities, and those based on systematic denial of human rights and fundamental freedoms".

132. The CHAIRMAN put to the vote paragraph 9 of the amendments, as amended.

In favour: Afghanistan, Algeria, Angola, Argentina, Australia, Austria, Bahrain, Bangladesh, Barbados, Belgium, Bhutan, Bolivia, Brazil, Bulgaria, Burma, Burundi, Byelorussian Soviet Socialist Republic, Canada, Central African Republic, Chad, Chile, Colombia, Congo, Costa Rica, Cuba, Cyprus, Czechoslovakia, Democratic Yemen, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, Ethiopia, Fiji, Finland, France, Gabon, German Democratic Republic, Germany, Federal Republic of, Ghana, Greece, Guatemala, Guyana, Honduras, Hungary, Iceland, India, Iraq, Ireland, Israel, Italy, Ivory Coast, Jamaica, Japan, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lesotho, Libyan Arab Jamahiriya, Luxembourg, Madagascar, Mexico, Mongolia, Morocco, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Pakistan, Papua New Guinea, Paraguay, Peru, Poland, Portugal, Qatar, Romania, Rwanda, Saudi Arabia, Senegal, Somalia, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syrian Arab Republic, Togo, 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, Uruguay, Venezuela, Viet Nam, Yugoslavia, Zaire, Zambia.

Against: None.

Abstaining: Benin, Panama.

133. Paragraph 9 of the amendments, as amended, was adopted by 109 votes to none, with 2 abstentions.

134. Mr. OZADOFKY (Ukrainian Soviet Socialist Republic), speaking in explanation of vote before the vote on paragraph 10 of the amendments (A/C.3/35/L.96), relating to operative paragraph 2 of draft resolution A/C.3/35/L.70/Rev.1, said that the amendment in question was not in keeping with either the spirit or the letter of the resolutions to combat fascism adopted by the General Assembly in the late 1960s and early 1970s. Those resolutions had expressly urged States to take measures against activities of groups practising fascism, and he failed to see why that call should not be repeated in the draft resolution under consideration. The Ukrainian SSR would vote against paragraph 10 of the amendments, which would, inter alia, delete any reference to such measures.

135. Mrs. HOUNGAVOU (Benin) said she thought that the amendment proposed in paragraph 10 took away all the force of operative paragraph 2 of the draft resolution by substituting a vague appeal to States for a wording that envisaged the kind of specific measures which were necessary.

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136. Mr. GOODEN (Jamaica) felt that the provisions of operative paragraph 2 were too important to be weakened as proposed in paragraph 10, and said that he would vote against that paragraph.

137. Mr. SCHLEGEL (German Democratic Republic) said that, since the amendment was contrary to a number of resolutions adopted on the subject at the preceding session, he would vote against it.

138. Mr. NAGY (Hungary) said that he saw no reason for the amendment, unless its sponsors themselves wanted to encourage the activities of fascist groups.

139. Mrs. SEMICHI (Algeria) said that paragraph 2 of the original text of the draft resolution was in line with the objectives of the Decade for Action to Combat Racism and Racial Discrimination and with the Programme of Action of the World Conference to Combat Racism and Racial Discrimination. The effect of the amendment proposed in paragraph 10 would be to deprive it of all force.

140. Mr. LUNGU (Zambia) said that he could not accept the amendment proposed in paragraph 10, as it would weaken the text too much.

141. Mr. BIALY (Poland) said that the amendment was contrary to the ideals enunciated in United Nations instruments.

142. Mr. GAGLIARDI (Brazil) recalled that Brazil had abstained from voting on General Assembly resolution 2839 (XXVI).

143. Mr. BYKOV (Union of Soviet Socialist Republics) said that he attached great importance to a resolution condemning nazism, fascism and neo-fascism and considered it unacceptable for the sponsors of the amendments in document A/C.3/35/L.96 to try to evade the concrete measures proposed in the original document and to water them down into abstract and theoretical provisions that imposed no obligation. His comments applied to both paragraph 10 and paragraph 11 of document A/C.3/35/L.96.

144. Mr. FLOREZ PRIDA (Cuba) said that the amendment proposed in paragraph 10 would remove an essential part of the original text referring to activities of groups and organizations based on racial intolerance, hatred and terror. The only hope of eliminating such groups was to take concrete measures against their activities.

145. Mr. QUY (Viet Nam) said that Viet Nam, having been a victim of fascism, attached particular importance to combating the activities of fascist groups and organizations and had therefore joined in sponsoring the draft resolution. The sponsors had accepted a number of amendments, but the one proposed in paragraph 10 of document A/C.3/35/L.96 was contrary to the spirit of the original document. The purpose of draft resolution A/C.3/35/L.70/Rev.1 was that measures should be taken against the kind of nazi and fascist terrorist activities which still haunted the memory of many peoples. He urged the representative of the Netherlands and the co-sponsors of the amendment not to press it to a vote; if they did, he would be obliged to vote against it.

146. Mr. AMPAT (Congo) said that the amendment proposed in paragraph 10 was intended to mislead world opinion; as a sponsor of the original draft resolution, he could not accept it.

147. Miss BROSNAKOVA (Czechoslovakia) said that the purpose of the amendment proposed in paragraph 10 was to water down the original text of the draft resolution and prevent the adoption of measures at the national and international levels against ideologies based on terror.

148. Mrs. ITGEL (Mongolia) agreed with the preceding speakers and opposed the amendment in paragraph 10 of document A/C.3/35/L.96.

149. Mr. SREBREV (Bulgaria) said that he also agreed with the preceding speakers.

150. The CHAIRMAN put to the vote the amendment proposed in paragraph 10 of document A/C.3/35/L.96.

In favour: Australia, Belgium, Canada, Chile, Colombia, Costa Rica, Denmark, Finland, France, Germany, Federal Republic of, Greece, Guatemala, Honduras, Iceland, Ireland, Israel, Italy, Japan, Lesotho, Luxembourg, Morocco, Netherlands, New Zealand, Norway, Paraguay, Peru, Portugal, Somalia, Spain, Swaziland, Sweden, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela.

Against: Afghanistan, Algeria, Angola, Argentina, Bahrain, Bangladesh, Barbados, Benin, Bulgaria, Byelorussian Soviet Socialist Republic, Congo, Cuba, Czechoslovakia, Democratic Yemen, Dominican Republic, Ecuador, Egypt, Ethiopia, German Democratic Republic, Guinea-Bissau, Hungary, India, Iran, Iraq, Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Libyan Arab Jamahiriya, Madagascar, Mauritania, Mexico, Mongolia, Mozambique, Niger, Nigeria, Pakistan, Poland, Qatar, Romania, Sao Tome and Principe, Sri Lanka, Sudan, Syrian Arab Republic, Tunisia, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Cameroon, United Republic of Tanzania, Viet Nam, Yugoslavia, Zambia.

Abstaining: Austria, Bhutan, Bolivia, Brazil, Burma, Burundi, Djibouti, Fiji, Gabon, Ghana, Guyana, Ivory Coast, Mali, Nepal, Nicaragua, Papua New Guinea, Rwanda, Saudi Arabia, Senegal, Suriname, Trinidad and Tobago, Uganda, Zaire.

151. The amendment proposed in paragraph 10 of document A/C.3/35/L.96 was rejected by 54 votes to 36, with 23 abstentions.

152. Mr. SHESTACK (United States of America) said that the oral revision of paragraph 2 of draft resolution A/C.3/35/L.70/Rev.1 announced by the representative of the German Democratic Republic, namely, the addition of the words "in accordance with the national constitutional systems", should be borne in mind. In the English text, the words "to take" should read "to taking", so as to match the wording "to implementing" in the first line.

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153. Mrs. WARZAZI (Morocco) requested a separate vote on the words "all States" in paragraph 2 of the draft resolution, in view of the fact that not all States had to contend with the activities of fascist extremist groups; Morocco was a case in point.

154. The CHAIRMAN invited the Committee to take a decision on paragraph 11 of document A/C.3/35/L.96.

155. Mr. SREBREV (Bulgaria), speaking on a point of order, said he would like to ask the sponsors of document A/C.3/35/L.96 for an explanation of the replacement of three paragraphs by only one. It would be unfortunate to delete those paragraphs, one of which requested the Commission on Human Rights to consider the subject, and instead merely request the Secretary-General to bring the contents of the resolution to the attention of States, agencies and organizations, which should be automatic. It would be more understandable for the sponsors of the amendment, if they were dissatisfied with the existing text of operative paragraphs 3 to 6, to replace them with other paragraphs.

156. The CHAIRMAN pointed out that under rule 128 of the rules of procedure, after the Chairman had announced the beginning of voting, no representative should interrupt the voting.

157. Mr. SCHLEGEL (German Democratic Republic) said that he was strongly opposed to paragraph 11 of document A/C.3/35/L.96, the sole purpose of which was apparently to delete the paragraphs providing for concrete measures against the real dangers posed by fascist groups.

158. Mr. GOODEN (Jamaica) said that the draft resolution would become pointless if three of the operative paragraphs were deleted, and he would therefore vote against the amendment.

159. Mr. BIALY (Poland) said that his delegation would vote against paragraph 11 for the same reasons as it had voted against paragraph 10. The amendment was completely at variance with the rest of draft resolution A/C.3/35/L.70/Rev.1 and with other United Nations instruments and was tantamount to refusing to take measures against groups which engaged in nazi, fascist and neo-fascist activities.

160. Mr. NAGY (Hungary) said that, in his view, the amendment would be acceptable if it supplemented operative paragraphs 3 to 6 of the draft resolution instead of deleting them. As it was, it would be ridiculous, once paragraph 2 of the draft resolution had been accepted, merely to request the Secretary-General to bring the resolution to the attention of Member States and organizations.

161. Mr. WALKATE (Netherlands), replying to the representative of Bulgaria, said that in the past the Commission on Human Rights had not always responded immediately to requests addressed to it. Furthermore, fascist activities could be carried out at either the national or the international level; the attention of States should be drawn to the former, while the latter fell within the competence of the Security Council. It was therefore important that the Secretary-General should transmit the resolution on the subject to Member States and intergovernmental organizations in order to draw their attention to the measures to be taken.

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162. Mr. SREBREV (Bulgaria) said that his delegation disagreed with the proposed amendment, which did not give a clear idea of the measures to be taken.

163. Mr. OZADOVSKY (Ukrainian Soviet Socialist Republic) said that he would like the question under consideration to be included among those dealt with by the Commission on Human Rights and the Economic and Social Council. In his view, the amendment proposed by the sponsors of document A/C.3/35/L.96 was unrealistic.

164. Mr. MATELJAK (Yugoslavia) said that he would vote against paragraph 11, which would discourage any action by the United Nations.

165. Mr. DERESSA (Ethiopia) said he agreed with the preceding speakers' criticisms of the amendment, which would have the effect of preventing the Commission on Human Rights from considering the subject, preventing States from making comments, preventing the Secretary-General from submitting a report and preventing the General Assembly from considering the question at its thirty-sixth session.

166. Mr. SHESTACK (United States of America) said that, on the contrary, the draft amendment would simplify the task of States, which already had to consider too many reports of the Secretary-General, some of which involved duplication, and would also reduce the workload of the Commission on Human Rights, whose agenda was already very heavy.

167. Mr. WALKATE (Netherlands), replying to the objections raised by the representative of Bulgaria, said that as a sponsor of the amendment he could accept the addition at the end of the proposed paragraph of the phrase "with a view to receiving their comments".

168. The CHAIRMAN said that under the rules of procedure the sponsors of the amendment could not revise it when it was being put to the vote.

169. He put to the vote paragraph 11 of document A/C.3/35/L.96.

In favour: Australia, Belgium, Canada, Denmark, Finland, France, Germany, Federal Republic of, Greece, Guatemala, Honduras, Iceland, Ireland, Israel, Italy, Japan, Luxembourg, Netherlands, New Zealand, Norway, Portugal, Spain, Sweden, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America.

Against: Afghanistan, Algeria, Angola, Argentina, Bahrain, Bangladesh, Barbados, Benin, Bulgaria, Burundi, Byelorussian Soviet Socialist Republic, Chad, Congo, Cuba, Czechoslovakia, Democratic Yemen, Dominican Republic, Ecuador, Egypt, Ethiopia, Fiji, German Democratic Republic, Ghana, Guinea-Bissau, Hungary, India, Iran, Iraq, Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lesotho, Libyan Arab Jamahiriya, Madagascar, Mexico, Mongolia, Mozambique, Nicaragua, Niger, Nigeria, Pakistan, Poland, Romania, Sao Tome and Principe, Syrian Arab Republic, Togo, Tunisia, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Cameroon, United Republic of Tanzania, Viet Nam, Yugoslavia, Zambia.

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Abstaining: Austria, Bhutan, Bolivia, Brazil, Burma, Central African Republic, Chile, Colombia, Costa Rica, Gabon, Guyana, Ivory Coast, Mali, Nepal, Panama, Papua New Guinea, Paraguay, Qatar, Rwanda, Saudi Arabia, Senegal, Somalia, Sudan, Suriname, Swaziland, Trinidad and Tobago, Uruguay, Venezuela, Zaire.

170. Paragraph 11 of document A/C.3/35/L.96 was rejected by 58 votes to 25, with 29 abstentions.

171. The CHAIRMAN invited the Committee to vote on draft resolution A/C.3/35/L.70/Rev.1.

172. Mr. ROS (Argentina) said that he objected to the expression "in accordance with the national constitutional systems", which seemed to him to be superfluous and might even provide States with a pretext for not taking action against terrorist groups.

173. Mr. BYKOV (Union of Soviet Socialist Republics), noting that the Committee had already taken decisions on all the amendments, said that it was now being requested to revert to an operative paragraph of the draft resolution on the pretext of taking separate votes. He objected to that request, drawing attention to rule 129 of the rules of procedure, which provided that if objection was made to the request for division, the motion for division should be voted upon.

174. The CHAIRMAN put to the vote the motion for a separate vote on certain parts of the draft resolution.

175. The motion was adopted by 43 votes to 41, with 24 abstentions.

176. At the request of the representative of Morocco, a recorded vote was taken on the word "all" appearing after the word "Urges" in paragraph 2 of draft resolution A/C.3/35/L.70/Rev.1.

In favour: Afghanistan, Algeria, Angola, Argentina, Barbados, Belgium, Benin, Bulgaria, Byelorussian Soviet Socialist Republic, Central African Republic, Congo, Cuba, Czechoslovakia, Democratic Yemen, Dominican Republic, Ecuador, Egypt, Ethiopia, France, German Democratic Republic, Hungary, India, Jamaica, Lao People's Democratic Republic, Libyan Arab Jamahiriya, Luxembourg, Madagascar, Mexico, Mongolia, Mozambique, Pakistan, Poland, Romania, Syrian Arab Republic, Togo, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Cameroon, United Republic of Tanzania, Venezuela, Viet Nam, Yugoslavia, Zambia.

Against: Australia, Austria, Canada, Germany, Federal Republic of, Guinea-Bissau, Honduras, Italy, Japan, Lesotho, Morocco, Netherlands, New Zealand, Nicaragua, Niger, Papua New Guinea, Portugal, Somalia, Swaziland, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America, Zaire.

Abstaining: Bahamas, Bangladesh, Bhutan, Brazil, Burma, Burundi, Chad, Chile, Colombia, Costa Rica, Fiji, Gabon, Ghana, Greece, Guatemala, Guyana, Ireland, Israel, Ivory Coast, Kenya, Mali, Nepal, Panama, Paraguay, Rwanda, Senegal, Spain, Sudan, Suriname, Trinidad and Tobago, Tunisia.

177. The word "all" in paragraph 2 was retained by 44 votes to 22, with 31 abstentions.

178. At the request of the representative of Jamaica, a recorded vote was taken on the words "in accordance with the national constitutional systems" at the end of paragraph 2 of draft resolution A/C.3/35/L.70/Rev.1.

In favour: Afghanistan, Algeria, Angola, Australia, Austria, Bangladesh, Barbados, Belgium, Benin, Bhutan, Bulgaria, Byelorussian Soviet Socialist Republic, Canada, Central African Republic, Chile, Colombia, Congo, Cuba, Czechoslovakia, Democratic Yemen, Denmark, Dominican Republic, Egypt, Ethiopia, Finland, France, Gabon,* German Democratic Republic, Germany, Federal Republic of, Ghana, Greece, Guinea-Bissau, Honduras, Hungary, Iceland, India, Iran, Ireland, Italy, Japan, Kenya, Lao People's Democratic Republic, Lesotho, Libyan Arab Jamahiriya, Luxembourg, Madagascar, Mexico, Mongolia, Mozambique, Nepal, Netherlands, New Zealand, Nicaragua, Norway, Panama, Papua New Guinea, Peru, Poland, Portugal, Romania, Sao Tome and Principe, Somalia, Spain, Sudan, Swaziland, Sweden, Syrian Arab Republic, Tunisia, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United Republic of Cameroon, United States of America, Uruguay, Venezuela, Viet Nam, Yugoslavia.

Against: Argentina, Ecuador, Jamaica.

Abstaining: Bahamas, Bolivia, Brazil, Burma, Burundi, Chad, Costa Rica, Fiji, Guatemala, Guyana, Israel, Ivory Coast, Mali, Niger, Pakistan, Rwanda, Senegal, Suriname, Togo, Trinidad and Tobago, Uganda, United Republic of Tanzania, Zaire, Zambia.

179. Mrs. OLIVEIRA (Gabon) said that she had not wished to participate in the vote and that Gabon had erroneously been recorded as having voted.

180. The CHAIRMAN said that her statement would be noted in the record of the meeting.

181. The words "in accordance with the national constitutional systems" in paragraph 2 were retained by 78 votes to 3, with 24 abstentions.

* See para. 179 below.

182. At the request of the representative of Denmark, a recorded vote was taken on paragraph 2 as a whole of draft resolution A/C.3/35/L.70/Rev.1.

In favour: Afghanistan, Algeria, Angola, Bahrain, Bangladesh, Barbados, Benin, Bhutan, Bulgaria, Burma, Burundi, Byelorussian Soviet Socialist Republic, Colombia, Congo, Costa Rica, Cuba, Czechoslovakia, Democratic Yemen, Djibouti, Dominican Republic, Ecuador, Egypt, Ethiopia, Fiji, Finland, German Democratic Republic, Ghana, Greece, Guatemala, Guinea-Bissau, Hungary, Iceland, India, Iran, Iraq, Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lesotho, Libyan Arab Jamahiriya, Madagascar, Mali, Mauritania, Mexico, Mongolia, Mozambique, Nepal, Nicaragua, Nigeria, Pakistan, Peru, Poland, Qatar, Romania, Rwanda, Sao Tome and Principe, Saudi Arabia, Sudan, Suriname, Syrian Arab Republic, Togo, Tunisia, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Cameroon, United Republic of Tanzania, Venezuela, Viet Nam, Yugoslavia, Zaire, Zambia.

Against: None.

Abstaining: Australia, Austria, Bahamas, Belgium, Brazil, Canada, Central African Republic, Denmark, France, Gabon, Germany, Federal Republic of, Guyana, Honduras, Ireland, Israel, Italy, Ivory Coast, Japan, Luxembourg, Morocco, Netherlands, New Zealand, Niger, Norway, Panama, Portugal, Somalia, Spain, Swaziland, Sweden, Trinidad and Tobago, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America.

183. Paragraph 2 of draft resolution A/C.3/35/L.70/Rev.1 was adopted by 75 votes to none, with 34 abstentions.

184. At the request of the representative of the Niger, a recorded vote was taken on the word "all" in paragraph 3 of draft resolution A/C.3/35/L.70/Rev.1.

In favour: Afghanistan, Algeria, Angola, Argentina, Austria, Bangladesh, Benin, Bhutan, Bolivia, Brazil, Bulgaria, Burundi, Byelorussian Soviet Socialist Republic, Central African Republic, Chile, Colombia, Congo, Cuba, Czechoslovakia, Democratic Yemen, Dominican Republic, Ecuador, Egypt, Ethiopia, Fiji, Finland,* France, German Democratic Republic, Ghana, Greece, Guatemala, Hungary, India, Ireland, Italy, Jamaica, Kenya, Lao People's Democratic Republic, Lesotho, Libyan Arab Jamahiriya, Madagascar, Mali, Mexico, Mongolia, Mozambique, Nepal, Nicaragua, Nigeria, Pakistan, Peru, Poland, Romania, Rwanda, Sao Tome and Principe, Sudan, Syrian Arab Republic, Togo, Tunisia, 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, Yugoslavia, Zaire, Zambia.

* See para. 185 below.

Against: None.

Abstaining: Australia, Bahamas, Barbados, Belgium, Burma, Canada, Chad, Costa Rica, Gabon, Germany, Federal Republic of, Guyana, Honduras, Israel, Ivory Coast, Japan, Luxembourg, Morocco, Netherlands, New Zealand, Niger, Panama, Portugal, Qatar, Somalia, Spain, Suriname, Swaziland, Trinidad and Tobago, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America.

185. Miss RASI (Finland) said that she had not wished to participate in the vote and that Finland had erroneously been recorded as having voted.

186. The CHAIRMAN said that her statement would be noted in the record of the meeting.

187. The word "all" was retained by 70 votes to none, with 31 abstentions.

188. At the request of the representative of the United States of America, a recorded vote was taken on paragraph 4 of draft resolution A/C.3/35/L.70/Rev.1.

In favour: Afghanistan, Algeria, Angola, Argentina, Bahrain, Bangladesh, Barbados, Benin, Bhutan, Bolivia, Brazil, Bulgaria, Burma, Burundi, Byelorussian Soviet Socialist Republic, Central African Republic, Chad, Chile, Colombia, Congo, Costa Rica, Cuba, Czechoslovakia, Democratic Yemen, Dominican Republic, Ecuador, Egypt, Ethiopia, Fiji, Finland, Gabon, German Democratic Republic, Ghana, Guatemala, Guinea-Bissau, Hungary, India, Iran, Iraq, Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lesotho, Libyan Arab Jamahiriya, Madagascar, Mali, Mexico, Mongolia, Mozambique, Nepal, Nicaragua, Niger, Nigeria, Pakistan, Paraguay, Peru, Poland, Qatar, Romania, Rwanda, Sao Tome and Principe, Senegal, Sudan, Suriname, Syrian Arab Republic, Togo, Tunisia, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Cameroon, United Republic of Tanzania, Venezuela, Viet Nam, Yugoslavia, Zaire, Zambia.

Against: Australia, Greece, United States of America.

Abstaining: Austria, Bahamas, Belgium, Canada, Denmark, France, Germany, Federal Republic of, Guyana, Honduras, Iceland, Ireland, Israel, Italy, Ivory Coast, Japan, Luxembourg, Netherlands, New Zealand, Norway, Panama, Portugal, Somalia, Spain, Swaziland, Sweden, Trinidad and Tobago, Turkey, United Kingdom of Great Britain and Northern Ireland, Uruguay.

189. Paragraph 4 of draft resolution A/C.3/35/L.70/Rev.1 was retained by 80 votes to 3, with 29 abstentions.

190. Mr. WALKATE (Netherlands), supported by Mr. NORDENFELT (Sweden), suggested that draft resolution A/C.3/35/L.70/Rev.1, as amended, should be adopted without a vote.

191. Mr. GOODEN (Jamaica) insisted on the need for a vote.

192. At the request of the representative of the Ukrainian Soviet Socialist Republic, a recorded vote was taken on draft resolution A/C.3/35/L.70/Rev.1 as a whole.

In favour: Afghanistan, Algeria, Angola, Argentina, Austria, Bahrain, Bangladesh, Barbados, Belgium, Benin, Bhutan, Bolivia, Brazil, Bulgaria, Burma, Burundi, Byelorussian Soviet Socialist Republic, Central African Republic, Chad, Chile, China, Colombia, Congo, Costa Rica, Cuba, Cyprus, Czechoslovakia, Democratic Yemen, Djibouti, Dominican Republic, Ecuador, Egypt, Ethiopia, Fiji, Finland, France, Gabon, German Democratic Republic, Ghana, Greece, Guatemala, Guinea-Bissau, Honduras, Hungary, India, Iran, Iraq, Ireland, Israel, Italy, Ivory Coast, Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lesotho, Libyan Arab Jamahiriya, Luxembourg, Madagascar, Mali, Mauritania, Mexico, Mongolia, Morocco, Mozambique, Nepal, Netherlands, Nicaragua, Niger, Nigeria, Oman, Pakistan, Papua New Guinea, Paraguay, Peru, Poland, Portugal, Qatar, Romania, Rwanda, Sao Tome and Principe, Saudi Arabia, Senegal, Spain, Sudan, Suriname, Swaziland, Sweden, Syrian Arab Republic, Togo, 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, Yugoslavia, Zaire, Zambia.

Against: None.

Abstaining: Australia, Bahamas, Canada, Denmark, Germany, Federal Republic of, Guyana, Iceland, Japan, Malawi, Maldives, New Zealand, Norway, Panama, Trinidad and Tobago, United Kingdom of Great Britain and Northern Ireland, United States of America.

193. Draft resolution A/C.3/35/L.70/Rev.1 as a whole, as amended, was adopted by 105 votes to none, with 16 abstentions.

194. The CHAIRMAN said that, in view of the lateness of the hour, explanations of vote could be given at the following morning's meeting. Before adjourning the meeting, he had the sad duty to inform the members of the Committee that Mr. Amerasinghe had died the day before. He paid tribute to the devotion and exceptional qualities of the eminent diplomat, who had been Chairman of the Conference on the Law of the Sea and whose death was a great loss to the international community.

The meeting rose at 10.05 p.m.