



General Assembly

Distr.
GENERAL

A/37/745
14 December 1982

ORIGINAL: ENGLISH

Thirty-seventh session
Agenda item 12

REPORT OF THE ECONOMIC AND SOCIAL COUNCIL

Report of the Third Committee

Rapporteur: Mr. Karl BORCHARD (Federal Republic of Germany)

I. INTRODUCTION

1. At its 4th plenary meeting, on 24 September 1982, the General Assembly decided to include in its agenda the item entitled "Report of the Economic and Social Council" and to allocate to the Third Committee chapters II, III (sects. A to C, F, G, I and K), IV (sect. D), V, VI (sect. C), VII, VIII and IX (sect. F) of the Council's report. 1/
2. At its 43rd meeting, on 16 November 1982, the Committee decided to consider under agenda item 90 the chapters of the report of the Economic and Social Council pertaining to specific cases of providing assistance to refugees. 2/
3. The chapters of the report of the Economic and Social Council pertaining to agenda items 76, 87, 90 and 91 were considered separately under those items. 3/

1/ A/37/3 (Parts I-III). To be issued as Official Records of the General Assembly, Thirty-seventh Session, Supplement No. 3 (A/37/3).

2/ For the report of the Third Committee on item 90, see A/37/692.

3/ For the reports of the Third Committee on items 76, 87, 90 and 91, see A/37/595, A/37/718, A/37/692 and A/37/676.

4. The Committee considered the remaining chapters of the report of the Economic and Social Council jointly with agenda item 93 at its 57th, 58th and 61st to 75th meetings, on 29 and 30 November and 2 to 10 December. An account of the discussion of the Committee is contained in the relevant summary records (A/C.3/37/SR.57, 58 and 61-75).
5. At its 3rd meeting, on 30 September, the Committee decided that, pursuant to General Assembly resolution 36/160 of 16 December 1981, the open-ended Working Group on the Drafting of an International Convention on the Protection of the Rights of all Migrant Workers and Their Families would meet during the thirty-seventh session.
6. At the same meeting, the Committee also decided, pursuant to General Assembly resolution 36/165 of 16 December 1981, to establish an open-ended working group on the elaboration of the draft declaration on the human rights of individuals who are not citizens of the country in which they live.
7. The Committee had before it the following documentation:
 - (a) Report of the Economic and Social Council; 1/
 - (b) Question of human rights relating to the case of Mr. Ziad Abu Eain: report of the Secretary-General (A/36/855);
 - (c) Measures to be taken against Nazi, Fascist and neo-Fascist activities and all other forms of totalitarian ideologies and practices based on racial intolerance, hatred and terror: report of the Secretary-General (A/37/188 and Corr.1 and Add.1);
 - (d) Human rights and mass exoduses: note by the Secretary-General (A/37/310) transmitting the report of the Special Rapporteur;
 - (e) Combating the traffic in persons and the exploitation of the prostitution of others: report of the Secretary-General (A/37/412);
 - (f) Regional arrangements for the promotion and protection of human rights: report of the Secretary-General (A/37/422);
 - (g) Violations of human rights in southern Africa: note by the Secretary-General (A/37/452);
 - (h) Social aspects of the development activities of the United Nations: report of the Secretary-General (A/37/500);
 - (i) The right to education: note by the Secretary-General (A/37/521) transmitting a report of the Director-General of the United Nations Educational, Scientific and Cultural Organization;
 - (j) International co-operation in drug abuse control: report of the Secretary-General (A/37/556);

(k) Protection of human rights in Chile: note by the Secretary-General (A/37/564) transmitting the report of the Special Rapporteur on the situation of human rights in Chile;

(l) Situation of human rights and fundamental freedoms in El Salvador: note by the Secretary-General (A/37/611) transmitting the interim report of the Special Representative of the Commission on Human Rights;

(m) United Nations Voluntary Fund for Victims of Torture: report of the Secretary-General (A/37/618);

(n) Report of the open-ended Working Group of the thirty-sixth session on the elaboration of the draft declaration on the human rights of individuals who are not citizens of the country in which they live (A/C.3/36/11);

(o) Report of the open-ended Working Group on the Drafting of an International Convention on the Protection of the Rights of All Migrant Workers and Their Families on its intersessional meetings from 10 to 21 May 1982 (A/C.3/37/1);

(p) Letter dated 26 October 1982 from the Permanent Representative of Guatemala to the United Nations addressed to the Secretary-General (A/C.3/37/5);

(q) Letter dated 11 October 1982 from the Secretary-General of the United Nations addressed to the Special Rapporteur on human rights and mass exoduses (A/C.3/37/9);

(r) Letter dated 3 December 1982 from the Permanent Representative of Turkey to the United Nations addressed to the Chairman of the Third Committee (A/C.3/37/10);

(s) Letter dated 16 April 1982 from the Chargé d'Affaires a.i. of the Permanent Mission of Viet Nam to the United Nations addressed to the Secretary-General (A/37/201);

(t) Letter dated 22 June 1982 from the Chargé d'Affaires a.i. of the Permanent Mission of Cuba to the United Nations addressed to the Secretary-General transmitting the Final Communiqué and other documents of the Ministerial Meeting of the Co-ordinating Bureau of the of the Non-Aligned Countries, held at Havana from 31 May to 5 June 1982 (A/37/333-S/15278);

(u) Letter dated 11 October 1982 from the Permanent Representative of Cuba of the United Nations addressed to the Secretary-General transmitting the Final Communiqué of the Meeting of Ministers for Foreign Affairs and Heads of Delegation of the Non-Aligned Countries, held in New York from 4 to 9 October 1982 (A/37/540-S/15454);

(v) Letter dated 21 October 1982 from the Permanent Representative of the Niger to the United Nations addressed to the Secretary-General, transmitting the resolutions and the final declaration adopted by the thirteenth Islamic Conference of Foreign Ministers, held at Niamey from 22 to 26 August 1982 (A/37/567-S/15466);

/...

(w) Letter dated 19 October 1982 from the Permanent Representative of Italy to the United Nations addressed to the Secretary-General transmitting the resolutions adopted by the 69th Inter-Parliamentary Conference, held in Rome from 12 to 23 September 1982 (A/37/578).

8. In connection with the relevant chapters of the report of the Economic and Social Council pertaining to specific cases of providing assistance to refugees, the Committee had before it the following documentation:

(a) Report of the Secretary-General on the situation of refugees in the Sudan (A/37/178);

(b) Report of the Secretary-General on assistance to refugees in Somalia (A/37/419);

(c) Report of the Secretary-General on humanitarian assistance to refugees in Djibouti (A/37/420);

(d) Report of the Secretary-General on assistance to student refugees in southern Africa (A/37/495) and Corr.1);

(e) Report of the Secretary-General on humanitarian assistance to refugees in the Sudan (A/37/519).

9. At the 15th meeting, on 19 October, the Assistant Secretary-General for Social Development and Humanitarian Affairs made an introductory statement. At the 57th meeting, on 29 November, the Director of the Centre for Human Rights, the representative of the United Nations Educational, Scientific and Cultural Organization and the Director of the Division of Narcotic Drugs made introductory statements. At the 62nd meeting, on 3 December, the representative of the United Nations Disaster Relief Co-ordinator made a statement pursuant to General Assembly resolution 36/161 on assistance to displaced persons in Ethiopia.

10. At the 57th meeting, on 29 November, the Special Rapporteur on human rights and mass exoduses and the Special Representative of the Commission on Human Rights on the situation of human rights in El Salvador made statements.

11. At the 63rd meeting, on 6 December, the Special Rapporteur on the situation of human rights in Chile made a statement.

12. The Committee had before it the report of the open-ended Working Group on the Drafting of an International Convention on the Protection of the Rights of All Migrant Workers and Their Families (A/C.3/37/7 and Corr.1 and 2).

13. At the 62nd meeting, on 3 December, the Chairman of the open-ended Working Group on the elaboration of the draft declaration on the human rights of individuals who are not citizens of the country in which they live introduced the report of the Working Group (A/C.3/37/8).

II. CONSIDERATION OF PROPOSALS

A. Draft resolution A/C.3/37/L.5

14. The Committee had before it the draft resolutions recommended by the Economic and Social Council in its resolution 1982/13 of 3 May 1982, entitled "Strategy and policies for drug control". The text of the draft resolution was circulated in document A/C.3/37/L.5.

15. A statement by the Secretary-General on the administrative and financial implications of the draft resolution was circulated to the Committee in document A/C.3/37/L.6. Subsequently, at the 61st meeting, on 2 December, the Director of the Division of Narcotic Drugs made a statement on the administrative and financial implications of the draft resolution, as amended (see para. 16).

16. At the 61st meeting, the representative of the United States of America introduced an amendment (A/C.3/37/L.63) to the draft resolution which called for the addition of the following words at the end of operative paragraph 1:

"... to the extent possible in order of priority and within existing United Nations resources"

which he orally revised to read:

"within available United Nations resources and to the extent possible in order of priority".

17. At the same meeting, the Committee voted on the draft resolution and the amendment thereto as follows:

(a) The amendment (A/C.3/37/L.63), as orally revised, was adopted without a vote;

(b) The draft resolution, as amended, was adopted without a vote (see para. 79, draft resolution I).

B. Draft resolution A/C.3/37/L.48

18. At the 58th meeting, on 30 November, the representative of Morocco introduced a draft resolution (A/C.3/57/L.48), entitled "Question of the international legal protection of the human rights of individuals who are not citizens of the country in which they live", sponsored by Ghana, Greece, Jordan, Mexico, Morocco, Pakistan and Spain, subsequently joined by Cyprus.

19. A statement by the Secretary-General on the administrative and financial implications of the draft resolution was circulated to the Committee in document A/C.3/37/L.65.

20. At the 61st meeting, on 2 December, the representative of the United States of America proposed an amendment to the draft resolution, which called for the insertion of the following operative paragraph after operative paragraph 1:

"2. Requests the Secretary-General to transmit to Governments, competent organs of the United Nations system and international organizations concerned, the reports of the open-ended working groups established at the thirty-fifth, 4/ thirty-sixth, 5/ and thirty-seventh 6/ sessions and to invite them to update the comments they submitted in accordance with Economic and Social Council decision 1979/36 of 10 May 1979 or to submit new comments on the basis of the above-mentioned reports."

21. At the same meeting, the representative of Morocco, speaking as Chairman of the Working Group, accepted the amendment proposed by the United States of America, on behalf of the sponsors, which she modified by adding the words "by 30 June 1983". She revised the draft resolution accordingly and renumbered the remaining paragraphs.

22. At the same meeting, the representative of Sweden proposed an amendment to the new operative paragraph 3 which called for the replacement of the word "establish" by the word "consider"; the insertion of the word "in" before the words "open-ended"; and the deletion of the words "for the purpose of concluding the elaboration of". Subsequently, following the exchange of views in which the representatives of Morocco, the Netherlands, the United States of America, Sierra Leone, Mexico, Ethiopia and Ireland took part, the representative of Sweden revised the amendment so that operative paragraph 3 would read as follows:

"2. Decides to continue, at its thirty-eighth session, in an open-ended working group, the elaboration of the draft declaration on the human rights of individuals who are not citizens of the country in which they live with a view to concluding this task".

23. At the same meeting, the Committee voted on draft resolution A/C.3/37/L.48, as orally revised, and the amendment thereto as follows:

(a) The amendment proposed by Sweden (see para. 22) was rejected by 41 votes to 9, with 61 abstentions;

(b) The draft resolution as a whole, as orally revised, was adopted without a vote (see para. 79, draft resolution II).

4/ A/C.3/35/14 and Corr.1.

5/ A/C.3/36/11.

6/ A/C.3/37/8.

C. Draft resolution A/C.3/37/L.52 and Corr.1

24. At the 58th meeting, on 30 November, the representative of Algeria introduced a draft resolution (A/C.3/37/L.52 and Corr.1), entitled "Measures to improve the situation and ensure the human rights and dignity of all migrant workers", sponsored by Algeria, Argentina, Barbados, Finland, India, Italy, Jordan, Mexico, Morocco, Norway, Pakistan, Portugal, Sweden, Turkey and Yugoslavia as well as Cape Verde, subsequently joined by Bangladesh, Ecuador, Greece, Mali, the Philippines and Spain.

25. A statement by the Secretary-General on the administrative and financial implications of the draft resolution was circulated to the Committee in document A/C.3/37/L.66.

26. At the 61st meeting, on 2 December, the Committee adopted the draft resolution without a vote (see para. 79, draft resolution III).

D. Draft resolution A/C.3/37/L.47

27. At the 64th meeting, on 6 December, the representative of Sri Lanka introduced a draft resolution (A/C.3/37/L.47), entitled "Regional arrangements for the promotion and protection of human rights", sponsored by Australia, Bangladesh, India, Ireland, Kenya, Nepal, New Zealand, Nigeria, Pakistan, Papua New Guinea and Sri Lanka as well as Bhutan, Cyprus and Morocco.

28. At the 72nd meeting, on 9 December, the Committee adopted the draft resolution without a vote (see para. 79, draft resolution IV).

E. Draft resolution A/C.3/37/L.72

29. At the 64th meeting, on 6 December, the representative of Belgium introduced a draft resolution (A/C.3/37/L.72), entitled "Regional arrangements for the protection of human rights", sponsored by Australia, Belgium, Costa Rica, Egypt, France, Ghana, Italy, the Netherlands, Senegal and Togo as well as Mali, subsequently joined by Cyprus and Guinea.

30. At the 72nd meeting, on 9 December, the representative of Belgium, on behalf of the sponsors, orally revised the draft resolution by replacing operative paragraph 2 which read:

"2. Commends the Organization of African Unity for promoting respect for the guarantees and norms contained in the African Charter of Human and People's Rights and encourages the Organization of African Unity to continue efforts to obtain its early entry into force"

by the following text:

"2. Commends the Organization of African Unity for its continuing efforts to promote respect for the guarantees and norms of human rights and

fundamental freedoms and notes with interest the African Charter of Human and People's Rights and the efforts to obtain its early entry into force".

31. At the same meeting, the Committee adopted the draft resolution, as orally revised, without a vote (see para. 79, draft resolution V).

F. Draft resolution A/C.3/37/L.50

32. At the 64th meeting, on 6 December, the representative of Zaire introduced a draft resolution (A/C.3/37/L.50) entitled "Situation of refugees in the Sudan", sponsored by Algeria, Bahrain, Bangladesh, the Central African Republic, Chad, Chile, China, Djibouti, Egypt, India, Indonesia, Italy, Jamaica, Jordan, Kuwait, Liberia, Malawi, Mauritania, Morocco, Nepal, Oman, Pakistan, the Philippines, Qatar, Senegal, Somalia, the Sudan, Tunisia, Turkey, the United Arab Emirates, Zaire and Zambia subsequently joined by Canada, Cyprus, Kenya, Romania, Singapore, Spain and Thailand.

33. At the 72nd meeting, on 9 December, the Committee adopted the draft resolution without a vote (see para. 79, draft resolution VI).

G. Draft resolution A/C.3/37/L.54/Rev.1

34. At the 64th meeting, on 6 December, the representative of Zaire introduced a draft resolution (A/C.3/37/L.54/Rev.1) entitled "Assistance to refugees in Somalia", sponsored by Bahrain, Bangladesh, Barbados, Botswana, the Central African Republic, Chad, China, the Comoros, Djibouti, Egypt, Indonesia, Italy, Jordan, Kenya, Kuwait, Lesotho, Liberia, Malaysia, Mauritania, Morocco, Nepal, Oman, Pakistan, the Philippines, Qatar, Saudi Arabia, Senegal, Singapore, Solomon Islands, Somalia, the Sudan, Thailand, Tunisia, Turkey, the United Arab Emirates, Yemen, Zaire, Zambia and Zimbabwe, subsequently joined by Canada and Sierra Leone.

35. At the same meeting, the representative of Ethiopia introduced the following amendments (A/C.3/37/L.81) to the draft resolution:

- (a) Delete the fifth preambular paragraph.
- (b) Delete the seventh preambular paragraph.
- (c) Delete the words appearing in operative paragraph 4 after the word "refugees".
- (d) Delete operative paragraph 5.
- (e) Delete operative paragraph 6.
- (f) Renumber operative paragraph 7 as paragraph 5.

36. At the 72nd meeting, on 9 December, the representative of Morocco, on behalf of the sponsors, orally revised the draft resolution as follows:

(a) The fifth preambular paragraph, which reads:

"Considering the fact that none of the refugees in Somalia have so far been able to return to their homeland,"

was reworded to read:

"Considering the fact that the refugee problem has not yet been resolved,".

(b) In the seventh preambular paragraph, the word "influx" before the words "of refugees" was replaced by "presence";

(c) In operative paragraph 4, the words "until such time as they are able to return to their homeland in safety and dignity" at the end of the paragraph were deleted.

37. The amendments in document A/C.3/37/L.81 (see para. 35) were consequently withdrawn.

38. At the same meeting, the Committee adopted draft resolution A/C.3/37/L.54/Rev.1, as orally revised, without a vote (see para. 79, draft resolution VII).

H. Draft resolution A/C.3/37/L.55

39. At the 64th meeting, on 6 December, the representative of Zaire introduced a draft resolution (A/C.3/37/L.55) entitled "Assistance to displaced persons in Ethiopia", sponsored by Afghanistan, Algeria, Angola, Bangladesh, Benin, Botswana, the Central African Republic, the Congo, Cyprus, Democratic Yemen, Djibouti, Egypt, Ethiopia, Guinea-Bissau, India, Jamaica, Kenya, Lesotho, Liberia, Mdadagascar, Malawi, Morocco, Nepal, Nigeria, Viet Nam, Zaire, Zambia and Zimbabwe, subsequently joined by Cape Verde, the Libyan Arab Jamahiriya and Sierra Leone.

40. At the same meeting, the representative of Somalia introduced the following amendments (A/C.3/37/L.67) to the draft resolution:

(a) Delete the fifth preambular paragraph;

(b) Delete the words "and voluntary returnees" in operative paragraph 1;

(c) Delete the words "the large number of" in operative paragraph 3;

(d) Delete the words "of the growing number" in operative paragraph 4;

(e) At the end of operative paragraph 4, add the words "of concern to his office".

41. At the 72nd meeting, on 9 December, the representative of Morocco, on behalf of the sponsors, orally revised the draft resolution as follows:

/...

(a) In the fifth preambular paragraph and operative paragraph 4, the word "growing" before the word "number" was deleted;

(b) In operative paragraph 3, the words "the large number of" before the words "displaced persons" and the words "and voluntary returnees" at the end of the paragraph were deleted.

42. The amendments in document A/C.3/37/L.67 (see para. 40) were consequently withdrawn.

43. At the same meeting, the Committee adopted draft resolution A/C.3/37/L.55, as orally revised, without a vote (see para. 79, draft resolution III).

I. Draft resolution A/C.3/37/L.57/Rev.2

44. At the 64th meeting, on 6 December, the representative of Zaire introduced a draft resolution (A/C.3/37/L.57/Rev.2) entitled "Humanitarian assistance to refugees in Djibouti", sponsored by Algeria, Bahrain, Bangladesh, Benin, Botswana, Cape Verde, Chad, China, the Comoros, Democratic Yemen, Djibouti, France, the Gambia, Ghana, Guinea-Bissau, India, Indonesia, Italy, the Ivory Coast, Jordan, Kenya, Kuwait, Lesotho, Liberia, the Libyan Arab Jamahiriya, Madagascar, Malawi, Mali, Mauritania, Morocco, the Niger, Oman, Pakistan, Panama, Qatar, Saudi Arabia, Senegal, Singapore, Somalia, Sri Lanka, the Sudan, Swaziland, the Syrian Arab Republic, Thailand, Togo, Tunisia, Turkey, the United Arab Emirates, the United Republic of Cameroon, the United Republic of Tanzania, Yemen, Zaire, Zambia and Zimbabwe, subsequently joined by the Central African Republic and the Upper Volta.

45. At the 72nd meeting, on 9 December, the Committee adopted the draft resolution without a vote (see para. 79, draft resolution IX).

J. Draft resolution A/C.3/37/L.62

46. At the 64th meeting, on 6 December, the representative of Lesotho introduced a draft resolution (A/C.3/37/L.62) entitled "Assistance to student refugees in southern Africa", sponsored by Algeria, Angola, Botswana, Djibouti, Egypt, Lesotho, Liberia, Somalia, Swaziland, the United Republic of Tanzania, Yugoslavia and Zambia as well as Kenya and Togo, subsequently joined by Benin, Ethiopia, Trinidad and Tobago and Uganda.

47. At the 72nd meeting, on 9 December, the Committee adopted the draft resolution without a vote (see para. 79, draft resolution X).

K. Draft resolution A/C.3/37/L.64

48. At the 64th meeting, on 6 December, the representative of Romania introduced a draft resolution (A/C.3/37/L.64) entitled "The right to education", sponsored by Bangladesh, Barbados, Bhutan, Bulgaria, Cape Verde, the Central African Republic,

Colombia, the Congo, Costa Rica, Cuba, the Dominican Republic, Ecuador, Egypt, Ethiopia, Guinea, Guinea-Bissau, Guyana, Hungary, Indonesia, Jordan, Liberia, the Libyan Arab Jamahiriya, Madagascar, Mali, Mauritius, Morocco, Mozambique, Nepal, Nicaragua, Nigeria, Pakistan, the Philippines, Poland, Qatar, Romania, Rwanda, Senegal, Somalia, Sri Lanka, the Sudan, Suriname, the Syrian Arab Republic, Togo, Trinidad and Tobago, Tunisia, Turkey, the Upper Volta, Venezuela, Viet Nam and Yugoslavia as well as Gabon, Yemen and Zaire, subsequently joined by Bolivia, Cyprus and Oman.

49. At the 72nd meeting, on 9 December, the Committee adopted the draft resolution without a vote (see para. 79, draft resolution XI).

L. Draft resolution A/C.3/37/L.69

50. At the 64th meeting, on 6 December, the representative of the German Democratic Republic introduced a draft resolution (A/C.3/37/L.69) entitled "Measures to be taken against Nazi, Fascist and neo-Fascist activities and all other forms of totalitarian ideologies and practices based on racial intolerance, hatred and terror", sponsored by Afghanistan, Angola, Bulgaria, Cuba, Czechoslovakia, the German Democratic Republic, Hungary, the Lao People's Democratic Republic, Nicaragua, Poland, the Ukrainian Soviet Socialist Republic, Viet Nam and Zimbabwe.

51. At the 72nd meeting, on 9 December, the representative of the German Democratic Republic, on behalf of the sponsors, following suggestions made by some representatives, orally revised the draft resolution as follows:

(a) In the third preambular paragraph, the words "in promoting and encouraging respect for human rights and fundamental freedoms for all" were added at the end of the paragraph;

(b) In the seventh preambular paragraph, the words "and the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief" were added at the end of the paragraph;

(c) The ninth preambular paragraph, which read:

"Convinced that the implementation of its resolutions on the suppression of nazism and fascism as well as affiliation to, and strict observance of the provisions of, the relevant international instruments would contribute towards counteracting their resotation or spread,"

was deleted;

(d) In the last preambular paragraph, the words "and that there still exist Fascist practices which jeopardize international peace and security as well as the realization of human rights and fundamental freedoms" were deleted at the end of the paragraph;

(e) Operative paragraph 7, which read:

/...

"7. Requests the Secretary-General to ensure that the Department of Public Information of the Secretariat pays due attention to the dissemination of information exposing the practices of the proponents of Fascist ideologies"

was reworded as follows:

"7. Requests the Secretary-General to ensure that the Department of Public Information of the Secretariat pays attention to the dissemination of information exposing the practices of the proponents of ideologies and practices described in paragraph 1 above";

(f) In operative paragraph 8, the words "as a matter of high priority" after "this subject" were deleted.

Subsequently, taking into account a proposal by the representative of Belgium, the representative of the German Democratic Republic further orally revised operative paragraph 7 by deleting the words "the practices of the proponents of" before the word "ideologies".

52. At the same meeting, the Committee adopted the draft resolution, as orally revised, without a vote (see para. 79, draft resolution XII).

M. Draft resolution A/C.3/37/L.70

53. At the 64th meeting, on 6 December, the representative of France introduced a draft resolution (A/C.3/37/L.70) entitled "Question of involuntary or enforced disappearances", sponsored by Costa Rica, France, Germany, Federal Republic of, Greece, Italy, Mexico, Senegal and Sweden, subsequently joined by Austria and the United Kingdom of Great Britain and Northern Ireland.

54. At the 72nd meeting, on 9 December, the representative of France, on behalf of the sponsors, orally revised the draft resolution by replacing, in the fourth preambular paragraph, the words "who have the right to know the fate of their relatives" by "who should know the fate of their relatives".

55. At the same meeting, the Committee adopted the draft resolution, as orally revised, without a vote (see para. 79, draft resolution XIII).

N. Draft resolution A/C.3/37/L.58 and Rev.1

56. At the 64th meeting, on 6 December, the representative of Cyprus introduced a draft resolution (A/C.3/37/L.58) entitled "Missing persons in Cyprus" sponsored by Costa Rica, Cyprus, Democratic Yemen, Greece, Nicaragua and Panama as well as the Bahamas, Ecuador, Grenada, Malta, the Syrian Arab Republic, Sierra Leone and Seychelles. The draft resolution read as follows:

"The General Assembly,

"Recalling its previous resolutions on the question of the missing persons in Cyprus,

"Reaffirming the basic need of families to be informed, without further delay, about the fate of their missing relatives,

"Regretting the fact that the Committee on Missing Persons in Cyprus, the establishment of which was announced on 22 April 1981, has failed to overcome procedural difficulties and has achieved no progress towards the commencement of its investigative work,

"Emphasizing the need for a speedy resolution of this humanitarian problem,

"1. Requests the Commission on Human Rights to consider, as a matter of priority, the question of missing persons in Cyprus at its thirty-ninth session and to establish an effective machinery for the investigation of the cases of missing persons in Cyprus;

"2. Calls upon all parties concerned to facilitate such investigation in a spirit of co-operation and good will in order to ensure the tracing of and accounting for the missing persons in Cyprus without any further delay;

"3. Requests the Secretary-General to follow up the implementation of this resolution and to report to the thirty-eighth session of the General Assembly.

57. At the 67th meeting, on 7 December, the representative of Yugoslavia orally introduced the following amendments to the draft resolution, calling for:

(a) The replacement of the words "Regretting the fact" by the words "Expressing concern" in the third preambular paragraph;

(b) The replacement of operative paragraph 1 by the following text:

"1. Invites the Working Group on Enforced or Involuntary Disappearances of the Commission on Human Rights to follow developments and to recommend ways and means to the parties concerned with a view to overcoming the pending procedural difficulties of the Committee on Missing Persons in Cyprus and in co-operation with it to facilitate the effective implementation of its investigative work on the basis of the existing relevant agreements;"

(c) The deletion, in operative paragraph 2, of the words "in order to ensure the tracing of and accounting for the missing persons in Cyprus without any further delay";

(d) The rewording of operative paragraph 3 as follows:

"3. Requests the Secretary-General to continue to provide his good offices with a view to facilitating the work of the Committee on Missing Persons in Cyprus."

58. At the same meeting, the representative of Cyprus, on behalf of the sponsors, accepted the amendments proposed by the representative of Yugoslavia and revised the draft resolution accordingly (A/C.3/37/L.58/Rev.1).

59. At the same meeting, the Committee took a decision on the request made by the representative of Turkey (A/C.3/37/10) that a representative on the Turkish Cypriot community, member of the Committee on Missing Persons in Cyprus, be permitted to address the Committee on the subject of the draft resolution. The proposal was rejected by a recorded vote of 59 to 34, with 28 abstentions. The voting was as follows:

In favour: Australia, Austria, Bahrain, Bangladesh, Belgium, Canada, Denmark, Finland, Germany, Federal Republic of, Indonesia, Iran (Islamic Republic of), Japan, Kuwait, Lebanon, Libyan Arab Jamahiriya, Luxembourg, Madagascar, Malaysia, Morocco, New Zealand, Norway, Oman, Pakistan, Papua New Guinea, Qatar, Somalia, Sudan, Sweden, Syrian Arab Republic, Trinidad and Tobago, Tunisia, Turkey, United Kingdom of Great Britain and Northern Ireland, United State of America.

Against: Afghanistan, Algeria, Angola, Argentina, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Cape Verde, Chile, Colombia, Congo, Costa Rica, Cuba, Cyprus, Czechoslovakia, Dominican Republic, El Salvador, Ethiopia, German Democratic Republic, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, India, Jamaica, Kenya, Lao People's Democratic Republic, Lesotho, Malawi, Mali, Mexico, Mongolia, Mozambique, Nicaragua, Nigeria, Panama, Paraguay, Poland, Rwanda, Senegal, Sierra Leone, Sri Lanka, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Cameroon, Uruguay, Vanuatu, Venezuela, Viet Nam, Yugoslavia, Zambia.

Abstaining: Bahamas, Barbados, Central African Republic, Chad, Ecuador, Fiji, France, Gabon, Ireland, Israel, Italy, Ivory Coast, Jordan, Liberia, Nepal, Netherlands, Niger, Peru, Philippines, Portugal, Spain, Suriname, Thailand, Togo, Uganda, United Republic of Tanzania, Upper Volta, Zaire.

60. At the 72nd meeting, on 9 December, the Committee adopted draft resolution A/C.3/37/L.58/Rev.1 by a recorded vote of 99 to 5, with 18 abstentions (see para. 79 draft resolution XIV). The voting was as follows:

In favour: Afghanistan, Algeria, Angola, Argentina, Australia, Austria, Bahamas, Barbados, Belgium, Benin, Bhutan, Bolivia, Botswana, Brazil, Bulgaria, Burma, Burundi, Byelorussian Soviet Socialist

Republic, Cape Verde, Central African Republic, Colombia, Congo, Costa Rica, Cuba, Cyprus, Czechoslovakia, Democratic Yemen, Denmark, Dominican Republic, Ecuador, Egypt, Ethiopia, Fiji, Finland, France, German Democratic Republic, Germany, Federal Republic of, Greece, Guinea, Guinea-Bissau, Haiti, Hungary, Iceland, India, Ireland, Italy, Ivory Coast, Jamaica, Japan, Jordan, Kenya, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Luxembourg, Madagascar, Malawi, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Mongolia, Mozambique, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Oman, Papua New Guinea, Paraguay, Peru, Poland, Portugal, Rwanda, Sao Tome and Principe, Senegal, Sierra Leone, Spain, Sri Lanka, Suriname, Swaziland, Sweden, Syrian Arab Republic, Togo, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Cameroon, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zambia.

Against: Bangladesh, Indonesia, Malaysia, Pakistan, Turkey.

Abstaining: Canada, Chad, Gabon, Guatemala, Israel, Nepal, Niger, Philippines, Saudi Arabia, Singapore, Sudan, Thailand, Trinidad and Tobago, Tunisia, United Kingdom of Great Britain and Northern Ireland, United States of America, Upper Volta, Zaire.

O. Draft resolution A/C.3/37/L.76

61. At the 64th meeting, on 6 December, the representative of Denmark introduced a draft resolution (A/C.3/37/L.76) entitled "Summary or arbitrary executions", sponsored by Belgium, Costa Rica, Denmark, Finland, Greece and the Netherlands as well as Portugal, subsequently joined by Cyprus, Norway and Sweden.

62. At the 72nd meeting, on 9 December, the Committee adopted the draft resolution without a vote (see para. 79, draft resolution XV).

P. Draft resolution A/C.3/37/L.53

63. At the 70th meeting, on 9 December, the representative of Mexico introduced a draft resolution (A/C.3/37/L.53) entitled "The situation of human rights and fundamental freedoms in Chile", sponsored by Algeria, Cuba, Mexico and Yugoslavia, subsequently joined by Bolivia.

64. At the 72nd meeting, on 9 December, the representative of the United Kingdom of Great Britain and Northern Ireland orally introduced the following amendments to the draft resolution:

(a) The addition of the words "with a view to taking the most appropriate steps and report on its consideration through the Economic and Social Council to the General Assembly at its thirty-seventh session" at the end of operative paragraph 12.

(b) The deletion of operative paragraph 13, which read:

"13. Invites the Commission on Human Rights to extend the mandate of the Special Rapporteur on Chile as long as necessary and requests the Commission to submit a new report on the situation on human rights in Chile, through the Economic and Social Council at its XXXVIII Session."

65. At the 73rd meeting, on 10 December, the Committee voted on draft resolution A/C.3/37/L.53 and the amendments thereto as follows:

(a) The amendments submitted by the United Kingdom of Great Britain and Northern Ireland were adopted by a roll-call of 46 to 42, with 42 abstentions. The voting was as follows:

In favour: Argentina, Australia, Bahamas, Belgium, Brazil, Canada, Chile, Colombia, Denmark, Dominican Republic, El Salvador, Fiji, Finland, France, Germany, Federal Republic of, Guatemala, Haiti, Honduras, Iceland, Israel, Italy, Jamaica, Japan, Lebanon, Luxembourg, Malaysia, Morocco, Netherlands, New Zealand, Norway, Pakistan, Papua New Guinea, Paraguay, Peru, Philippines, Portugal, Saint Lucia, Singapore, Somalia, Spain, Tunisia, Turkey, Uganda, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay.

Against: Afghanistan, Algeria, Angola, Bahrain, Benin, Bolivia, Bulgaria, Byelorussian Soviet Socialist Republic, Cape Verde, Congo, Cuba, Czechoslovakia, Democratic Yemen, Ethiopia, German Democratic Republic, Greece, Grenada, Guinea, Hungary, Iraq, Lao People's Democratic Republic, Libyan Arab Jamahiriya, Madagascar, Mali, Mauritania, Mexico, Mongolia, Mozambique, Nicaragua, Nigeria, Poland, Qatar, Romania, Sao Tome and Principe, Senegal, Sweden, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, Viet Nam, Yugoslavia, Zambia.

Abstaining: Austria, Bangladesh, Barbados, Bhutan, Botswana, Burma, Burundi, Central African Republic, Chad, China, Costa Rica, Ecuador, Egypt, Gabon, Guyana, India, Indonesia, Iran (Islamic Republic of), Ireland, Ivory Coast, Kenya, Lesotho, Malawi, Mauritius, Nepal, Niger, Oman, Panama, Rwanda, Saint Vincent and the Grenadines, Saudi Arabia, Sri Lanka, Sudan, Suriname, Swaziland, Thailand, Togo, Trinidad and Tobago, United Republic of Cameroon, United Republic of Tanzania, Upper Volta, Zaire.

(b) The draft resolution as a whole, as amended, was adopted by a roll-call vote of 74 to 16, with 40 abstentions (see para. 79, draft resolution XVI). The voting was as follows:

In favour: Afghanistan, Algeria, Angola, Australia, Austria, Bahrain, Barbados, Belgium, Benin, Bhutan, Bolivia, Botswana, Bulgaria, Byelorussian Soviet Socialist Republic, Canada, Cape Verde, Congo, Cuba, Czechoslovakia, Democratic Yemen, Denmark, Ethiopia, Finland, France, German Democratic Republic, Greece, Grenada, Guinea, Guyana, Hungary, Iceland, India, Iran (Islamic Republic of), Iraq, Ireland, Italy, Jamaica, Kenya, Kuwait, Lao People's Democratic Republic, Luxembourg, Madagascar, Mauritius, Mexico, Mongolia, Mozambique, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Papua New Guinea, Poland, Portugal, Qatar, Romania, Rwanda, Sao Tome and Principe, Senegal, Spain, Sudan, Swaziland, Sweden, Togo, Tunisia, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Viet Nam, Yugoslavia, Zambia.

Against: Argentina, Brazil, Chile, El Salvador, Guatemala, Haiti, Honduras, Indonesia, Israel, Lebanon, Morocco, Pakistan, Paraguay, Philippines, United States of America, Uruguay.

Abstaining: Bahamas, Bangladesh, Burma, Burundi, Central African Republic, Chad, China, Colombia, Costa Rica, Dominican Republic, Ecuador, Egypt, Fiji, Gabon, Germany, Federal Republic of, Ivory Coast, Japan, Lesotho, Libyan Arab Jamahiriya, Malawi, Malaysia, Mali, Mauritania, Nepal, Niger, Oman, Panama, Peru, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Singapore, Sri Lanka, Suriname, Thailand, Trinidad and Tobago, Turkey, United Republic of Cameroon, Upper Volta, Zaire.

Q. Draft resolution A/C.3/37/L.68

66. At the 64th meeting, on 6 December, the representative of the Netherlands introduced a draft resolution (A/C.3/37/L.68) entitled "Human rights situation in Chile", sponsored by Denmark and the Netherlands, which read as follows:

"The General Assembly,

"Conscious of its responsibility to promote and encourage respect for human rights and fundamental freedoms for all, and determined to remain vigilant with regard to violations of human rights wherever they occur,

"Noting that Governments have an obligation to protect and promote human rights and to carry out responsibilities they have undertaken under various international instruments,

"Recalling its resolutions 31/124 of 16 December 1976, 32/118 of 16 December 1977, 33/175 of 20 December 1978, 34/179 of 17 December 1979, 35/188 of 15 December 1980 and 36/157 of 16 December 1981 on the protection of human rights in Chile and 33/173 of 20 December 1978 on disappeared persons,

/...

"Recalling also Commission on Human Rights resolution 1982/25 of 10 March 1982 on violations of human rights in Chile, in which the Commission, inter alia, decided to extend the mandate of the Special Rapporteur on the situation of human rights in Chile for one year,

"Deploring that the Chilean authorities have consistently refused to co-operate with the Special Rapporteur appointed by the Commission on Human Rights,

"Expressing its concern that, according to the report of the Special Rapporteur, he is not in a position to report an improvement in the human rights situation in Chile (A/37/564),

"Noting with increasing concern that the Chilean authorities continue to ignore the repeated appeal of the international community reflected in the various resolutions of the General Assembly and other international organs,

"Reaffirming the right of everyone to leave and to return to his country, the right not to be subjected to arbitrary arrest or detention and the right to freedom of expression and opinion,

"Also reaffirming the right and responsibility of individuals, groups and organs of society to promote and protect the rights recognized in various international human rights instruments,

"1. Commends the Special Rapporteur for his report on the situation of human rights in Chile, prepared in accordance with Commission on Human Rights resolution 1982/25 of 10 March 1982;

"2. Strongly urges the Chilean authorities to respect and promote human rights in accordance with their obligations under various international instruments and, in particular, to take concrete steps as outlined in Commission on Human Rights resolution 1982/25;

"3. Concludes on the basis of the report of the Special Rapporteur, that continued vigilance with regard to the human rights situation in Chile is warranted;

"4. Expresses its deep concern about the lack of information on the numerous persons who have disappeared for political reasons and urges once more the Chilean authorities to investigate and clarify the fate of those persons;

"5. Also expresses its concern at the banishment and forced exile applied by the Chilean authorities to a great number of citizens, especially those exercising their right and responsibility to promote the effective observance and protection of human rights;

"6. Calls upon the Chilean authorities to respect and guarantee the human rights of persons detained or imprisoned in respect of offences which

they committed, or are suspected of having committed, by reason of their political opinions or convictions and to release such persons either as an act of clemency or by way of conditional release or otherwise;

"7. Urges once more the Chilean authorities to co-operate with the Special Rapporteur and to submit their comments on the findings on his report to the Commission on Human Rights at its thirty-ninth session;

"8. Requests the Commission on Human Rights at its thirty-ninth session to study thoroughly the report of the Special Rapporteur with a view to taking the most appropriate steps and report on its consideration through the Economic and Social Council to the General Assembly at its thirty-eighth session."

67. At the 73rd meeting, on 10 December, the representative of the Netherlands, following the adoption of draft resolution A/C.3/37/L.53, as amended (see para. 65), stated that the sponsors would not insist that draft resolution A/C.3/37/L.68 be put to the vote. The draft resolution was therefore withdrawn.

R. Draft resolution A/C.3/37/L.75

68. At the 64th meeting, on 6 December, the representative of Sweden introduced a draft resolution (A/C.3/37/L.75) entitled "Situation of human rights and fundamental freedoms in Guatemala", sponsored by Austria, Canada, Ireland, and Sweden as well as by Norway, subsequently joined by Denmark and the Netherlands.

69. At the 73rd meeting, on 10 December, the Committee adopted the draft resolution by a roll-call vote of 74 to 16, with 45 abstentions (see para. 79, draft resolution XVII). The voting was as follows:

In favour: Afghanistan, Algeria, Angola, Australia, Austria, Bahrain, Barbados, Belgium, Benin, Bolivia, Botswana, Bulgaria, Byelorussian Soviet Socialist Republic, Canada, Cape Verde, Congo, Cuba, Czechoslovakia, Democratic Yemen, Denmark, Ethiopia, Finland, France, German Democratic Republic, Greece, Grenada, Guyana, Hungary, Iceland, Iran (Islamic Republic of), Iraq, Ireland, Italy, Jamaica, Kenya, Kuwait, Lao People's Democratic Republic, Libyan Arab Jamahiriya, Luxembourg, Madagascar, Mali, Mauritania, Mauritius, Mexico, Mongolia, Mozambique, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Papua New Guinea, Poland, Portugal, Qatar, Rwanda, Sao Tome and Principe, Senegal, Sierra Leone, Spain, Sweden, Syrian Arab Republic, Togo, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Vanuatu, Viet Nam, Yugoslavia, Zambia, Zimbabwe.

Against: Argentina, Brazil, Chile, El Salvador, Guatemala, Haiti, Honduras, Indonesia, Israel, Morocco, Pakistan, Paraguay, Philippines, Saint Vincent and the Grenadines, United States of America, Uruguay.

Abstaining: Bahamas, Bangladesh, Bhutan, Burma, Burundi, Central African Republic, Chad, China, Colombia, Costa Rica, Dominican Republic, Ecuador, Egypt, Fiji, Gabon, Germany, Federal Republic of, Guinea, Guinea-Bissau, India, Ivory Coast, Japan, Jordan, Lesotho, Malawi, Malaysia, Nepal, Niger, Oman, Panama, Peru, Romania, Saint Lucia, Saudi Arabia, Singapore, Sri Lanka, Sudan, Suriname, Swaziland, Thailand, Trinidad and Tobago, Tunisia, Turkey, United Republic of Cameroon, Upper Volta, Zaire.

S. Draft resolution A/C.3/37/L.77

70. At the 70th meeting, on 9 December, the representative of Mexico introduced a draft resolution (A/C.3/37/L.77) entitled "Situation of human rights and fundamental freedoms in El Salvador", sponsored by France, Greece, Mexico, Sweden and Yugoslavia.

71. At the 74th meeting, on 10 December, the representative of Canada introduced amendments (A/C.3/37/L.82) to the draft resolution. The amendments read as follows:

"1. In the eighth preambular paragraph replace the word 'failure' by the word 'inability'.

"2. Replace the ninth preambular paragraph by the following:

'Observing that since elections last March there has been no cessation of violence and little noticeable improvement in the situation of human rights and fundamental freedoms in that country'.

"3. Add a new last preambular paragraph to read as follows:

'Taking note of the recent creation of a national Commission on Human Rights in El Salvador and expressing the hope that it will be given appropriate means to effectively discharge its mandate'.

"4. Operative paragraph 3 should read as follows:

'Notes that the situation in El Salvador as clearly shown in the report of the Special Representative demands the full restoration of civil peace as an essential prerequisite to respect for civil, political and human rights and a gradual improvement of economic, social and cultural rights'.

"5. Merge operative paragraphs 4 and 7 as follows:

'Reaffirms the right of the El Salvadorian people to freely determine their political, economic and social future without interference from outside and in an atmosphere free from intimidation and terror from all parties'.

[Existing operative paragraphs 4 and 7 read:

"4. Reaffirms the right of the Salvadorian people to freely determine their political, economic and social future without interference from outside, and to establish a democratically elected Government, in an atmosphere free from intimidation and terror allowing full and unrestricted popular participation;

"7. Reiterates its appeal to the Government and other political forces in El Salvador to work together towards a comprehensive negotiated political solution in order to bring about a peaceful settlement and appropriate conditions for the establishment of a Government through free and unhampered elections, in an atmosphere free from intimidation and terror."

"6. Operative paragraph 5 should read as follows:

'Urges the Government of El Salvador and other political forces to avail themselves of the offers of good offices by friendly countries in order to establish a dialogue leading to a peaceful solution to that conflict in that country'.

"7. In operative paragraph 8, replace the words 'and to allow the establishment of a democratic system' by the words 'thus securing a democratic system'.

"8. In operative paragraph 10, replace the words 'Further urges the judiciary in El Salvador to assume their obligation to' by the words:

'Expresses concern over the inability of the judiciary in El Salvador to assume its obligations'.

Subsequently, taking into account proposals made by the representatives of Denmark and Ireland, the representative of Canada orally revised some of the amendments as follows:

(a) In the second amendment, the words "since elections last March" were deleted;

(b) In the third amendment, the words "and will thereby contribute to the ending of the serious massive and persistent violations of human rights observed by the Special Representative of the Commission on Human Rights in his report (A/37/611, para. 96)" were added at the end of the paragraph;

(c) The fourth amendment was reworded to read:

"Notes that the situation in El Salvador as clearly shown in the report of the Special Representative demands the full restoration of civil peace as a prerequisite for the full exercise of civil and political rights and economic, social and cultural rights,";

(d) In the sixth amendment, the words "avail themselves of the offers of good offices by friendly countries in order to" were deleted;

(e) The seventh amendment was withdrawn.

72. At the 74th meeting, on 10 December, the Committee voted on the draft resolution (A/C.3/37/L.77) and the amendments thereto (A/C.3/37/L.82) as orally revised (see para 71) as follows:

(a) The first amendment was rejected by 38 votes to 38, with 52 abstentions;

(b) The second amendment, as orally revised, was rejected by 42 votes to 29, with 46 abstentions;

(c) The third amendment, as orally revised, was rejected by 43 votes to 27, with 39 abstentions;

(d) The fourth amendment, as orally revised, was rejected by 44 votes to 35, with 37 abstentions;

(e) The fifth amendment was adopted by 43 votes to 41, with 35 abstentions;

(f) The sixth amendment was rejected by 45 votes to 36, with 36 abstentions;

(g) The eighth amendment was rejected by 44 votes to 30, with 43 abstentions;

(h) Draft resolution A/C.3/37/L.77 as a whole, as amended, was adopted by a roll-call vote of 67 to 19, with 49 abstentions (see para. 79, draft resolution XVIII).

The voting was as follows:

In favour: Afghanistan, Algeria, Angola, Austria, Bahrain, Barbados, Benin, Botswana, Bulgaria, Byelorussian Soviet Socialist Republic, Cape Verde, Congo, Cuba, Czechoslovakia, Democratic Yemen, Denmark, Ethiopia, Finland, France, German Democratic Republic, Greece, Grenada, Guinea, Guinea-Bissau, Guyana, Hungary, Iceland, India, Iran (Islamic Republic of), Iraq, Ireland, Italy, Kenya, Kuwait, Lao People's Democratic Republic, Libyan Arab Jamahiriya, Madagascar, Mali, Mauritania, Mauritius, Mexico, Mongolia, Mozambique, Netherlands, Nicaragua, Nigeria, Norway, Papua New Guinea, Poland, Qatar, Rwanda, Sao Tome and Principe, Senegal, Sierra Leone, Spain, Sweden, Syrian Arab Republic, Togo, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Tanzania, Vanuatu, Viet Nam, Yugoslavia, Zimbabwe.

Against: Argentina, Brazil, Chile, Costa Rica, El Salvador, Guatemala, Haiti, Honduras, Indonesia, Israel, Morocco, Pakistan, Paraguay, Philippines, Saint Lucia, Saint Vincent and the Grenadines, Solomon Islands, United States of America, Uruguay.

Abstaining: Australia, Bahamas, Bangladesh, Belgium, Bhutan, Burma, Burundi, Canada, Central African Republic, Chad, China, Colombia, Djibouti, Dominican Republic, Ecuador, Egypt, Fiji, Gabon, Germany, Federal Republic of, Ivory Coast, Jamaica, Japan, Jordan, Lesotho, Liberia, Luxembourg, Malawi, Malaysia, Nepal, New Zealand, Niger, Oman, Panama, Peru, Portugal, Romania, Saudi Arabia, Singapore, Sri Lanka, Sudan, Suriname, Thailand, Trinidad and Tobago, Tunisia, Turkey, United Kingdom of Great Britain and Northern Ireland, United Republic of Cameroon, Upper Volta, Zaire.

T. Draft resolutions A/C.3/37/L.74 and Rev.1

73. At the 64th meeting, on 6 December, the representative of Canada introduced a draft resolution (A/C.3/37/L.74) entitled "Human rights and mass exoduses", sponsored by Australia, Canada, Costa Rica, Greece, Jordan, Pakistan and Senegal as well as Japan, subsequently joined by Ghana and Germany, Federal Republic of.

74. At the 72nd meeting, on 9 December, the representative of Canada orally revised the draft resolution as follows:

(a) In the third preambular paragraph, the words "principal factors among the" before the word "complex" were replaced by the words "among the principal factors in the";

(b) The last preambular paragraph, which read:

"Considering the study of the Special Rapporteur on Human Rights and Massive Exoduses (E/CN.4/1503), and the results of his subsequent consultations on the study with interested Governments, the Secretary-General, United Nations agencies and specialized agencies, intergovernmental organizations and non-governmental organizations,"

was reworded to read:

"Considering the study of the Special Rapporteur on human rights and massive exoduses (E/CN.4/1503)";

(c) Operative paragraphs 2 to 5, which read:

"2. Takes note of the views expressed on the study and its recommendations by interested governments, the Secretary-General, United Nations agencies or departments concerned, specialized agencies, international organizations and non-governmental organizations;

"3. Invites the Group of Governmental Experts on International Co-operation to Avert New Flows of Refugees to give careful consideration to those aspects of the study falling within its mandate;

"4. Requests the Secretary-General to ensure, in consultation with appropriate agencies and programmes that, within the existing mandates and resources of the United Nations system, further consideration is given and action taken, if appropriate, on recommendations 1 to 5 of the study;

"5. Invites the Secretary-General to pursue his examination of recommendations 6 to 9 of the study, in the light of comments submitted by governments, and of the debate at the thirty-seventh session of the General Assembly, and at the thirty-ninth session of the Commission on Human Rights, and to submit a report thereon to the thirty-eighth session of the General Assembly;"

were replaced by the following paragraphs:

"2. Renews the invitation, contained in Commission on Human Rights resolution 1982/32, to Governments, United Nations agencies or departments, relevant specialized agencies, international organizations and non-governmental organizations to communicate their views on the study and the recommendations contained therein to the Secretary-General;

"3. Requests the Secretary-General to ensure that views expressed to date on the study and its recommendations by all interested parties (Governments, United Nations agencies or departments, relevant specialized agencies, international organizations, and non-governmental organizations), together with those to be received in the meantime, are made available to the thirty-ninth session of the Commission on Human Rights and to the Group of Governmental Experts on International Co-operation to Avert New Flows of Refugees to facilitate their further consideration of the study and its recommendations;

"4. Invites the Commission on Human Rights at its thirty-ninth session and the Group of Governmental Experts on International Co-operation to Avert New Flows of Refugees at meetings to be held pursuant to General Assembly resolution 37/____, to give careful consideration to those aspects of the study of the Special Rapporteur falling within their respective mandates in light of the views expressed by all interested parties;

"5. Requests the Secretary-General to pursue his examination of recommendations contained in the study, taking into account the views of Governments and other interested parties as elaborated in operative paragraph 3, the debates at the thirty-seventh session of the General Assembly, the deliberations of the thirty-ninth session of the Commission on Human Rights, and to submit a report thereon to the thirty-eighth session of the General Assembly in order to enable the General Assembly to continue its consideration of this matter."

75. At the 74th meeting, on 10 December, the representative of Canada further orally revised the text of the draft resolution (A/C.3/37/L.74/Rev.1) as follows:

(a) Taking into account a proposal by the representative of Cuba, the words "and of the Group of Governmental Experts on International Co-operation to Avert New Flows of Refugees" were inserted after the words "Commission on Human Rights" in operative paragraph 5;

(b) Taking into account a proposal by the representative of Ethiopia, the word "movements" before the words "of population" was replaced by "exoduses and displacements" in the third and fourth preambular paragraphs;

(c) Taking into account a proposal by the representative of Djibouti, the word "Deeply" was inserted before the word "preoccupied" in the fourth preambular paragraph.

76. Djibouti and Somalia joined in sponsoring the revised draft resolution.

77. At the same meeting, the Committee adopted draft resolution A/C.2/37/L.74/Rev.1, as orally revised, without a vote (see para. 79, draft resolution XIX).

78. At the 74th meeting, on 10 December, the representative of Romania referring to Economic and Social Council resolution 1982/28 of 4 May 1982 and General Assembly resolution 37/48 of 3 December 1982 made a request for the confirmation of dates for the five regional meetings to be held in 1983 in connection with the International Youth Year. The Committee took note of that request.

III. RECOMMENDATIONS OF THE THIRD COMMITTEE

79. The Third Committee recommends to the General Assembly the adoption of the following draft resolutions:

DRAFT RESOLUTION I

Strategy and policies for drug control

The General Assembly,

Recalling its resolution 36/168 of 16 December 1981, by which it adopted the International Drug Abuse Control Strategy and the basic five-year programme of action 7/ dealt with in Commission on Narcotic Drugs resolution 1 (XXIX) of 11 February 1981, which the Economic and Social Council decided to transmit to the General Assembly by its decision 1981/113 of 6 May 1981,

7/ Official Records of the Economic and Social Council, 1981, Supplement No. 4 (E/1981/24), annex II.

Recalling also that in paragraph 3 of resolution 36/168 the Commission on Narcotic Drugs was requested to establish, within available resources, a task force to review, monitor and co-ordinate the implementation of the International Drug Abuse Control Strategy and the programme of action,

Recalling further its resolutions 32/124 of 16 December 1977, 33/168 of 20 December 1978, 34/177 of 17 December 1979 and 35/195 of 15 December 1980,

Noting with satisfaction the establishment on a provisional basis by the Commission on Narcotic Drugs of the task force requested,

Taking note of Economic and Social Council resolution 1982/13 of 3 May 1982 and Commission on Narcotic Drugs resolution 1 (S-VII) of 8 February 1982,

1. Approves the projects recommended by the Commission on Narcotic Drugs in its resolution 1 (S-VII), as set out in the report of the Commission on its seventh special session, 8/ for implementation in 1983, within available United Nations resources and to the extent possible in order of priority;
2. Requests the Commission to review the reports of its task force and to report thereon, through the Economic and Social Council, to the General Assembly at its thirty-eighth session;
3. Urges all Member States, non-member States parties to the international drug control treaties, specialized agencies and other international organizations and private institutions concerned with the drug abuse problem to strengthen their participation in and support for activities related to the International Drug Abuse Control Strategy and the programme of action;
4. Also urges Member States to contribute or increase their contributions to the United Nations Fund for Drug Abuse Control in order to ensure the success of the International Drug Abuse Control Strategy and to give firm impetus to the world community's battle against international drug traffickers and against drug abuse;
5. Requests the Secretary-General to transmit the text of the present resolution and related documents to all Member States, non-member States parties to the international drug control treaties, and all relevant international, intergovernmental and non-governmental organizations.

8/ Ibid., 1982, Supplement No. 3 (E/1982/13), chap. III, sect. A., paras. 102 and 104 and sects. B and C.

DRAFT RESOLUTION II

Question of the international legal protection of the human rights of individuals who are not citizens of the country in which they live

The General Assembly,

Bearing in mind Economic and Social Council resolutions 1790 (LIV) of 18 May 1973 and 1871 (LVI) of 17 May 1974 concerning the question of the international legal protection of the human rights of individuals who are not citizens of the country in which they live,

Noting Commission on Human Rights resolutions 8 (XXIX) of 21 March 1973, 9/11 (XXX) of 6 March 1974, 10/16 (XXXV) of 14 March 1979, 11/ and 19 (XXXVI) of 29 February 1980, 12/ on the same subject,

Noting also resolution 9 (XXXI) of 13 September 1978 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, 13/

Recalling that the Economic and Social Council, by its resolution 1980/29 of 2 May 1980, decided to transmit to the General Assembly at its thirty-fifth session the text of the draft declaration on the human rights of individuals who are not citizens of the country in which they live, prepared by the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, the Baroness Elles, and amended by the Sub-Commission, 14/ together with the comments on the text received from Member States 15/ in response to Council decision 1979/36 of 10 May 1979, and recommended that the Assembly should consider the adoption of a declaration on the subject,

9/ Official Records of the Economic and Social Council, Fifty-fourth Session, Supplement No. 6 (E/5265), chap. XX, sect. A.

10/ Ibid., Fifty-sixth Session, Supplement No. 5 (E/5464), chap. XIX, sect. A.

11/ Official Records of the Economic and Social, 1979, Supplement No. 6 (E/1979/36), chap. XXIV, sect. A.

12/ Ibid., 1980, Supplement No. 3 (E/1980/13 and Corr.1), chap. XXVI, sect. A.

13/ E/CN.4/1296, chap. XVII, sect. A.

14/ E/CN.4/1336.

15/ E/CN.4/1354 and Add.1-6.

Recalling also its resolutions 35/199 of 15 December 1980 and 36/165 of 16 December 1981, in which it decided to establish an open-ended working group for the purpose of concluding the elaboration of the draft declaration on the human rights of individuals who are not citizens of the country in which they live,

Having considered the report of the Working Group, 16/

1. Takes note of the report of the Working Group and of the fact that, although the Working Group has done useful work, it has not had sufficient time to conclude its task;
2. Requests the Secretary-General to transmit to Governments, competent organs of the United Nations system and international organizations concerned, the reports of the open-ended working groups established at the thirty-fifth, 17/ thirty-sixth 18/ and thirty-seventh sessions 16/ and to invite them to bring up to date the comments they submitted in accordance with Economic and Social Council decision 1979/36 of 10 May 1979 or to submit new comments on the basis of the above-mentioned reports, by 30 June 1983;
3. Decides to establish, at its thirty-eighth session, an open-ended working group for the purpose of concluding the elaboration of the draft declaration on the human rights of individuals who are not citizens of the country in which they live;
4. Expresses the hope that a draft declaration on the human rights of individuals who are not citizens of the country in which they live will be adopted by the General Assembly at its thirty-eighth session.

DRAFT RESOLUTION III

Measures to improve the situation and ensure the human rights and dignity of all migrant workers

The General Assembly,

Again reaffirming the permanent validity of the principles and standards embodied in the basic instruments regarding the international protection of human rights, in particular in the Universal Declaration of Human Rights, 19/ the International Covenants on Human Rights, 20/ the International Convention on the

16/ A/C.3/37/8 and Corr.1.

17/ A/C.3/35/14 and Corr.1

18/ A/C.3/36/11.

19/ Resolution 217 A (III).

20/ Resolution 2200 A (XXI), annex.

Elimination of All Forms of Racial Discrimination 21/ and the Convention on the Elimination of All Forms of Discrimination against Women, 22/

Bearing in mind the principles and standards established within the framework of the International Labour Organisation and the United Nations Educational, Scientific and Cultural Organization, and the importance of the task carried out in connection with migrant workers and their families in other specialized agencies and in various organs of the United Nations,

Reiterating that, in spite of the existence of a body of principles and standards already established, there is need to make further efforts to improve the situation and ensure the human rights and dignity of all migrant workers and their families,

Recalling its resolution 34/172 of 17 December 1979, in which it decided to create a working group open to all Member States to elaborate an international convention on the protection of the rights of all migrant workers and their families,

Recalling also its resolutions 35/198 of 15 December 1980 and 36/160 of 16 December 1981 in which it renewed the mandate of the Working Group open to all Member States and requested it to continue its work,

Having examined the progress made by the Working Group open to all Member States during its second intersessional meeting held from 10 to 21 May 1982,

Having also examined the report of the Working Group open to all Member States during the current session of the General Assembly, 23/

1. Takes note of the report of the Working Group open to all Member States and expresses its satisfaction with the substantial progress that the Working Group has so far made in the accomplishment of its mandate;

2. Decides that, in order to enable the Working Group to complete its task as soon as possible, the Working Group shall hold again an intersessional meeting of two weeks' duration in New York, immediately after the first regular session of the Economic and Social Council;

3. Invites the Secretary-General to transmit to Governments the report of the Working Group so as to allow the members of the Working Group to continue their task during the intersessional meeting to be held in the spring of 1983, as well as to transmit the results obtained in that meeting in order that the General Assembly may consider them during its thirty-eighth session;

21/ Resolution 2106 A (XX), annex.

22/ Resolution 34/180, annex.

23/ See A/C.3/37/7 and Corr.1 and 2.

4. Also invites the Secretary-General to transmit the above-mentioned documents to the competent organs of the United Nations system and to international organizations concerned, for their information, so as to enable them to continue their co-operation with the Working Group;

5. Decides that the Working Group shall meet during the thirty-eighth session of the General Assembly, preferably at the beginning of the session, to continue and, if possible, to complete the elaboration of an international convention on the protection of the rights of all migrant workers and their families.

DRAFT RESOLUTION IV

Regional arrangements for the promotion and protection of human rights

The General Assembly,

Recalling its resolutions 34/171 of 17 December 1979 and 35/197 of 15 December 1980 on regional arrangements for the promotion and protection of human rights, as well as its resolution 36/154 of 16 December 1981 in which it requested the Secretary-General to organize a seminar at Colombo, in 1982, to consider appropriate arrangements for the promotion and protection of human rights in the Asian region and to report to the General Assembly at its thirty-seventh session,

Having considered the report of the Seminar on national, local and regional arrangements for the promotion and protection of human rights in the Asian region, 24/

1. Expresses its deep appreciation to the Government of Sri Lanka for hosting the seminar, as well as for the excellent facilities provided;

2. Takes note of the report of the seminar, as well as of the conclusions and recommendations which it adopted by consensus;

3. Requests the Secretary-General to transmit the report of the seminar to States members of the Economic and Social Commission for Asia and the Pacific, to invite their comments thereon and to submit the report of the Seminar together with the comments received thereon to the Commission on Human Rights at its fortieth session for its consideration, and to report through the Economic and Social Council to the General Assembly at its thirty-ninth session;

4. Decides to consider this question further at its thirty-ninth session.

DRAFT RESOLUTION V

Regional arrangements for the protection of human rights

Recalling its resolutions 32/127 of 16 December 1977, 33/167 of 20 December 1978, 34/171 of 17 December 1979, 35/197 of 15 December 1980 and 36/154 of 16 December 1981 concerning regional arrangements for the promotion and protection of human rights,

Noting the regional arrangements which exist in the African, American, Arab and European regions and also the efforts which are currently under way to initiate Commonwealth activities in the area of human rights,

Welcoming recent developments in the Asian region to consider appropriate arrangements for the promotion and protection of human rights,

Noting that the United Nations and regional intergovernmental organizations exchange information and materials on the promotion and protection of human rights,

1. Notes with satisfaction the progress achieved so far in the promotion and protection of human rights at the regional level, under the auspices of the United Nations, the specialized agencies and the regional intergovernmental organizations;

2. Commends the Organization of African Unity for its continuing efforts to promote respect for the guarantees and norms of human rights and fundamental freedoms and notes with interest the African Charter of Human and People's Rights and the efforts to obtain its early entry into force;

3. Requests the Secretary-General to compile and update his reports on the status of regional arrangements for the promotion and protection of human rights, and to include therein a review of the exchanges of experience and information between the United Nations and regional organs and organizations for the promotion and protection of human rights as well as ways and means to further these exchanges and to report to the General Assembly at its thirty-eighth session.

DRAFT RESOLUTION VI

Situation of refugees in the Sudan

The General Assembly,

Recalling its resolutions 35/181 of 15 December 1980 and 36/158 of 16 December 1981 on the situation of refugees in the Sudan,

Recalling further Economic and Social Council resolutions 1981/5 of 14 May 1981 and 1982/1 of 27 April 1982,

Having considered the report of the Secretary-General on the interagency technical follow-up mission on education and social development/welfare services

/...

for refugees in the Sudan 25/ and his report on humanitarian assistance to refugees in the Sudan, 26/

Taking note of the ever-increasing number of refugees arriving in the Sudan,

Recognizing the heavy burden placed on the Government of the Sudan in caring for the refugees and the need for required international assistance to continue its efforts to provide assistance to the refugees,

Expressing its appreciation for the assistance which has been rendered by Member States and intergovernmental and non-governmental organizations to the Sudan in support of refugee programmes,

1. Endorses the report of the interagency technical follow-up missions to the Sudan and the recommendations contained therein;
2. Expresses its appreciation to the Secretary-General, the United Nations High Commissioner for Refugees, donor countries and voluntary agencies for their efforts to assist the refugees in the Sudan;
3. Appreciates the measures which the Government of the Sudan is taking in order to provide shelter, food and other services to the refugees;
4. Requests the Secretary-General to mobilize the necessary financial and material assistance for the implementation of the recommendations of the interagency missions;
5. Appeals to Member States, the appropriate organs, organizations and programmes of the United Nations and other intergovernmental and non-governmental organizations, and the international financial institutions to provide the Government of Sudan with the necessary resources for the implementation of the development assistance projects envisaged in the report of the Secretary-General and to strengthen its social and economic infrastructure so that essential services and facilities for refugees can be strengthened and expanded;
6. Requests the United Nations High Commissioner for Refugees to co-ordinate with the appropriate specialized agencies to consolidate and ensure the continuation of essential services to the refugees in their settlements;
7. Further requests the Secretary-General, in co-operation with the United Nations High Commissioner for Refugees, to submit a comprehensive report to the General Assembly at its thirty-eighth session on the progress made in the implementation of the recommendations of the interagency technical follow-up missions as well as on the implementation of the present resolution.

25/ A/37/178.

26/ A/37/519.

DRAFT RESOLUTION VII

Assistance to refugees in Somalia

The General Assembly,

Recalling its resolutions 35/180 of 15 December 1980 and 36/153 of 16 December 1981 on the question of assistance to refugees in Somalia,

Recalling further Economic and Social Council resolutions 1981/31 of 6 May 1981 and 1982/4 of 27 April 1982,

Taking note of the report of the Secretary-General 27/ and the report of the United Nations High Commissioner for Refugees on the conditions of the refugees in Somalia, 28/

Having heard the statement of the United Nations High Commissioner for Refugees, 29/

Considering the fact that the refugee problem has not yet been resolved,

Recognizing the need to continue to provide assistance to the refugees in Somalia,

Aware of the consequences of the social and economic burden placed on the Government and people of Somalia as a result of the continued presence of refugees and the consequent impact on the national development and the infrastructure of the country,

1. Takes note of the reports of the Secretary-General and of the United Nations High Commissioner for Refugees on the situation of refugees in Somalia;

2. Expresses its appreciation to the Secretary-General and the United Nations High Commissioner for Refugees for their continued efforts to mobilize international assistance on behalf of the refugees in Somalia;

3. Takes note with satisfaction of the assistance rendered to refugees in Somalia by various Member States, the United Nations High Commissioner for Refugees, the World Food Programme, the United Nations Children's Fund and other concerned intergovernmental and non-governmental organizations;

27/ A/37/419.

28/ Official Records of the General Assembly, Thirty-seventh Session, Supplement No. 12 (A/37/12).

29/ See A/C.3/37/SR.41.

4. Appeals to Member States, international organizations and voluntary agencies to render maximum material, financial and technical assistance to the Government of Somalia in its efforts to provide all necessary assistance to the refugees;

5. Requests the United Nations High Commissioner for Refugees in consultation with the Secretary-General to make a comprehensive review of the overall needs of the refugees, including those aspects relating to their settlement and rehabilitation;

6. Requests the United Nations High Commissioner for Refugees in consultation with the Secretary-General to submit the report of the proposed review of the refugee situation in Somalia to the Economic and Social Council at its second regular session of 1983;

7. Further requests the United Nations High Commissioner for Refugees in consultation with the Secretary-General to submit a report to the General Assembly at its thirty-eighth session on the progress achieved in the implementation of the present resolution.

DRAFT RESOLUTION VIII

Assistance to displaced persons in Ethiopia

The General Assembly,

Recalling its resolutions 35/91 of 5 December 1980 and 36/161 of 16 December 1981 and Economic and Social Council resolutions 1980/54 of 24 July 1980 and 1982/2 of 27 April 1982,

Taking note of the report of the Secretary-General on assistance to displaced persons in Ethiopia, prepared pursuant to Economic and Social Council resolution 1980/8 of 28 April 1980,

Taking note also of the appeals of the Secretary-General in his note verbale of 11 November 1980 as well as those of the General Assembly and the Economic and Social Council,

Having heard the statements of the representative of the Secretary-General 30/ and of the United Nations High Commissioner for Refugees, 31/

Recognizing the number of voluntary returnees in Ethiopia,

30/ See A/C.3/37/SR.62.

31/ See A/C.3/37/SR.41.

Deeply concerned that the repeated appeals of the Secretary-General, the General Assembly and the Economic and Social Council have yet to be adequately responded to,

1. Endorses once again the appeals of the Secretary-General, the General Assembly and the Economic and Social Council concerning assistance to displaced persons and voluntary returnees in Ethiopia;

2. Commends the efforts made by various organs and specialized agencies of the United Nations in mobilizing humanitarian assistance to the displaced persons and voluntary returnees in Ethiopia;

3. Appeals once again to the Governments of Member States and to intergovernmental and non-governmental organizations and all voluntary agencies to contribute generously to assist the Government of Ethiopia in its efforts to provide relief and rehabilitation to the displaced persons;

4. Requests the United Nations High Commissioner for Refugees to intensify his efforts in mobilizing humanitarian assistance for the relief, rehabilitation and resettlement of the number of voluntary returnees, as well as for displaced persons;

5. Further requests the Secretary-General, in co-operation with the United Nations High Commission for Refugees, to report to the Economic and Social Council at its second session of 1983 and to the General Assembly at its thirty-eighth session on the implementation of this resolution.

DRAFT RESOLUTION IX

Humanitarian assistance to refugees in Djibouti

The General Assembly,

Recalling its resolutions 35/182 of 15 December 1980 and 36/156 of 16 December 1981 on humanitarian assistance to refugees in Djibouti,

Recalling also Economic and Social Council resolution 1982/3 of 27 April 1982,

Having heard the statement of the United Nations High Commissioner for Refugees, 32/

Taking note with satisfaction of the report of the Secretary-General on humanitarian assistance to refugees in Djibouti, 33/

32/ See A/C.3/37/SR.41.

33/ A/37/420.

Appreciating the determined efforts made by the Government of Djibouti to cope with the growing needs of the refugees despite its limited economic resources,

Aware of the consequences of the social and economic burden placed on the Government and people of Djibouti as a result of the influx of refugees and the subsequent impact on the national development and infrastructure of the country,

Deeply concerned about the continuing situation of the refugees and displaced persons in the country, which has been aggravated by the devastating effects of the prolonged drought,

Noting with appreciation the concern and unremitting efforts of the United Nations High Commissioner for Refugees, the United Nations Development Programme, the United Nations Children's Fund, the World Health Organization, the World Food Programme, the Food and Agriculture Organization of the United Nations, the intergovernmental and non-governmental organizations and benevolent organizations which have worked closely with the Government of Djibouti in the relief and rehabilitation programme for the refugees in Djibouti,

1. Takes note with appreciation of the report of the Secretary-General on humanitarian assistance to refugees 33/ in Djibouti and that of the United Nations High Commissioner for Refugees; 34/
2. Appreciates the efforts made by the United Nations High Commissioner for Refugees to keep the situation of the refugees in Djibouti under constant review, and invites him to intensify his programme of humanitarian assistance to the refugees in the country;
3. Requests the United Nations High Commissioner for Refugees to continue to organize adequate programmes of assistance to the refugees in Djibouti and to maintain close contact with Member States, intergovernmental and non-governmental organizations and benevolent organizations concerned to mobilize the necessary assistance to the Government of Djibouti to enable it to cope effectively with the refugee situation aggravated by the debilitating effects of the drought;
4. Appreciates the assistance provided thus far by Member States and intergovernmental and non-governmental organizations to the relief and rehabilitation programmes for the refugees and displaced persons in Djibouti;
5. Calls upon all Member States, the organizations of the United Nations system, the specialized agencies and the intergovernmental and non-governmental organizations to continue to support the efforts made by the Government of Djibouti to cope with the ever growing needs of the refugee population and other victims of the drought;

34/ Official Records of the General Assembly, Thirty-seventh Session, Supplement No. 12 (A/37/12).

6. Requests the High Commissioner for Refugees, in co-operation with the Secretary-General, to send an interagency mission to Djibouti to evaluate the needs and the magnitude of the aid required to finance the relief and rehabilitation programmes for the refugees, and to report to the Economic and Social Council at its second regular session in 1983 and to the General Assembly at its thirty-eighth session on the progress achieved in the implementation of the present resolution.

DRAFT RESOLUTION X

Assistance to student refugees in southern Africa

The General Assembly,

Recalling its resolution 36/170 of 16 December 1981, in which it, inter alia, requested the Secretary-General, in co-operation with the United Nations High Commissioner for Refugees, to continue to organize and implement an effective programme of educational and other appropriate assistance for student refugees from Namibia and South Africa who had taken asylum in Botswana, Lesotho, Swaziland and Zambia,

Having considered the report of the Secretary-General 35/ containing the review by the United Nations High Commissioner for Refugees of the assistance programmes for student refugees from Namibia and South Africa,

Noting with appreciation that some of the projects recommended in the report on assistance to student refugees in southern Africa have been successfully completed,

Noting with concern the continued influx into Botswana, Lesotho, Swaziland and Zambia of student refugees from South Africa as well as from Namibia,

Convinced that the discriminatory policies and repressive measures being applied in South Africa and Namibia will lead to a further exodus of student refugees from these countries,

Conscious of the burden placed on the limited financial, material and administrative resources of the host countries by the presence of those student refugees,

Appreciating the efforts of host countries to deal adequately with their present student refugee populations and also to be prepared to meet any new emergency by sharing the responsibilities and obligations with the international community,

1. Endorses the assessments and recommendations contained in the report of the Secretary-General and commends him and the United Nations High Commissioner for

Refugees for their efforts to mobilize resources and organize the programme of assistance to student refugees in the host countries of southern Africa;

2. Expresses its appreciation to the Governments of Botswana, Lesotho, Swaziland and Zambia for continuing to grant asylum and make educational and other facilities available to the student refugees in spite of the pressure which the continuing influx of those refugees exerts on facilities in their countries;

3. Expresses its appreciation to the Governments of Botswana, Lesotho, Swaziland and Zambia for the co-operation which they have extended to the Secretary-General and to the United Nations High Commissioner for Refugees on matters concerning the welfare of these refugees;

4. Notes with appreciation the financial and material support provided for the student refugees by Member States, the High Commissioner, other bodies of the United Nations system and intergovernmental and non-governmental organizations;

5. Requests the Secretary-General, in co-operation with the High Commissioner, to continue to organize and implement an effective programme of educational and other appropriate assistance for student refugees from Namibia and South Africa who have taken asylum in Botswana, Lesotho, Swaziland and Zambia;

6. Urges all Member States and intergovernmental and non-governmental organizations to continue contributing generously to the assistance programmes for the student refugees, through financial support of the regular programmes of the High Commissioner of the projects identified in the report of the Secretary-General, and of the projects and programmes, including unfunded projects, submitted to the International Conference on Assistance to Refugees in Africa;

7. Appeals to the Office of the United Nations High Commissioner for Refugees, the United Nations Development Programme, the United Nations Educational, Scientific and Cultural Organization, as well as other international and non-governmental bodies, to continue providing humanitarian and development assistance to expedite the resettlement and integration of refugee families from South Africa who have been granted asylum in Botswana, Lesotho, Swaziland and Zambia;

8. Calls upon all agencies and programmes of the United Nations system to continue operating with the Secretary-General and the High Commissioner in the implementation of humanitarian programmes of assistance for the student refugees in southern Africa;

9. Requests the Secretary-General, in co-operation with the High Commissioner, to continue to keep the matter under review, to apprise the Economic and Social Council, at its second regular session of 1983, of the current status of the programmes and to report to the General Assembly at its thirty-eighth session on the implementation of the present resolution.

DRAFT RESOLUTION XI

The right to education

The General Assembly,

Recalling its resolutions 34/170 of 17 December 1979, 35/191 of 15 December 1980 and 36/152 of 16 December 1981 on the right to education,

Recalling the International Covenant on Economic, Social and Cultural Rights, adopted by its resolution 2200 A (XXI) of 16 December 1966, which recognizes the right of everyone to education,

Bearing in mind the importance of the Convention against Discrimination in Education, 36/ adopted on 14 December 1960 by the General Conference of the United Nations Educational, Scientific and Cultural Organization,

Reaffirming the paramount importance of the implementation of the right to education for the full development of the human personality and for the enjoyment of other fundamental human rights and freedoms,

Recognizing that for the effective implementation of the right to education the eradication of illiteracy has a particular priority and urgency,

Convinced that the educational process could bring a substantial contribution to social progress, national development, mutual understanding and co-operation among peoples and to strengthening peace and international security,

Recalling that the establishment of the new international economic order requires effective support for the improvement and expansion of educational systems and for the training of specialized personnel and qualified cadres for the economic development of developing countries,

Convinced of the topicality and urgency of provisions on education contained in the International Development Strategy for the Third United Nations Development Decade, 37/

Recalling that, since its establishment, the United Nations Educational, Scientific and Cultural Organization has constantly striven for effective realization of the right to education and equality of educational opportunities for all, without distinction as to race, colour, sex, language, religion, political or other opinion, national or social origin, economic status or birth and that, for many years past, activities directed to securing the right to education and the extension and improvement of educational and training systems in Member States, more particularly in the developing countries, have occupied a central place in that organization's programme,

36/ United Nations Treaty Series, vol. 429, No. 6193, p. 93.

37/ Resolution 35/56, annex, sect. O.

Aware of the important contribution of the United Nations Educational, Scientific and Cultural Organization to the implementation of the International Development Strategy for the Third United Nations Development Decade with a view to fostering the full implementation of the right to education,

Taking note with satisfaction of the interest shown by the Executive Board of the United Nations Educational, Scientific and Cultural Organization for the implementation of General Assembly resolutions 34/170, 35/191 and 36/152,

1. Takes note of the conclusions of the report of the Director-General of the United Nations Educational, Scientific and Cultural Organization, transmitted by a note of the Secretary-General of 19 October 1982; 38/

2. Commends the United Nations Educational, Scientific and Cultural Organization for including on a permanent basis the issue of the implementation of the right to education in its medium-term plan;

3. Invites again all States to consider the adoption of appropriate legislative, administrative and other measures, including material guarantees, in order to ensure the full implementation of the right to universal education through, inter alia, free and compulsory primary education, universal and gradually free-of-charge secondary education, equal access to all educational facilities and the access of the young generation to science and culture;

4. Invites all States to give all necessary attention to defining and determining in a more precise manner the means for implementing the provisions concerning the role of education in the International Development Strategy for the Third United Nations Development Decade;

5. Invites all specialized agencies to co-operate with the United Nations Educational, Scientific and Cultural Organization to ensure education a high priority in the implementation of various programmes and projects, in the framework of the International Development Strategy for the Third United Nations Development Decade;

6. Appeals again to all States, in particular to the developed countries, to support actively through fellowships and other means, including the general increasing of resources for education and training, the efforts of the developing countries in the education and training of national personnel needed in industry, agriculture and other economic and social sectors;

7. Expresses its thanks to the Director-General of the United Nations Educational, Scientific and Cultural Organization for the report on the right to education prepared pursuant to General Assembly resolution 36/152;

8. Invites the United Nations Educational, Scientific and Cultural Organization to continue its intensive efforts for the promotion at the universal level of the right to education and to inform, in appropriate forms, the General Assembly on the progress achieved in this field.

DRAFT RESOLUTION XII

Measures to be taken against Nazi, Fascist and neo-Fascist activities and all other forms of totalitarian ideologies and practices based on racial intolerance, hatred and terror

The General Assembly,

Recalling that the United Nations emerged from the struggle against nazism, fascism, aggression and foreign occupation, and that the peoples expressed their resolve in the Charter of the United Nations to save future generations from the scourge of war,

Bearing in mind the suffering, destruction and death of millions of victims of aggression, foreign occupation, nazism and fascism,

Reaffirming the purposes and principles laid down in the Charter, which are aimed at maintaining international peace and security, developing friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and achieving international co-operation in promoting and encouraging respect for human rights and fundamental freedoms for all,

Emphasizing that all totalitarian or other ideologies and practices, in particular Nazi, Fascist and neo-Fascist, based on racial or ethnic exclusiveness or intolerance, hatred, terror, systematic denial of human rights and fundamental freedoms or which have such consequences, may jeopardize world peace and constitute obstacles to friendly relations between States and to the realization of human rights and fundamental freedoms,

Reaffirming that the prosecution and punishment of war crimes and crimes against peace and humanity, as laid down in General Assembly resolutions 3 (I) of 13 February 1946 and 95 (I) of 11 December 1946, constitute a universal commitment for all States,

Recalling its resolutions 2331 (XXII) of 18 December 1967, 2438 (XXIII) of 19 December 1968, 2545 (XXIV) of 11 December 1969, 2713 (XXV) of 15 December 1970, 2839 (XXVI) of 18 December 1971, 34/24 of 15 November 1979, 35/200 of 15 December 1980 and 36/162 of 16 December 1981,

Recalling also the Declaration on Social Progress and Development, 39/ the United Nations Declaration on the Elimination of All Forms of Racial

39/ Resolution 2542 (XXIV).

Discrimination, 40/ the Declaration on the Granting of Independence to Colonial Countries and Peoples 41/ and the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, 42/

Underlining the importance of the Universal Declaration of Human Rights, 43/ the International Covenants on Human Rights, 44/ the International Convention on the Elimination of All Forms of Racial Discrimination, 45/ the Convention on the Prevention and Punishment of the Crime of Genocide 46/ and other relevant international instruments,

Acknowledging the fact that a number of States have set up legal regulations which are suited to prevent the activities of Nazi, Fascist and neo-Fascist groups and organizations,

Noting again with deep concern that the proponents of Fascist ideologies have, in a number of countries, intensified their activities and are increasingly co-ordinating them on an international scale,

1. Again condemns all totalitarian or other ideologies and practices, in particular Nazi, Fascist and neo-Fascist, based on racial or ethnic exclusiveness or intolerance, hatred, terror, systematic denial of human rights and fundamental freedoms, or which have such consequences;
2. Urges all States to draw attention to the threats to democratic institutions by the above-mentioned ideologies and practices and to consider taking measures, in accordance with their national constitutional systems and with the provisions of the Universal Declaration of Human Rights and the International Covenants on Human Rights, to prohibit or otherwise deter activities by groups or organizations or whoever is practising those ideologies;
3. Calls upon the appropriate specialized agencies as well as intergovernmental and international non-governmental organizations to initiate or intensify measures against the ideologies and practices described in paragraph 1 above;

40/ Resolution 1904 (XVIII).

41/ Resolution 1514 (XV).

42/ Resolution 36/55.

43/ Resolution 217 A (III).

44/ Resolution 2200 A (XXI), annex.

45/ Resolution 2106 A (XX), annex.

46/ Resolution 260 A (III), annex.

4. Invites Member States to adopt, in accordance with their national constitutional systems and with the provisions of the Universal Declaration of Human Rights and the International Covenants on Human Rights, as a matter of high priority, measures declaring punishable by law any dissemination of ideas based on racial superiority or hatred and of war propaganda, including Nazi, Fascist and neo-Fascist ideologies;

5. Appeals to all States which have not yet done so to ratify or to accede to the International Covenants on Human Rights, the Convention on the Prevention and Punishment of the Crime of Genocide, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity, 47/ and the International Convention on the Suppression and Punishment of the Crime of Apartheid; 48/

6. Calls once again upon all States to provide the Secretary-General with their comments on this question;

7. Requests the Secretary-General to ensure that the Department of Public Information of the Secretariat pays attention to the dissemination of information exposing the ideologies and practices described in paragraph 1 above;

8. Reiterates its request to the Commission on Human Rights to consider this subject at its thirty-ninth session under the title: "Measures to be taken against all totalitarian or other ideologies and practices, including Nazi, Fascist and neo-Fascist, based on racial or ethnic exclusiveness or intolerance, hatred, terror, systematic denial of human rights and fundamental freedoms, or which have such consequences";

9. Requests the Secretary-General to submit a report, through the Economic and Social Council, to the General Assembly at its thirty-eighth session in the light of the discussion that would take place in the Commission on Human Rights and on the basis of comments provided by States and international organizations.

DRAFT RESOLUTION XIII

Question of involuntary or enforced disappearances

The General Assembly,

Recalling its resolution 33/173 of 20 December 1978, entitled "Disappeared persons", and its resolution 36/163 of 16 December 1981 on the question of involuntary or enforced disappearances,

47/ Resolution 2391 (XXIII), annex.

48/ Resolution 3068 (XXVIII), annex.

Bearing in mind Commission on Human Rights resolution 1982/24 of 10 March 1982, 49/ in which it was decided to extend for one year the term of the mandate of the Working Group, and Economic and Social Council decision 1982/131, which approved that decision,

Convinced that the action taken, in consultation with the Governments concerned, to promote the implementation of the provisions of General Assembly resolution 33/173 and other United Nations resolutions relevant to the plight of missing or disappeared persons should be continued,

Expressing its emotion at the anguish and sorrow of the families concerned, who should know the fate of their relatives,

1. Welcomes the decision of the Commission on Human Rights to extend for one year the term of the mandate of the Working Group as laid down in Commission resolution 1982/24;
2. Expresses its appreciation to the Working Group for the work done and to those Governments that have co-operated with it;
3. Calls upon the Commission on Human Rights to continue to study this question as a matter of priority and to take any step it may deem necessary to the pursuit of the task of the Working Group, when it considers the report to be submitted by the Group at its thirty-ninth session;
4. Appeals to all Governments to provide the Working Group and the Commission on Human Rights with the full co-operation warranted by their strictly humanitarian objectives and their working methods based on discretion;
5. Renews its request to the Secretary-General to continue to provide the Working Group with all necessary assistance.

DRAFT RESOLUTION XIV

Missing persons in Cyprus

The General Assembly,

Recalling its previous resolutions on the Question of the Missing Persons in Cyprus,

Reaffirming the basic need of families to be informed, without further delay, about the fate of their missing relatives,

Expressing concern that the Committee on Missing Persons in Cyprus, the establishment of which was announced on 22 April 1981, has failed to overcome procedural difficulties and has achieved no progress towards the commencement of its investigative work,

Emphasizing the need for a speedy resolution of this humanitarian problem,

1. Invites the Working Group on Enforced or Involuntary Disappearances of the Commission on Human Rights to follow developments and to recommend ways and means to the parties concerned with a view to overcoming the pending procedural difficulties of the Committee on Missing Persons in Cyprus and in co-operation with it to facilitate the effective implementation of its investigative work on the basis of the existing relevant agreements;
2. Calls upon all parties concerned to facilitate such investigation in a spirit of co-operation and good will;
3. Requests the Secretary-General to continue to provide his good offices with a view to facilitating the work of the Committee on Missing Persons in Cyprus.

DRAFT RESOLUTION XV

Summary or arbitrary executions

The General Assembly,

Recalling the provisions of the Universal Declaration of Human Rights, 50/ which states that every human being has the inherent right to life, liberty and the security of person and that everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law,

Recalling also its resolution 34/175 of 17 December 1979, in which the General Assembly reaffirmed that mass and flagrant violations of human rights are of special concern to the United Nations and urged the Commission on Human Rights to take timely and effective action in existing and future cases of mass and flagrant violations of human rights,

Further recalling its resolution 36/22 of 9 November 1981, in which the General Assembly condemned the practice of summary and arbitrary executions,

Deeply alarmed at the occurrence on a large scale of summary or arbitrary executions, including extra-legal executions,

Taking note of resolution 1982/13 of the Subcommittee on Prevention of Discrimination and Protection of Minorities of 7 September 1982, in which the Subcommittee recommended that effective measures should be adopted to prevent the occurrence of summary or arbitrary executions,

Convinced of the need for appropriate action to combat and eventually eliminate this practice, which represents a flagrant violation of the most fundamental human right, the right to life,

1. Welcomes Economic and Social Council resolution 1982/35 of 7 May 1982, in which it was decided to appoint for one year a Special Rapporteur to examine the questions related to summary or arbitrary executions and to submit a comprehensive report to the Commission at its thirty-ninth session on the occurrence and extent of the practice of such executions together with his conclusions and recommendations;

2. Requests all Governments to co-operate with and to assist the Special Rapporteur of the Commission on Human Rights in the preparation of his report;

3. Requests the Commission on Human Rights at its thirty-ninth session, on the basis of the report of the Special Rapporteur to be prepared in conformity with Economic and Social Council resolution 1982/35, to make recommendations concerning appropriate action to combat and eventually eliminate the practice of summary or arbitrary execution.

DRAFT RESOLUTION XVI

Situation of human rights and fundamental freedoms in Chile

The General Assembly,

Aware of its responsibility to promote and encourage respect for human rights and fundamental freedoms for all and decided to remain vigilant with regard to violations of human rights wherever they occur,

Emphasizing the obligation of Governments to protect and promote human rights and to carry out the responsibility they have undertaken on the various international instruments,

Recalling its resolutions 3219 (XXIX) of 6 November 1974, 3448 (XXX) of 9 December 1975, 31/124 of 16 December 1976, 32/118 of 16 December 1977, 33/175 of 20 December 1978, 34/179 of 17 December 1979, 35/188 of 15 December 1980 and 36/157 of 16 December 1981, all related to the situation of human rights in Chile, as well as its resolution 33/173 of 20 December 1978 on disappeared persons,

Recalling also the resolutions of the Commission on Human Rights dealing with the human rights situation in Chile, in particular resolution 1982/25 of

10 March 1982, 51/ by which the Commission decided, inter alia, to extend the mandate of the Special Rapporteur on the situation of human rights in Chile,

Deploing that the Chilean authorities have consistently refused to co-operate with the Commission on Human Rights and its Special Rapporteur,

Expressing its deepest concern for the total lack of improvement in the human rights situation in Chile, as shown by the Special Rapporteur in his report, 52/

Noting with increasing concern that the Chilean authorities continue to ignore the repeated appeals of the international community made through a number of resolutions of the General Assembly, the Commission on Human Rights and various other international organs,

Reiterating its deep concern at the lack of information on the numerous persons who have disappeared in Chile for political reasons and at the fact that the Chilean authorities have not taken urgent and effective measures to investigate and clarify the faith of those persons,

Noting with great concern that the Constitution promulgated by the Chilean authorities on 11 March 1981 represents the institutionalization of the state of exception, with grave prejudice to the civil and political rights of the Chilean people and serious limitations to their economic, social and cultural rights,

1. Commends the Special Rapporteur for his report on the human rights situation in Chile, submitted in accordance with Commission on Human Rights resolution 1982/25;
2. Reiterates its grave concern at the persistence of serious and systematic violations of human rights in Chile, as described by the Special Rapporteur, in particular for the subversion of the traditional democratic legal order and its institutions, through the maintenance and widening of emergency and exceptional legislation and the promulgation of a Constitution which does not reflect a freely expressed popular will and whose provisions suppress, suspend or restrict the enjoyment and the exercise of human rights and fundamental freedoms;
3. Reiterates also its deep concern at the inefficacy of the recourse of habeas corpus or amparo in view of the fact that the judiciary in Chile does not fully exercise its functions in this respect, except within considerable restrictions;
4. Urgently requests once more the Chilean authorities to respect and promote human rights in conformity with the obligations undertaken under various

51/ See Official Records of the Economic and Social Council, 1982, Supplement No. 2 (E/1982/12 and Corr.1), chap. XXVI, sect. A.

international instruments and, in particular, to adopt the concrete measures contemplated in Commission on Human Rights resolution 1982/25, in particular the lifting of the state of emergency and the state of exception and the re-establishment of democratic institutions, by ensuring the full enjoyment and exercise of civil and political rights as well as economic, social and cultural rights and fundamental freedoms of the Chilean people, as provided in those international instruments;

5. Urges once more the Chilean authorities to investigate and clarify the fate of all persons who have disappeared in Chile for political reasons, to inform their families of the results of such investigation and to punish those responsible for the disappearance;

6. Further urges again the Chilean authorities to re-establish the full enjoyment of trade union rights, in particular, the right to organize trade unions, the right to collective bargaining and the right to strike;

7. Urges as well the Chilean authorities to respect, in conformity with the International Covenant on Civil and Political Rights, 53/ the right of Chilean nationals to live, and freely enter and leave the Chilean territory, without restrictions or conditions of any kind, and to cease the practice of "relegation" (assignment of forced residence) and forced exile, in particular of those who participate in trade union activities, academic life or the defence of human rights;

8. Also urges the Chilean authorities to put an end to arbitrary detentions and imprisonment in secret places and the practice of torture and inhuman or degrading treatment which have resulted on occasion in unexplained deaths;

9. Requests the Chilean authorities to respect fully the economic, social and cultural rights of the Chilean population in general and the indigenous population in particular;

10. Concludes, on the basis of the report by the Special Rapporteur, that it is necessary to maintain under consideration the situation of human rights in Chile;

11. Calls again on the Chilean authorities to co-operate with the Commission on Human Rights and its Special Rapporteur and to submit the commentaries on his report at the thirty-ninth session of the Commission on Human Rights;

12. Requests the Commission on Human Rights to study in depth the report of the Special Rapporteur at its thirty-ninth session, with a view to taking the most appropriate steps and report on its consideration, through the Economic and Social Council, to the General Assembly at its thirty-eighth session.

53/ Resolution 2200 A (XXI).

DRAFT RESOLUTION XVII

Situation of human rights and fundamental freedoms in Guatemala

The General Assembly,

Reiterating that the Governments of all Member States have an obligation to promote and protect human rights and fundamental freedoms,

Recalling Commission on Human Rights resolution 1982/31 of 11 March 1982, 54/ in which the Commission expressed its profound concern at the continuing deterioration in the situation of human rights and fundamental freedoms in Guatemala under the previous régime and in which it requested its Chairman to appoint a Special Rapporteur,

Taking into account General Assembly decision 36/435 of 16 December 1981,

Expressing its satisfaction at the declared willingness of the present Government of Guatemala to co-operate with a Special Rapporteur to be appointed under Commission on Human Rights resolution 1982/31 with a mandate to make a thorough study of the human rights situation in Guatemala,

Taking note of resolution 1982/17 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities of 7 September 1982, in which the Sub-Commission expressed alarm at reports of massive repression against and displacement of indigenous populations,

Disturbed about the large number of missing persons, who, despite appeals from various international organizations to the Government of Guatemala, remain unaccounted for,

Noting with concern the state of siege in force in Guatemala since 1 July 1982, under which basic human rights are abrogated and serious violations of human rights are reported to occur,

1. Expresses its deep concern at the serious violations of human rights reported to take place in Guatemala, particularly those reports of widespread repression, killing and massive displacement of rural and indigenous populations;
2. Urges the Government of Guatemala to ensure that human rights and fundamental freedoms are fully respected by all its authorities and agencies, including its security forces;
3. Appeals to the Government of Guatemala to allow international humanitarian organizations to bring their assistance to those displaced;

4. Appeals also to all concerned parties in Guatemala to seek an end to all acts of violence;
5. Calls upon Governments to refrain from supplying arms and other military assistance as long as serious human rights violations in Guatemala continue to be reported;
6. Invites the Government of Guatemala and other parties concerned to co-operate with the Special Rapporteur of the Commission on Human Rights;
7. Requests the Commission on Human Rights to study carefully the report of its Special Rapporteur and to consider, in the light of the report, further steps for securing human rights and fundamental freedoms for all in Guatemala.

DRAFT RESOLUTION XVIII

Situation of human rights and fundamental freedoms in El Salvador

The General Assembly,

Guided by the principles embodied in the Charter of the United Nations and the Universal Declaration of Human Rights, 55/

Conscious of its responsibility in all circumstances to promote and encourage respect for human rights and fundamental freedoms for all,

Reiterating that the Governments of all Member States have an obligation to promote and protect human rights and fundamental freedoms and to carry out responsibilities they have undertaken under various international human rights instruments,

Determined to remain vigilant with regard to violations of human rights wherever they occur and to take measures in order to restore respect for human rights and fundamental freedoms,

Recalling that, in its resolutions 35/192 of 15 December 1980 and 36/155 of 6 December 1981, it expressed its deep concern for the situation of human rights in El Salvador, especially in view of the death of thousands of people, the climate of violence and insecurity prevailing in that country, and the impunity of paramilitary forces and other armed groups,

Bearing in mind Commission on Human Rights resolutions 32 (XXXVII) of 11 March 1981, 56/ in which the Commission decided to appoint a Special

55/ Resolution 217 A (III).

56/ See Official Records of the Economic and Social Council, 1981, Supplement No. 5 (E/1981/25 and Corr.1), chap. XXVIII, sect. A.

Representative on the situation of human rights in El Salvador, and 1982/28 of 11 March 1982, 57/ whereby it extended the mandate of the Special Representative for another year and requested him to report, inter alia, to the General Assembly at its thirty-seventh session,

Taking note of resolutions 10 (XXXIV) and 1982/26 of the Sub-Commission on the Elimination of All Forms of Discrimination and the Protection of Minorities,

Taking note with grave concern of the interim report by the Special Representative, which confirms the unabated continuation of a climate of violence and insecurity in El Salvador with armed clashes, acts of terrorism and unbridled, large-scale and grave violations of human rights, as well as the failure of the judiciary to fulfil its duties to uphold the rule of law,

Observing that the elections in El Salvador, as they were held in March 1982, have not led to the cessation of violence or to any improvement in the situation of human rights and fundamental freedoms in that country,

1. Expresses its deepest concern at the continued and unbridled violations of human rights and at the resulting suffering of the Salvadorian people, and regrets that the appeals for the cessation of violence made by the General Assembly, the Commission on Human Rights and the international community in general, have not been heeded;

2. Draws again the attention of all Salvadorian parties concerned to the fact that the rules of international law, as contained in article 3 common to the Geneva Conventions of 12 August 1949 58/ on the laws of war, are applicable to armed conflicts not of an international character and requests all parties to the conflicts to apply a minimum standard of protection of human rights and of human treatment to the civilian population;

3. Notes that the situation in El Salvador, as clearly shown in the report of the Special Representative of the Commission on Human Rights, 59/ has its root causes in internal political economic and social factors, and that conditions in El Salvador for the effective exercise of civil and political rights do not exist at the present time;

4. Reaffirms the right of the Salvadorian people to freely determine their political, economic and social future without interference from outside and in an atmosphere free from intimidation and terror from all parties;

57/ Ibid., 1982, Supplement No. 2 (E/1982/12 and Corr. 1), chap. XXVI, sect. A.

58/ United Nations, Treaty Series, vol. 75, Nos. 970-973, p. 31 et seq.

59/ A/37/611.

5. Regrets that the Government of El Salvador has not responded to suggestions to initiate, through available channels, contacts to negotiate a peaceful settlement with all representative political forces in that country;
6. Calls again upon the parties in El Salvador to seek an end to all acts of violence in order to end the loss of lives and the suffering of the people of El Salvador;
7. Reiterates its appeal to all States to abstain from intervening in the internal situation in El Salvador and to suspend all supplies of arms and any type of military assistance, so as to allow the political forces in that country to restore peace and security and to allow the establishment of a democratic system;
8. Strongly urges the Government of El Salvador to fulfil its obligations towards its citizens and to assume its international responsibilities in this regard by taking the necessary steps to ensure that human rights and fundamental freedoms are fully respected by all its agencies, including its security forces, and other armed organizations operating under its authority or with its permission;
9. Further urges the judiciary in El Salvador to assume their obligation to uphold the rule of law and to prosecute and to punish those found responsible for assassinations, acts of torture and other forms of cruel, inhuman or degrading treatment;
10. Reiterates its call upon all Salvadorian parties concerned to co-operate fully and not to interfere with the activities of humanitarian organizations dedicated to alleviating the suffering of the civilian population, wherever these organizations operate in El Salvador;
11. Calls again upon the Government of El Salvador as well as all other parties concerned to continue to extend their co-operation to the Special Representative of the Commission on Human Rights;
12. Requests the Commission on Human Rights at its thirty-ninth session to continue to examine, as a matter of high priority, the situation in El Salvador on the basis of the report of the Special Representative of the Commission on Human Rights;
13. Decides to maintain under consideration, during its thirty-eighth session, the situation of human rights and fundamental freedoms in El Salvador, in order to examine anew this situation in the light of additional elements provided by the Commission on Human Rights and the Economic and Social Council.

DRAFT RESOLUTION XIX

Human rights and mass exoduses

The General Assembly,

Mindful of its general humanitarian mandate under the charter of the United Nations and its mandate to promote and encourage respect for human rights and fundamental freedom for all,

Deeply disturbed by the continuing scale and magnitude of exoduses and displacements of populations in many regions of the world and at the human suffering of millions of refugees and displaced persons in all regions of the world,

Conscious that human rights violations are among the principal factors in the complex and multiple root causes of mass exoduses and displacements of population,

Deeply preoccupied by the increasingly heavy burden being imposed upon the international community as a whole, and more particularly on developing countries with limited resources of their own, by these sudden and mass exoduses and displacements of population,

Conscious of its obligations towards the millions of victims of mass exoduses and of displacements of population, and of its dual responsibility, under the Charter, to provide adequate international protection and assistance to such victims and to eliminate or mitigate the root causes of this phenomenon,

Recalling its resolution 36/136 of 14 December 1981 on a new international humanitarian order,

Recalling its resolutions 35/124 of 11 December 1980 and 36/148 of 16 December 1981 on international co-operation to avert new flows of refugees, 35/196 of 15 December 1980 on mass exoduses, and Commission on Human Rights resolutions 29 (XXXVII) of 11 March 1981 60/ and 1982/32 of 11 March 1982, 61/

Recalling its resolution 32/130 of 16 December 1977 and Commission on Human Rights resolution 4 (XXXIII) of 21 February 1977 62/ on the full realization of economic, social and cultural rights,

Considering the study of the Special Rapporteur on human rights and massive exoduses, 63/

1. Commends the Special Rapporteur for the study on human rights and massive exoduses;

60/ See Official Records of the Economic and Social Council, 1981, Supplement No. 5 (E/1981/25 and Corr.1), chap. XXVIII, sect. A.

61/ Ibid., 1982, Supplement No. 2 (E/1982/12 and Corr.1), chap. XXVI, sect. A.

62/ See Official Records of the Economic and Social Council, Sixty-second Session, Supplement No. 6 (E/5727), chap. XXI, sect. B.

63/ E/CN.4/1503.

2. Renews the invitation, contained in Commission on Human Rights resolution 1982/32, to Governments, United Nations agencies or departments, relevant specialized agencies, international organizations and non-governmental organizations to communicate their views on the study and the recommendations contained therein to the Secretary-General;

3. Requests the Secretary-General to ensure the views expressed to date on the study and its recommendations by all interested parties - Governments, United Nations agencies or departments, relevant specialized agencies, international organizations and non-governmental organizations - together with those to be received in the meantime, are made available to the Commission on Human Rights at its thirty-ninth session and to the Group of Governmental Experts on International Co-operation to Avert New Flows of Refugees to facilitate their further consideration of the study and its recommendations;

4. Invites the Commission on Human Rights at its thirty-ninth session and the Group of Governmental Experts on International Co-operation to Avert New Flows of Refugees at meetings to be held pursuant to General Assembly resolution 37/_____, to give careful consideration to those aspects of the study of the Special Rapporteur falling within their respective mandates in the light of the views expressed by all interested parties;

5. Requests the Secretary-General to pursue his examination of recommendations contained in the study, taking into account the views of Governments and other interested parties, as enumerated in paragraph 3 above, the debates at the General Assembly at its thirty-seventh session, the deliberations of the Commission on Human Rights at its thirty-ninth session, and of the Group of Governmental Experts on International Co-operation to Avert New Flows of Refugees, and to submit a report thereon to the Assembly at its thirty-eighth session in order to enable the Assembly to continue its consideration of this matter;

6. Decides to review the question of human rights and mass exoduses at its thirty-eighth session.
