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SUMMARY RECORD OF THE 84th MEETING

Chairman: Mr. GARVALOV (Bulgaria)

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The meeting was called to order at 3.25 p.m.

AGENDA ITEM 12: REPORT OF THE ECONOMIC AND SOCIAL COUNCIL (A/C.3/35/L.76 and L.79)

AGENDA ITEM 65: CRIME PREVENTION AND CONTROL

(a) CAPITAL PUNISHMENT: REPORT OF THE SIXTH UNITED NATIONS CONGRESS ON THE PREVENTION OF CRIME AND THE TREATMENT OF OFFENDERS (A/C.3/35/L.67, L.75, L.80 and L.97)

(b) SIXTH UNITED NATIONS CONGRESS ON THE PREVENTION OF CRIME AND THE TREATMENT OF OFFENDERS (A/C.3/35/L.81)

(c) IMPLEMENTATION OF THE CONCLUSIONS OF THE FIFTH UNITED NATIONS CONGRESS ON THE PREVENTION OF CRIME AND THE TREATMENT OF OFFENDERS (A/35/289)

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 (A/35/369 and Add.1-2)

(b) UNILATERAL DECLARATIONS BY MEMBER STATES AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT (A/35/370/Rev.1 and Add.1)

(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 (A/35/401 and Add.1-2; A/C.3/35/L.73/Rev.1, A/C.3/35/L.92)

1. The CHAIRMAN pointed out that the Committee still had to consider nine draft resolutions before concluding, at the present meeting, its work for the thirty-fifth session and proposed that the time allowed to each delegation speaking on the substance of the question should be limited to five minutes.

2. Mrs. WARZAZI (Morocco) and Mr. VOICU (Romania) supported the Chairman's proposal.

Draft resolution A/C.3/35/L.79

3. Mr. McKINNON (Canada) said that, through the co-operation of the delegations concerned, it had been possible to amend draft resolution A/C.3/35/L.79 concerning mass exoduses. The amendments consisted of inserting, in the first line of the second preambular paragraph and in the first line of operative paragraph 1, after the word "exoduses", the words "and displacements", of deleting subparagraphs (a) and (b) of operative paragraph 3 and operative paragraph 4 in its entirety, and of renumbering the other operative paragraphs accordingly.

(Mr. McKinnon, Canada)

4. He hoped that, as a result of those amendments, it would be possible to adopt the draft resolution without a vote.

5. The CHAIRMAN said that, if there were no objections, he would consider that the Committee decided to adopt the draft resolution, as amended, without a vote.

6. Draft resolution A/C.3/35/L.79, as amended, was adopted without a vote.

7. Miss RODRIGUEZ-CALDERON (Cuba) said that she would merely like to point out that, because of the amendments made to the draft resolution, operative paragraph 5 no longer served any purpose.

8. Mr. EDIS (United Kingdom) said that he hoped, in accordance with the draft resolution which had just been adopted and with resolution 30 (XXXVI) of the Commission on Human Rights concerning human rights and massive exoduses, that the Secretary-General would actually submit a report on those exoduses and mass displacements which had taken place in recent years.

Draft resolution A/C.3/35/L.75 and draft decision A/C.3/35/L.97

9. Mr. VOLLERS (Federal Republic of Germany) said that, following long consultations with a number of delegations, the sponsors of draft resolution A/C.3/35/L.75 on measures aiming at the ultimate abolition of capital punishment had decided to submit draft decision A/C.3/35/L.97 on capital punishment according to which the General Assembly would consider at its thirty-sixth session the idea of elaborating a draft of a second optional protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty. On the basis of those consultations, it should be possible for the draft decision to be adopted by consensus, it being understood that the sponsors of draft resolution A/C.3/35/L.75 would not insist on its being put to a vote.

10. The CHAIRMAN said that, if he heard no objection, he would take it that the Committee wished to adopt draft decision A/C.3/35/L.97 without a vote and to endorse the suggestion of the sponsors of draft resolution A/C.3/35/L.75 that the draft resolution should not be put to the vote.

11. Draft decision A/C.3/35/L.97 was adopted without a vote.

12. Mr. MORENO-SALCEDO (Philippines) said that if the draft decision had been put to a vote his delegation would have voted against it because of Philippine legislation.

13. Mr. ALAKWAA (Yemen) pointed out that draft decision A/C.3/35/L.97 was contrary to Islamic law, which was applied in his country.

14. Mrs. AKAMATSU (Japan) said that the fact that her delegation had joined the consensus on draft decision A/C.3/35/L.97 should not be interpreted as signifying a change in the position of the Japanese Government, which was in favour of maintaining the death penalty. Her delegation would communicate a detailed statement of the Government's views on the subject to the Secretary-General in due course.

15. Mrs. WARZAZI (Morocco) noted that the fact that draft decision A/C.3/35/L.97 had been adopted by consensus was in no way binding upon the Member States. That was why the sponsors of draft resolution A/C.3/35/L.75 had decided to submit the draft decision.

16. Mr. EDIS (United Kingdom) noted that discussion of the issue of capital punishment at the Sixth United Nations Congress on the Prevention of Crime and the Treatment of Offenders had revealed the depth of feeling it continued to arouse and the extent to which it was related to the cultural and legal traditions of each State. The United Kingdom, for its part, considered that abolishment of capital punishment was a matter for the conscience of the members of Parliament. Ordinary crimes were no longer punishable by the death penalty in the United Kingdom.

17. While recognizing that it would be good for Member States to have the opportunity to discuss the idea of elaborating a draft of a second optional protocol, his delegation would be unable to support the elaboration of such a protocol, for the reasons it had stated.

18. Mr. OKELO (Uganda), Mr. MAKKI (Oman), Mr. ALI (Bangladesh), Miss HOUNGAVOU (Benin), Mrs. HUSSAIN (Pakistan), Mr. FARIS (Jordan) and Mr. AL-MOKHTAR (United Arab Emirates) said that their delegations would have abstained if the draft decision had been put to the vote.

19. Ms. KEKEDO (Papua New Guinea) said that her delegation welcomed the adoption of draft decision A/C.3/35/L.97. Had it been put to the vote, her delegation would have voted for it, in the belief that no State should impose a decision on such a matter on any other State. In Papua New Guinea, the law did not provide for the death penalty.

Draft resolution A/C.3/35/L.65/Rev.1

20. The CHAIRMAN said that, if he heard no objection, he would take it that the Committee wished to adopt draft resolution A/C.3/35/L.65/Rev.1, on the code of conduct for law enforcement officials, without a vote.

21. Draft resolution A/C.3/35/L.65/Rev.1 was adopted without a vote.

Draft resolution A/C.3/35/L.67

22. Mr. RANGACHARI (India) noted that the question of capital punishment had been discussed at length at the Sixth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held in Caracas, Venezuela, in August/September 1980, and that only 37 Member States had declared themselves to be abolitionists. A draft resolution had been submitted but the sponsors had decided not to put it to the vote, because the vast majority of participants in the Congress had not supported it. As for draft resolution A/C.3/35/L.67, which also dealt with capital punishment, his delegation objected to various aspects of the text and would have liked to convince the sponsors to agree to discuss the substance of the question. It could not accept the references in the preamble to

(Mr. Rangachari, India)

the fact that capital punishment was a violation of the right to life and to the negative consequences that would result if capital punishment were not totally abolished; the recommendation to introduce a moratorium on the application of capital punishment was also unacceptable. The Supreme Court of India had recently studied the question and had concluded, in particular, that capital punishment was not a violation of the right to life.

23. Because of its objections, his delegation proposed that the Committee should adopt the following draft decision:

> "The Committee decides not to take any action on draft resolution A/C.3/35/L.67 on capital punishment."

24. Mr. BANGURA (Sierra Leone) said that his delegation joined in the consensus on draft resolution A/C.3/35/L.65/Rev.1.

25. Mr. KAMANDA wa KAMANDA (Zaire) paid tribute to the generosity of spirit demonstrated by the sponsors of draft resolution A/C.3/35/L.67 and said that he was impressed by the breadth of knowledge of members of the Third Committee who were able to tackle legal, economic, scientific and technical questions with equal ease. However, there were serious legal implications to the draft resolution and opinion on the subject was far from unanimous. It had not, in fact, been established that capital punishment was a violation of human rights. He therefore suggested that the question be pondered at length and that the Committee not be over-hasty in taking a decision, as it might not be implemented. He supported the proposal made by the representative of India and requested that consideration of the draft resolution should be postponed until the Sixth Committee experts had given their opinion.

26. Mr. NORDENFELT (Sweden) said that capital punishment raised a universal ethical problem which was related to the right to life and that it was a very sound idea that delegations should have the opportunity to vote on the desirability of gradual abolition of the death penalty. He therefore invited the Indian delegation to withdraw its draft decision.

27. Mr. MAKKI (Oman) said that, as he had already pointed out in his explanation of vote on draft resolution A/C.3/35/L.97, he objected to the terms of the draft resolution, which implied a value judgement on Islamic custom and Islamic law. He supported the proposal made by the representative of India and asked the representative of Sweden to withdraw his draft resolution.

28. Mrs. WARZAZI (Morocco) proposed adding the following words to the Indian draft decision: "while awaiting the conclusions of the Sixth Committee on the subject".

29. Mr. MBENNA (United Republic of Tanzania) supported the Indian draft decision, as amended by Morocco, and said that, although it might be desirable to abolish capital punishment, a fixed time-table should not be imposed for the process.

30. Mr. CABRAL (Guinea-Bissau) said he had no doubts as to the good intentions of the sponsors of draft resolution A/C.3/35/L.67. It was his belief that, since the problem was being studied in other forums whose members were better able to judge the legal consequences of the problem, the Committee should take a decision based on the interests of the international community and should not be hasty in acting. In view of the fact that the problem touched on philosophical ideas concerning life and death and that it was necessary to respect the beliefs and religion of all peoples, it was his view that the Indian proposal, as amended by Morocco, took due account of the concerns and points of view of all, inasmuch as it made it possible to draw on the work of the Sixth Committee before taking a decision that was informed and taken in good faith.

31. Miss SABATIER (Niger) stressed the need to be realistic, and formally moved that the debate should be closed and that a vote should be taken on the Indian draft decision.

32. Mr. NORDENFELT (Sweden) said he regretted that a procedural device by the representative of India might prevent the adoption of draft resolution A/C.3/35/L.67. In order to be able to interpret the position of delegations with regard to that draft resolution, he requested that a recorded vote should be taken on the Indian draft decision; he did not oppose the closure of debate.

33. In response to a question by Mr. CABRERA (Spain), the CHAIRMAN said that the Moroccan amendment to the draft decision had been accepted by India. He invited members of the Committee to vote on the Indian draft decision as revised.

34. Mr. NORDENFELT (Sweden) requested a separate vote on the words "while awaiting the conclusions of the Sixth Committee on the subject".

35. Mr. CABRERA (Spain), speaking in explanation of vote, said that the important draft resolution A/C.3/35/L.67 was quite moderate and took no final decision with regard to abolishing the death penalty. He regretted the Committee's tendency to resort to procedural devices in order to avoid taking decisions on substantive matters. His delegation would vote against the Indian draft decision.

36. Mr. GAGLIARDI (Brazil) said he supported draft resolution A/C.3/35/L.67 but would not oppose the Indian draft decision and would abstain in that vote.

37. Mr. VOLLERS (Federal Republic of Germany) said he regretted that India had submitted its draft decision, since the matter should be discussed. He was sorry to see a draft resolution eliminated by a procedural device. He was aware of the differences of views in the Committee and he was ready to discuss and amend the draft resolution, but he still intended to vote against the Indian draft decision.

38. Mr. DANOVI (Italy) asked whether the death penalty was on the agenda of the Sixth Committee.

39. Mr. ALMOSLECHNER (Austria) agreed with the Swedish delegation that the decision on the draft resolution should be taken by a vote on the substance of the matter. He opposed the Indian draft decision.

40. Mr. UCLES-RAMIREZ (Guatemala) indicated that the 1975 Constitution of his country allowed for the death penalty, although it respected the legal standards set forth in paragraph 7 of the draft resolution. He understood the Indian objections and would vote in favour of the Indian draft decision.

41. Mr. EDIS (United Kingdom) indicated that the death penalty had been abolished in the United Kingdom but that the decision depended on Parliament and was not a matter of Government policy. For that reason he was not able to join the sponsors of an international decision aimed at abolishing the death penalty or at introducing a moratorium, a decision that would restrict the freedom of other countries to decide the matter as they saw fit. However, he favoured a discussion of the subject and would vote against the Indian draft decision; if it was rejected, he would vote in favour of draft resolution A/C.3/35/L.67.

42. Mr. DYRLUND (Denmark), speaking as a sponsor of the draft resolution, said that he was convinced that the draft resolution would strengthen human rights and that, even if the death penalty could not be immediately abolished, steps should nevertheless be taken in that direction. He would therefore vote against the Indian proposal.

43. Mrs. CASTILLO (Dominican Republic) said she was in favour of draft resolution A/C.3/35/L.67, which would have the effect of weakening the power of tyrants. Furthermore, the draft resolution imposed no obligation on States. She would vote against the Indian draft decision.

44. Mr. FAREED (Pakistan) said that he shared the concerns expressed by the representative of Zaire. The draft resolution sought to impose on some countries the legislation in force in other countries and showed that the sponsors failed to realize that the criminal legislation of each country depended on that country's traditions, its social, economic and political conditions and its religion. He would vote in favour of the Indian draft decision.

45. Mr. MAKKI (Oman) said he had serious objections to draft resolution A/C.3/35/L.67 and would vote in favour of the Indian draft decision.

46. Mrs. de BROMLEY (Honduras) indicated that capital punishment had been abolished in Honduras and that she would vote in favour of draft resolution A/C.3/35/L.67 and against the draft decision.

47. Ms. FRANCO (Portugal) said that, while she was aware of the legislative problems posed by the death penalty, she considered that draft resolution A/C.3/35/L.67 was extremely moderate and regretted that procedural motions were preventing a substantive discussion. She would therefore vote against the draft decision.

48. Mr. OKELO (Uganda) said that, although he strongly opposed any form of homicide, he supported the Indian draft decision, because he believed that each country should be free to determine, in its Constitution, whether to maintain or abolish the death penalty.

49. Mr. RAZZOOQI (Kuwait) opposed draft resolution A/C.3/35/L.67 and pointed out that what was good for some was not necessarily good for others; he would therefore vote for the Indian draft decision.

50. Mrs. RODRIGUEZ (Venezuela) said that, even if agreement could not be reached immediately, draft resolution A/C.3/35/L.67, which her country favoured, would enable progress to be made towards abolition of the death penalty.

51. Mr. GOODEN (Jamaica) said he would vote for draft resolution A/C.3/35/L.67 if it were put to the vote, and would therefore abstain in a vote on the Indian draft decision. However, since he did not know whether the subject of the death penalty was on the Sixth Committee's agenda, he opposed the Moroccan amendment to the Indian draft decision.

52. Mrs. de REYES (Colombia) said that she would vote against the draft decision proposed by India, as she supported draft resolution A/C.3/35/L.67. She was in favour of the abolition of the death penalty, which moreover did not exist in her country, since such action would contribute to the enhancement of human rights.

53. Her delegation found it regrettable that draft resolutions submitted to the Third Committee were all too often withdrawn without being put to the vote, since they expressed the views of various members of the Committee, even if such views were controversial.

54. Mr. DERESSA (Ethiopia) supported the draft decision proposed by India, as amended by Morocco. Draft resolution A/C.3/35/L.67 did not seem to take account of the fact that there were many forms of societies and Governments with different values, cultures and legal principles based on religious precepts inspired essentially by the desire of mankind to live in peace and harmony. The discussions during the Sixth United Nations Congress on the Prevention of Crime and the Treatment of Offenders as well as in the Third Committee during the current session had shown that the problem required detailed study by United Nations organs which were more competent than the Third Committee to deal with the question.

55. Mrs. de GUELMAN (Uruguay) said she unreservedly supported draft resolution A/C.3/35/L.67. The death penalty had been abolished in Uruguay under a law dating back to September 1907 as well as under the national Constitution currently in force. She would vote against the draft decision submitted by India.

56. Mr. NORDENFELT (Sweden), speaking on a point of order, asked if the question of the death penalty was on the agenda of the Sixth Committee.

57. Mr. KAMANDA wa KAMANDA (Zaire), replying first to the representative of Italy and then to the representative of Sweden, said that if several countries, including his own, had requested that consideration of the question of the death penalty should be deferred, it was not because the issue might have been included on the agenda of the Sixth Committee. If it had not been, the Third Committee would then be in an excellent position to request that the matter should be referred to the Sixth Committee, as the General Assembly could not take decisions on questions of a legal nature unless the Sixth Committee had presented its views. That was the point of the draft decision of India, as amended by Morocco.

(Mr. Kamanda wa Kamanda, Zaire)

58. He considered that it was illogical for the opponents of the death penalty to argue that, because the death penalty did not exist in their own countries, it should be abolished in others.

59. Mr. NORDENFELT (Sweden) said it was his understanding that the question of the death penalty was not on the agenda of the Sixth Committee and that it was for the General Committee of the General Assembly to take a decision on whether to refer the issue to the Sixth Committee. Such being the case, he would vote against the Moroccan amendment to the Indian draft decision.

60. At the request of the representative of Sweden, a separate vote was taken on the words "while awaiting the conclusions of the Sixth Committee on the subject" in the draft decision proposed by India, as amended by Morocco. A recorded vote was taken by roll-call.

In favour: Afghanistan, Argentina, Bahrain, Bangladesh, Bulgaria, Burundi, Byelorussian Soviet Socialist Republic, Central African Republic, Costa Rica, Czechoslovakia, Egypt, Ethiopia, German Democratic Republic, Guinea, Guinea-Bissau, Hungary, India, Indonesia, Iran, Iraq, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Malaysia, Maldives, Mongolia, Morocco, Nepal, Niger, Nigeria, Oman, Pakistan, Poland, Qatar, Romania, Saudi Arabia, Sierra Leone, Somalia, Sudan, Thailand, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Tanzania, Yemen, Zaire, Zambia.

Against: Algeria, Angola, Australia, Austria, Belgium, Benin, Canada, Colombia, Cyprus, Denmark, Dominican Republic, Ecuador, Fiji, Finland, France, Germany, Federal Republic of, Greece, Haiti, Honduras, Iceland, Israel, Italy, Jamaica, Japan, Luxembourg, Netherlands, New Zealand, Norway, Panama, Papua New Guinea, Paraguay, Peru, Portugal, Spain, Sweden, Syrian Arab Republic, Togo, Trinidad and Tobago, Tunisia, United Kingdom of Great Britain and Northern Ireland, Uruguay, Venezuela.

Abstaining: Bahamas, Barbados, Bhutan, Bolivia, Botswana, Brazil, Chad, Chile, Congo, Cuba, Democratic Yemen, Gambia, Ghana, Guatemala, Guyana, Ireland, Ivory Coast, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Mali, Mexico, Mozambique, Nicaragua, Philippines, Senegal, Singapore, Sri Lanka, Suriname, Swaziland, Turkey, United Republic of Cameroon, United States of America, Yugoslavia.

61. The words "while awaiting the conclusions of the Sixth Committee on the subject" in the draft decision proposed by India were adopted by 49 votes to 42, with 35 abstentions.

62. The CHAIRMAN invited the Committee to vote on the draft decision proposed by India, which read: "The Third Committee decides not to take any action on draft

(The Chairman)

resolution A/C.3/35/L.67 entitled 'Capital punishment', while awaiting the conclusions of the Sixth Committee on the subject".

63. A recorded vote was taken by roll-call.

In favour: Afghanistan, Angola, Argentina, Bahrain, Bangladesh, Bhutan, Bulgaria, Burundi, Byelorussian Soviet Socialist Republic, Central African Republic, Chad, Chile, Congo, Cuba, Czechoslovakia, Egypt, El Salvador, Ethiopia, Gabon, Gambia, German Democratic Republic, Guinea, Guinea-Bissau, Guyana, Hungary, India, Indonesia, Iran, Iraq, Japan, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Liberia, Libyan Arab Jamahiriya, Madagascar, Malaysia, Maldives, Mali, Mauritania, Mexico, Mongolia, Morocco, Mozambique, Nepal, Niger, Nigeria, Oman, Pakistan, Philippines, Poland, Qatar, Romania, Rwanda, Sao Tome and Principe, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Sri Lanka, Sudan, Thailand, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Cameroon, United Republic of Tanzania, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia.

Against: Algeria, Australia, Austria, Belgium, Canada, Colombia, Costa Rica, Denmark, Dominican Republic, Ecuador, Finland, Germany, Federal Republic of, Haiti, Honduras, Iceland, Israel, Italy, Luxembourg, Netherlands, New Zealand, Norway, Panama, Papua New Guinea, Paraguay, Peru, Portugal, Spain, Sweden, Togo, Tunisia, United Kingdom of Great Britain and Northern Ireland, Uruguay, Venezuela.

Abstaining: Bahamas, Barbados, Benin, Bolivia, Botswana, Brazil, Cyprus, Fiji, France, Ghana, Greece, Guatemala, Ireland, Ivory Coast, Jamaica, Lesotho, Malawi, Nicaragua, Suriname, Swaziland, Syrian Arab Republic, Trinidad and Tobago, Turkey, United States of America.

64. The draft decision proposed by India was adopted by 76 votes to 33, with 24 abstentions.

65. The CHAIRMAN said that, as a result of the vote which had just taken place, the Committee would not consider draft resolution A/C.3/35/L.67 further.

66. Mr. SAIF (Democratic Yemen) said that his delegation had voted in favour of the Indian draft decision, but its vote had not been recorded.

67. Mr. ROM (Israel) said that, since there was no capital punishment under Israeli law, his delegation had voted against the Indian draft decision; it would have voted in favour of draft resolution A/C.3/35/L.67 if it had been put to the vote.

68. Mrs. AKAMATSU (Japan) said that her delegation would have abstained in the voting on draft resolution A/C.3/35/L.67 if it had been put to the vote.

69. Miss NICOLAIDOU (Greece) said that her delegation would have abstained in the voting on draft resolution A/C.3/35/L.67 if it had been put to the vote, although that did not mean that her Government attached no importance to the question of capital punishment. No execution had taken place in her country since 1973, and under Greek legal practice the death penalty was commuted to life imprisonment if the sentence had not been carried out within three years of the conviction. Her Government nevertheless considered that to abolish capital punishment without adopting an alternative solution might create a gap in legislation on crime prevention and crime control at a time when there was a resurgence of crime throughout the world.

70. Mr. GIUSTETTI (France) said that his delegation would have abstained in the voting if draft resolution A/C.3/35/L.67 had been put to the vote, since that draft resolution contained statements which, in his country's case, were far from having been substantiated, and the question was under intense scrutiny at the national level. That was also the reason for which his delegation had abstained in the voting on the draft decision proposed by India. His delegation regretted the adoption of such decisions, which had the effect of postponing the adoption of draft resolutions, and it hoped that that practice would not become general.

71. Mrs. SEMICHI (Algeria) said that she had voted against the Indian draft decision because the words that had been added as a result of the Moroccan proposal had made it illogical.

72. Mrs. HOUNGAVOU (Benin) said that her delegation had voted against the amendment to the Indian draft decision introduced as a result of the Moroccan proposal, since it would have been more logical, before proceeding to the vote, to seek to establish whether the question dealt with in draft resolution A/C.3/35/L.67 was, in fact, on the Sixth Committee's agenda.

73. Mr. MUCORLOR (Liberia) said that capital punishment could have a deterrent effect on persons who might be tempted to commit certain crimes; his delegation would therefore have abstained if draft resolution A/C.3/35/L.67 had been put to the vote.

74. Mr. CABRAL (Guinea-Bissau) said that his delegation had voted in favour of the Indian draft decision because it had ended a fruitless discussion and had thrown some light on the problem of capital punishment, which was not only of a legal, but also, and more particularly, of a cultural nature. In order to ensure that the ideas set forth in the Charter of the United Nations prevailed, Member States should seek a symbiosis of their cultural values instead of rejecting other peoples' values.

75. Mr. GLAIEL (Syrian Arab Republic) said that his delegation had abstained in the voting on the Indian draft decision because it did not wish the Sixth Committee to consider the question of capital punishment. If the final phrase added on the initiative of the Moroccan delegation had not been adopted, his delegation would have voted in favour of the Indian proposal.

76. Mrs. MASMOUDI (Tunisia) said that, since her country's legislation did not prohibit capital punishment, her delegation would have abstained if draft resolution A/C.3/35/L.67 had been put to the vote.

77. Mr. ALAKWAA (Yemen) said that his delegation had voted in favour of the Indian draft decision because, in his country, the death penalty was subject to precepts of the Moslem religion which were aimed at safeguarding society.

78. Mr. VERKERCKE (Belgium), introducing draft resolution A/C.3/35/L.80, read out the amendments made to the text following consultations with a large number of delegations. The third preambular paragraph should read: "Alarmed at the incidence in different parts of the world of summary executions as well as of arbitrary executions,". The introductory part of operative paragraph 1 should read: "Urges Member States concerned:". The first line of the first subparagraph of operative paragraph 1 should read: "to respect as a minimum standard the content of the provisions of articles 6, 14 and 15". The words "where it exists" should be added after the words "appeal procedure" in the second subparagraph of operative paragraph 1. In operative paragraph 3, the text after the words "Further requests the Secretary-General" should be replaced by the following: "to seek from Member States, specialized agencies, regional international organizations and concerned non-governmental organizations in consultative status with the Economic and Social Council views and observations concerning the problem of arbitrary executions and summary executions and to report to the Committee on Crime Prevention and Control at its next session".

79. He announced that the United States of America had joined the sponsors of the draft resolution.

80. Mr. GONZALEZ de LEON (Mexico) said that it was unnecessary to enumerate the various bodies mentioned in operative paragraph 3; a reference to organizations of the United Nations system and other bodies would suffice.

81. He would be glad if the representative of Belgium would inform him under what provisions the Secretary-General was requested to take the action referred to in operative paragraph 2, and what results were to be expected from such action.

82. Mrs. WARZAZI (Morocco) said that she would like the Belgian representative to delete the reference to specialized agencies in operative paragraph 3, since not all those agencies were necessarily competent to deal with the question of the death penalty.

83. Mr. VERKERCKE (Belgium), replying to the comments made by the representative of Mexico with regard to operative paragraph 2, said that the sponsors had wished to refer to an actual situation, namely, the action of the Secretary-General, which was sometimes overt, for example when he expressed regret at certain executions, but which might be more discreet in other cases. He reminded the Committee that U Thant had described his role as Secretary-General by saying: "Privately, I have done the best I could".

84. The CHAIRMAN invited members of the Committee to vote on draft resolution A/C.3/35/L.80.

85. At the request of the Mexican representative, a separate vote was taken on operative paragraph 2.

86. Operative paragraph 2 was adopted by 52 votes to 16, with 46 abstentions.

87. Mr. GAGLIARDI (Brazil) said that his delegation was in favour of direct contacts between the Secretary-General and Governments but had nevertheless abstained in the voting on operative paragraph 2 because it had not been clearly established who was to decide on cases where the minimum standard of legal safeguards appeared not to have been respected, and because it considered that it would be extremely difficult for the Secretary-General to take such decisions.

88. The CHAIRMAN said that, if there was no objection, he would take it that draft resolution A/C.3/35/L.80 as a whole, as revised, was adopted without a vote.

89. It was so decided.

90. Mrs. AKAMATSU (Japan) said that her delegation supported the purposes and the spirit of the draft resolution which the Committee had just adopted but wished to enter reservations with regard to the second and third subparagraphs of operative paragraph 1, which Japan would have difficulty in complying with.

Draft resolution A/C.3/35/L.81

91. The CHAIRMAN suggested that the Committee should adopt draft resolution A/C.3/35/L.81 by consensus.

92. Mr. O'DONOVAN (Ireland) suggested that it should be adopted by acclamation.

93. The CHAIRMAN said that, if there was no objection, he would take it that draft resolution A/C.3/35/L.81 was adopted by acclamation.

94. It was so decided.

95. Mr. DAVISON (United States of America), explaining his delegation's votes on draft resolutions A/C.3/35/L.97, concerning capital punishment, and A/C.3/35/L.80, concerning arbitrary or summary executions, said that the United States did not at the present time intend to subscribe to an optional protocol to the International Covenant on Civil and Political Rights binding parties to abolish for ever the death penalty. His delegation was willing, however, to take note of a draft protocol, and it did not object to Governments' being invited to comment on it. It had co-sponsored draft resolution A/C.3/35/L.80 because, in its opinion, it was precisely in the direction of improving the standards applying to capital punishment that the international community should be active. His delegation therefore looked forward to subsequent proposals to provide the greatest possible safeguards for persons accused of crimes punishable by the death penalty.

96. The CHAIRMAN announced that the Committee had concluded its consideration of item 65, and invited it to take up item 82.

Draft resolution A/C.3/35/L.82

97. Mr. WALKATE (Netherlands) said that the sponsors of draft resolution A/C.3/35/L.82, on torture and other cruel, inhuman or degrading treatment or punishment, wished to add the words "or States parties to the International Covenant on Civil and Political Rights" after the word "Governments" in operative paragraph 3. He suggested that the draft resolution should be adopted without a vote.

98. The CHAIRMAN said that, if there was no objection, he would take it that draft resolution A/C.3/35/L.82 was adopted without a vote.

99. It was so decided.

Draft resolution A/C.3/35/L.83

100. Mr. WALKATE (Netherlands) said that a slight change should be made in the fifth preambular paragraph of draft resolution A/C.3/35/L.83, entitled "Draft Code of Medical Ethics", of which his delegation was a sponsor. The words "progressive codification" should be replaced by "establishment". He suggested that the draft resolution should be adopted without a vote.

101. The CHAIRMAN said that, if there was no objection, he would take it that draft resolution A/C.3/35/L.83 was adopted without a vote.

102. It was so decided.

103. The CHAIRMAN said that the Committee had concluded its consideration of item 82. He invited it to take up document A/C.3/35/L.76, containing the last draft resolution before the Committee under item 12.

104. Miss NAGA (Egypt) said that she was withdrawing the amendment she had proposed at the preceding meeting, since it was clear from the consultations she had had with a number of delegations that the text, as revised by the representative of Italy, commanded a consensus which she did not wish to oppose. However, she would like it to be understood that the possibility of transforming the Division of Human Rights into a Centre should be considered with due regard to the views expressed on the subject by Governments at several sessions of the General Assembly.

105. Mr. O'DONOVAN (Ireland) recalled his statement at the preceding meeting explaining why his delegation was in favour of redesignating the Division of Human Rights as a Centre for Human Rights and asking anyone who did not agree to so inform him. Thus far, no one had contested Ireland's position, and he again asked anyone wishing to state a view contrary to that of his delegation to do so.

106. Mr. NAGY (Hungary), referring to the statement by the representative of Ireland, said that his delegation was opposed to changing the name of the Division of Human Rights. The representative of Ireland had promised to explain the position of those delegations that did not agree with the proposal in the draft resolution under consideration. He (Mr. Nagy) was still awaiting his explanations on that point.

107. Mr. MAKKI (Oman) said he wished to place on record that his delegation had not spoken at the current session on the proposal to change the title of the Division of Human Rights because it had already stated its views on that question at the thirty-fourth session.

108. Miss SABATIER (Niger) said that she did not quite follow the reasoning of the representative of Ireland. Since it was recognized that the Division of Human Rights was sufficiently important to be made into a Centre, it was merely a question of regularizing a de facto situation. That being so, why not take a straightforward decision to that effect? There was thus no point in the use of the words "with a view to redesignating" in operative paragraph 1 of the draft resolution, as revised by Italy, and she formally proposed that they should be replaced by the words "and to redesignate".

109. Mr. ABDUL-AZIZ (Libyan Arab Jamahiriya) observed that, when his delegation had proposed concluding the consideration of the draft resolution, it had not been in order to reopen the debate on further amendments. He also pointed out that the aim was to arrive at a consensus without going into secondary considerations. Since the Egyptian delegation had stated that it was withdrawing its amendment, his delegation was expecting Italy to inform the Committee that, as a result of the consultations which had taken place, there was now a consensus on the revised text. In any event, he requested that a decision should be taken on that text.

110. Mr. DANOVI (Italy) said that it was indeed the intention of his delegation that the text should be adopted without a vote.

111. Mrs. WARZAZI (Morocco) said she remembered the representative of Ireland's saying that the draft resolution would have no financial implications. However, she wondered whether changing the name of the Division would not automatically entail a change in title and grade for its Director. If there was a change of Director, the Committee would be deprived of the presence of Mr. van Boven. Moreover, the appointment of a new Director would immediately lead to an increase in staff.

112. Mr. McKINNON (Canada) recalled that, at the preceding meeting, his delegation had emphasized the importance it attached to upgrading the Division of Human Rights to a Centre. He appreciated the desire of the representative of the Libyan Arab Jamahiriya that the discussion should not be prolonged, but it seemed to him that the question was an extremely important one which should not be disposed of in haste. He asked the representative of the Niger to state whether she wished to maintain her amendment.

113. The CHAIRMAN pointed out that the question had been thoroughly discussed under item 77 and that all delegations wishing to speak had had an opportunity to do so.

114. Mr. McKINNON (Canada), speaking on a point of order, said it was one thing to have an opportunity to discuss a draft resolution and quite another to have it put to the vote and be able to take a decision on it.

115. The CHAIRMAN said that the Committee was now being offered such an opportunity.

116. Mr. SHESTACK (United States of America) thanked the representative of the Niger for having simplified the question by introducing her amendment; for it was a simple question. All delegations had recognized the importance of the work of the Division of Human Rights and had expressed the desire that it should be transformed into a Centre, because of the prestige attached to that title. The Committee should therefore approach the question quite simply by taking a vote on the draft resolution, as revised.

117. Mr. BYKOV (Union of Soviet Socialist Republics) said that, if the discussion of the question was to begin all over again, it would certainly not be possible to close the debate at the current meeting. His delegation had already pointed out that, if the aim was to increase the efficiency of the Division, there were other ways of doing that besides changing its name. It had stated that there was in the Division a veritable monopoly by a particular group of countries, namely, the Western Group. It had also said that the resources available to the Division were not being used to best advantage. Lastly, a suggestion had been made that the Division should be incorporated in the Centre for Social Development and Humanitarian Affairs. Other delegations had expressed their views on the question. The delegations of India and Italy, in particular, had pointed out that the matter was entirely the responsibility of the United Nations Secretariat. Consultations had accordingly been held, leading to the submission by the representative of Italy of a text which would allow the Secretary-General to exercise his prerogatives and continue his work without having any decision forced on him. That was all the more justified in view of the fact that the Secretary-General, in his report on the question, stated that it required further study. The most reasonable solution, therefore, was that provided by the text which the representative of Italy had read out at the preceding meeting. He commended the representative of Egypt for the understanding she had shown by withdrawing her amendment and he urged the representative of the Niger not to press her own amendment.

118. Miss SABATIER (Niger) said that she wished to emphasize her delegation's view. The General Assembly of the United Nations had the competence and the supreme authority to take a decision. Many delegations had shown that the Division of Human Rights could be transformed into a Centre for Human Rights. That being so, she failed to see why the operative part of the draft resolution should use the wording "with a view to redesignating", which was aimed at postponing the implementation of the decision. Nevertheless, if there really was a consensus on the Italian text, she was prepared to withdraw her amendment in order to facilitate matters.

119. Mr. GAGLIARDI (Brazil) said that his delegation could join in a consensus on the text proposed by the Italian delegation.

120. Mr. O'DONOVAN (Ireland) said he regretted that the representative of Hungary had not understood his views. He had thought that he had explained clearly enough why his delegation considered that the Division of Human Rights should be redesignated. Its reasons were based both on technical considerations - since the Division met the technical criteria established by the Secretary-General and the General Assembly - and on general considerations. If the Division of Human Rights remained a Division when it ought to be upgraded to a Centre, that might imply that the human rights programme was relegated, as it were, to an inferior status. That reasoning appeared to be clear; if the Hungarian delegation was opposed to such action, why did it not explain its own position?

121. The objections raised by the Soviet representative to the proposed redesignation of the Division - the question of resources, the existence of a monopoly in the Division and the fact that there were other ways of increasing the efficiency of the Division - were irrelevant. As for his recommendation that nothing should be forced on the Secretary-General, it would not be the first time the General Assembly had requested the Secretary-General to take specific action. Lastly, with regard to the suggestion which had been made that the Division of Human Rights should be incorporated in the United Nations Centre for Social Development and Humanitarian Affairs, he saw no justification for a proposal which would incorporate a large unit into a smaller body. The real question was how much importance was attached to the human rights programme within the United Nations system.

122. Mr. GLAIEL (Syrian Arab Republic) said that his delegation had been patient and understanding towards delegations which had spoken again on the subject. The draft resolution under consideration was dated 21 November. Consultations had been held. There was therefore no reason to reopen the discussion and his delegation formally moved the closure of the debate in accordance with rule 117 of the rules of procedure of the General Assembly.

123. The CHAIRMAN said that, if there was no objection, he would declare the debate closed.

124. Mr. McKINNON (Canada) opposed the motion.

125. Mr. DANOVI (Italy) pointed out that the representative of the Niger had not withdrawn her amendment. Moreover, the purpose of the consultations that had been held had been to secure the adoption of the draft resolution without a vote. He therefore opposed the closure of the debate.

126. The CHAIRMAN said that, under rule 117 of the rules of procedure, permission to speak on the closure of the debate was to be accorded only to two speakers opposing the closure. He would therefore put to the vote the motion for closure of the debate.

127. The motion having been adopted, the CHAIRMAN declared the closure of the debate.

128. He announced the beginning of the voting on draft resolution A/C.3/35/L.76 and said that he would recognize only representatives wishing to explain their vote before the vote.

129. Mr. McKINNON (Canada), speaking on a point of order, said that the representative of the Niger had not withdrawn her amendment.

130. Miss SABATIER (Niger) said that she had withdrawn her amendment to the Italian delegation's revised text.

131. Mr. SHESTACK (United States of America), speaking on a point of order, said that the position was not clear; many delegations had understood that the representative of the Niger had not withdrawn her amendment.

132. The CHAIRMAN pointed out that, under rule 128 of the rules of procedure, the process of voting could be interrupted only on points of order in connexion with the actual conduct of the voting.

133. Mr. DANOVI (Italy) reminded the Committee that he had proposed that the text should be adopted without a vote.

134. Mr. O'DONOVAN (Ireland) expressed his appreciation to those delegations which had announced their intention of supporting the draft resolution without a vote.

135. Mr. EDIS (United Kingdom) reminded the Chairman that he had requested a separate vote on the part of the sixth preambular paragraph of draft resolution A/C.3/35/L.76 which read: "the Division of Human Rights 'meets the technical criteria for a Centre, as set forth in his report on organizational nomenclature in the Secretariat (A/C.5/32/17)'". Explaining the reasons why he had requested a separate vote, he reminded the Committee that the Secretary-General had already had one year in which to examine a resolution similar to that before the Committee as well as a number of other resolutions adopted by the Economic and Social Council and the Commission on Human Rights. The purpose of the vote was to enable delegations to express their views so that the Secretary-General would be clearly aware of their position on the question of whether the Division of Human Rights should, or should not, be redesignated as a Centre.

136. Mr. SHESTACK (United States of America) said that his delegation would support the draft resolution, although it would have preferred that the subamendment proposed by the delegation of Niger be retained and the misunderstanding relating thereto cleared up. In that connexion, he found it hard to accept the somewhat arbitrary manner in which points of order had been interrupted. In supporting the draft resolution, his delegation understood its text to represent a request to the Secretary-General to redesignate the Division of Human Rights as a Centre. The Secretary-General had had a year in which to respond to that request; it was now his duty to comply forthwith with the decision taken by the Third Committee. The issue was quite clear to his delegation: it was when, and not whether, the change would take place.

137. Mr. BYKOV (Union of Soviet Socialist Republics) said that he would abstain in the separate vote requested by the representative of the United Kingdom on the phrase in question; it was unacceptable that a sentence from the Secretary-General's report should be quoted out of context as the meaning thus became distorted.

138. Mr. VOLLERS (Federal Republic of Germany) said that he supported the resolution in its existing form but expressed serious reservations on the manner in which the discussion on the issue had been conducted.

139. Mr. MATEIJAK (Yugoslavia) said that his delegation could not vote against the opinion of the Secretary-General as it had full confidence in his authority. It would therefore vote in favour of the phrase from the sixth preambular paragraph on which there was to be a separate vote.

140. Mr. GAGLIARDI (Brazil) agreed with the comments of the representative of Yugoslavia.

141. At the request of the representative of Fiji, a recorded vote was taken by roll-call on the words "the Division of Human Rights 'meets the technical criteria for a Centre, as set forth in his report on organizational nomenclature in the Secretariat'", contained in the sixth preambular paragraph of draft resolution A/C.3/35/L.76.

In favour: Algeria, Australia, Austria, Bahamas, Bangladesh, Barbados, Belgium, Benin, Bhutan, Bolivia, Botswana, Brazil, Burundi, Canada, Central African Republic, Chad, Chile, China, Colombia, Costa Rica, Cuba, Cyprus, Democratic Yemen, Denmark, Djibouti, Dominican Republic, Ecuador, Ethiopia, Fiji, Finland, France, Gabon, Germany, Federal Republic of, Ghana, Greece, Guinea-Bissau, Guyana, Haiti, Honduras, Iceland, India, Iran, Ireland, Israel, Italy, Jamaica, Japan, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Luxembourg, Madagascar, Mali, Mauritania, Mexico, Morocco, Mozambique, Nepal, Netherlands, New Zealand, Nigeria, Norway, Pakistan, Panama, Papua New Guinea, Peru, Philippines, Portugal, Senegal, Sierra Leone, Somalia, Spain, Sudan, Suriname, Sweden, Togo, Trinidad and Tobago, Tunisia, Turkey, United Kingdom of Great Britain and Northern Ireland, United Republic of Cameroon, United Republic of Tanzania, United States of America, Uruguay, Venezuela, Yemen, Yugoslavia, Zambia.

Against: None.

Abstaining: Afghanistan, Bulgaria, Byelorussian Soviet Socialist Republic, Congo, Czechoslovakia, Egypt, German Democratic Republic, Guatemala, Guinea, Hungary, Ivory Coast, Kenya, Lao People's Democratic Republic, Mongolia, Nicaragua, Poland, Romania, Rwanda, Swaziland, Syrian Arab Republic, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Viet Nam, Zaire.

142. By 89 votes to none, with 25 abstentions, the proposal of the representative of the United Kingdom was adopted.

143. The CHAIRMAN said that, if there were no objections, he would take it that the Committee decided to adopt draft resolution A/C.3/35/L.76 by consensus.

144. It was so decided.

145. Mr. WALKATE (Netherlands), Mr. McKINNON (Canada) and Mr. MAKKI (Oman) said that the affirmative vote on the sixth preambular paragraph had demonstrated that the Secretary-General would enjoy a large measure of support among Member States for the redesignation of the Division of Human Rights as a Centre. Consensus represented the only possible means for dealing with the question of human rights in the General Assembly.

146. Mr. BYKOV (Union of Soviet Socialist Republics) stressed that his delegation was not opposed to the adoption of the revised draft resolution, it being understood that the Secretary-General would examine the question and would take into account all the views expressed, including that of the Soviet Union. Moreover, the adoption of the draft would put an end to attempts by certain delegations which had tried to bring pressure to bear on the Secretary-General at every session. The question would in the future be in the hands of the latter and he should take due account of the opinion of all delegations.

147. Mr. OZADOVSKY (Ukrainian Soviet Socialist Republic) supported the comments of the representative of the Soviet Union.

148. Ms. PADUA (Portugal), Miss FAWTHORPE (New Zealand) and Mr. GOODEN (Jamaica) reiterated their support for the redesignation of the Division of Human Rights but would have preferred the retention of the original text.

149. Mrs. CASTILLO (Dominican Republic) noted that the creation of the Centre would have budgetary implications but had no doubt that its work would be much more effective.

150. Mr. EDIS (United Kingdom) expressed the hope that the Secretary-General would consider the resolution as encouraging him to continue to upgrade the Division of Human Rights and pointed out that the proposed redesignation would have no financial implications.

151. Miss SABATIER (Niger), speaking in explanation of her vote on the wording of the sixth preambular paragraph, said that she had not participated in the vote, which had seemed to her to be illogical; it would have been better to have voted on the entire paragraph.

152. Miss NICOLAIDOU (Greece), Miss WELLS (Australia) and Mr. DYRLUND (Denmark) welcomed the adoption of the resolution by consensus and expressed the view that the Secretary-General would have time to go further into the question and take appropriate measures to redesignate the Division as a Centre.

153. Mr. NAGY (Hungary) said that he had not opposed the adoption of the draft resolution by consensus, but wished to remind the Committee that Hungary was not in favour of the proposal to redesignate the Division of Human Rights as a Centre.

(Mr. Nagy, Hungary)

In fact, it was a question of knowing what practical assistance the Division could give the United Nations in the field of human rights. Redesignation of the Division as a Centre would be the first step towards the creation of new posts and new organs, an idea which had been rejected on several occasions by the Committee.

154. The CHAIRMAN said that, before declaring the session closed, he would give the floor to two representatives who had requested to speak in exercise of the right of reply.

155. Miss WELLS (Australia), replying to the representative of the Ukrainian SSR, said that the arguments he had put forward to criticize Australia were, to say the least, paradoxical. In Australia, all citizens without distinction freely exercised their civil rights. The aborigines had always participated broadly in the Government, while at the same time enjoying the right to respect for their own cultural values. Her Government gave them all the means needed for their development and for establishing links with indigenous peoples elsewhere. In that respect, a conference would shortly be held in Australia under the auspices of the World Council of Indigenous Peoples to which her Government would make a financial contribution. Australia had nothing to hide and had submitted its report to the Committee on the Elimination of Racial Discrimination.

156. Mr. CABRAL (Guinea-Bissau), replying to the representative of the United Kingdom, who had questioned the grounds for his statement on the proliferation of neo-fascist and Nazi groups, said that there was undeniably a parallel between Hitler's Germany and the situation currently prevailing in South Africa, as well as the situation which had existed in Zimbabwe before independence. Moreover, the representative of Zimbabwe had supported his remarks.

157. Mr. OZADOVSKY (Ukrainian Soviet Socialist Republic), speaking in exercise of the right of reply, said that the representative of Australia had criticized the Ukrainian SSR and he had therefore been obliged to recall resolution 5/33 of the Sub-Commission on the Prevention of Discrimination and Protection of Minorities which had expressed concern about the situation of the aborigines, only 4 per cent of whom completed their studies.

158. Mr. EDIS (United Kingdom), replying to the representative of Guinea-Bissau, said that his attacks were completely out of place.

159. Miss WELLS (Australia), replying to the representative of the Ukrainian SSR, said that she doubted whether the resolution he had mentioned reflected reality.

TRIBUTE TO THE MEMORY OF MR. SA CARNEIRO, PRIME MINISTER OF PORTUGAL, AND OF MR. AMERASINGHE, PRESIDENT OF THE UNITED NATIONS CONFERENCE ON THE LAW OF THE SEA

160. Miss VARGAS (Costa Rica), speaking on behalf of her delegation and of the Group of Latin American States, Mr. KHALIFA (Sudan), speaking on behalf of the African delegations, Mr. SCHLEGEL (German Democratic Republic), speaking on behalf of the East European Countries, Mr. PHEDONOS-VADET (Cyprus), Mr. RAZZOOQI (Kuwait),

speaking on behalf of the Arab group, and Mrs. RODRIGUEZ (Venezuela), speaking on behalf of the Group of 77, paid tribute to the memory of Mr. Sá Carneiro, Prime Minister of Portugal, and Mr. Amerasinghe, President of the United Nations Conference on the Law of the Sea and former President of the General Assembly.

161. Miss FRANCO (Portugal) thanked the delegations which had expressed sympathy to her delegation in connexion with the tragic death of Mr. Sá Carneiro, Prime Minister of Portugal.

162. Mrs. PADUA (Portugal) thanked all the delegations which had expressed condolences in connexion with the death of Mr. Sá Carneiro and recalled that throughout his life he had defended human rights and fundamental freedoms.

COMPLETION OF THE COMMITTEE'S WORK

163. The CHAIRMAN said that, during the thirty-fifth session, the Committee had done an impressive amount of work. During its 84 meetings, it had discussed all the items on its agenda and it had not had to defer any item to the next session. Important resolutions had been adopted on questions relating to violations of human rights, the struggle against racial discrimination, racism and apartheid, the United Nations Decade for Women and various social questions relating to young people, children, the disabled, the elderly, cultural values, the International Covenants on Human Rights and the report of the Economic and Social Council. Some of the resolutions which had been adopted by means of a vote represented a contribution to the main principles and objectives of the United Nations, namely to preserve and strengthen universal peace and security, and to promote international co-operation in ensuring respect for human rights and fundamental freedoms. The Committee had also found it prudent and expedient to avoid taking action on matters which went beyond its mandate and fell within the competence of other bodies and of the Secretary-General. At the same time he noted a marked tendency to the prolongation of debates and the proliferation of draft resolutions. One third more resolutions had been adopted in 1980 than in 1979. The Committee's agenda was overburdened and it was difficult to abide by it without sacrificing some draft resolutions or amendments. He also noted that the Committee had devoted much time to the preparation of international legal instruments.

164. He paid tribute to the various offices, bodies and individuals that had helped the Committee in its work.

165. Mrs. SIPILA (Assistant Secretary-General for Social Development and Humanitarian Affairs) said that it had been a great privilege for her to follow the work of the Committee. She paid tribute to the officers and also to the Chairman who had very competently guided the work of the Committee and had always remained calm and maintained his impartiality. She also paid tribute to the members of the Committee who had performed their task with exemplary dedication.

(Mrs. Sipila)

166. Through its humanitarian approach in favour of a more humane world, the international norms it had formulated and the machinery it had established in order to supervise their implementation, the Committee had made a contribution of inestimable value to the international community.

167. Mr. RIPERT (Under-Secretary-General for Economic and Social Matters) associated himself with the tribute paid by Mrs. Sipila to the Chairman and the officers and said that he agreed that the Committee's task was extremely important. He also paid tribute to Mrs. Sipila who would soon be leaving her post and would be difficult to replace.

168. During the thirty-fifth session, the Committee had made many recommendations to the Secretariat: the Secretariat must do everything possible to implement them, and was determined to do so.

169. After an exchange of courtesies, the CHAIRMAN declared that the Committee had completed its work for the thirty-fifth session.

The meeting rose at 8.15 p.m.