



SUMMARY RECORD OF THE 57th MEETING

Chairman: Mr. ABULHASAN (Kuwait)

CONTENTS

- AGENDA ITEM 100: INTERNATIONAL COVENANTS ON HUMAN RIGHTS (continued)
AGENDA ITEM 12: REPORT OF THE ECONOMIC AND SOCIAL COUNCIL (continued)

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Distr. GENERAL
A/C.3/43/SR.57
5 December 1988

ORIGINAL: ENGLISH

The meeting was called to order at 3.30 p.m.

AGENDA ITEM 100: INTERNATIONAL COVENANTS ON HUMAN RIGHTS (continued)

Draft resolution A/C.3/43/L.54 and amendments thereto contained in document A/C.3/43/L.84

1. Mr. SKIBSTED (Denmark) said that operative paragraph 13 should be amended to read:

"Appeals to States Parties to the Covenants that have exercised their sovereign right to make reservations in accordance with relevant rules of international law to consider whether any such reservation should be reviewed."

2. That amendment was made on the understanding that no action would be taken on the amendments in document A/C.3/43/L.84, and that the rest of the draft resolution would remain unchanged.

3. Draft resolution A/C.3/43/L.54, as orally amended, was adopted.

4. Mr. TAHA (Sudan), speaking in explanation of vote, said that his delegation had not wished to depart from the consensus, especially after the introduction of the amendment to operative paragraph 13. However, it wished to place on record its reservation regarding the last part of the amended paragraph which contradicted the aim of the amendment by infringing upon an important principle of the international law of treaties, namely the right of States to make reservations. That right was a sovereign right which could not be infringed on, especially in a decision of the General Assembly, and could not be subject to the collective will of other countries.

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

Draft resolution A/C.3/43/L.73/Rev.1

5. Ms. KAMAL (Secretary of the Committee) said that, in the fourth preambular paragraph, the word "political" should be added before the words "racial or ethnic superiority".

6. Mrs. MUKHERJEE (India) said that she wished to propose three amendments to the draft resolution. First of all, the title should read: "Measures to be taken against Nazi, Fascist and neo-Fascist activities and all other forms of totalitarian ideologies and practices based on apartheid, racial discrimination and racism, and the systematic denial of human rights and fundamental freedoms". At the end of the third preambular paragraph, the phrase "including the practices of apartheid, racial discrimination and racism" should be added. Operative paragraph 1 should be amended to read:

(Mrs. Mukherjee, India)

"Again resolutely condemns all totalitarian or other ideologies and practices, including Nazi, Fascist and neo-Fascist, based on apartheid, racial discrimination, racism, the systematic denial of human rights and fundamental freedoms, or which have such consequences".

7. Mr. GALAL (Egypt) said that the draft resolution still reflected the old thinking that had prevailed during the Second World War and the cold war; his delegation wanted the text to be forward-looking. It was directed against individuals who had committed crimes in the past, some of whom had over time risen to positions of responsibility and complete impunity. The draft resolution also confused some concepts and touched on issues being dealt with by the International Law Commission. His delegation did not believe that the draft resolution was useful and would therefore abstain if there was a vote.

8. Draft resolution A/C.3/43/73/Rev.1, as amended, was adopted.

9. Mr. SIGURDSSON (Iceland), speaking in explanation of vote on behalf of the Nordic countries, said that the Nordic countries had joined in supporting the draft resolution since totalitarian ideologies posed a threat to democratic societies and institutions. However, measures to be taken against such ideologies must be in keeping with the constitutions of the Nordic countries. The Nordic countries were not parties to the last two conventions referred to in operative paragraph 6.

Draft resolution A/C.3/43/L.74

10. Mr. LINDHOLM (Sweden) said that the Federal Republic of Germany and Samoa had become sponsors of the draft resolution. In the penultimate preambular paragraph, the words, "Welcoming furthermore" should be replaced by "Taking note of".

11. Draft resolution A/C.3/43/L.74, as amended, was adopted.

Draft resolution A/C.3/43/L.75

12. The CHAIRMAN said that Ecuador, the Federal Republic of Germany and Samoa had become sponsors of the draft resolution.

13. Miss FOSTIER (Belgium) said that, in operative paragraph 6, the words "Welcomes further" should be changed to "Notes". In the same paragraph, the words "it is envisaged to hold seminars in the regions concerned which will" should be changed to "it is useful to" and the words "in those regions" should be changed to "in the regions".

14. Draft resolution A/C.3/43/L.75, as amended, was adopted.

Draft resolution A/C.3/43/L.76

15. The CHAIRMAN said that Australia and Samoa had become sponsors of the draft resolution.

16. Miss BYRNE (United States of America), speaking in explanation of vote, said that customary international law did not prohibit the death penalty, nor did it prohibit the death penalty as applied to persons under the age of 18 who had committed certain crimes. It recognized the right of States to impose the death penalty under certain circumstances and consistent with protections that ensured due process; the death penalty was not considered a form of cruel or degrading punishment. The applicable circumstances included persons who had committed capital crimes while they were minors, if such persons were deemed competent to stand trial as adults.

17. In the United States, the federal system preserved for state legislatures the authority to determine the extent of punishment for convicted criminals, within limits established by the United States Constitution. The United States Supreme Court had held that, with proper protection for due process, the death penalty did not violate the Eighth Amendment's prohibition against cruel and unusual punishment.

18. Draft resolution A/C.3/43/L.76 was adopted.

Draft resolution A/C.3/43/L.77

19. The CHAIRMAN said that Australia and Samoa had become sponsors of the draft resolution.

20. Draft resolution A/C.3/43/L.77 was adopted.

Draft resolutions A/C.3/43/L.2 and A/C.3/43/L.78

21. The CHAIRMAN recalled that draft resolution A/C.3/43/L.78 was intended to replace the draft resolution contained in document A/C.3/43/L.2.

22. Mr. MATSOUKA (Ukrainian Soviet Socialist Republic) said that the word "existing" should be added before "regional arrangements" in the sixth preambular paragraph. In the seventh preambular paragraph, the word "any" before the words "distinction of any kind" should be deleted. In operative paragraph 5, the words "ratify or accede" should be changed to "consider ratifying or acceding".

23. Mrs. WARZAZI (Morocco) said that in the French text of the sixth preambular paragraph, the word "accords" should be changed to "arrangements".

24. Mrs. MUKHERJEE (India) said that her delegation had requested the sponsors to add the word "existing" in the sixth preambular paragraph because there were no existing regional arrangements for the promotion and protection of human rights in the Asian region; moreover, India had reservations about the idea of any such arrangements in the region.

25. Mr. STUART (Australia) said that his delegation took a different view of regional arrangements for the promotion and protection of human rights in Asia. The use of the word "existing" in the sixth preambular paragraph implied that existing regional arrangements had the potential for, but might not actually be,

(Mr. Stuart, Australia)

making a major contribution to the effective enjoyment of human rights and fundamental freedoms. If the word "existing" was retained, the word "can" should be deleted.

26. Mr. WULFFTEN PALTHE (Netherlands) said that the amendments to operative paragraph 5 considerably weakened that paragraph; all Member States, in accordance with the Charter, should consider ratifying or acceding to the United Nations instruments on human rights.

27. Mr. GALAL (Egypt) said that operative paragraphs 7 and 8 were a repetition of another draft resolution put forward by the Australian delegation; that repetition did not help rationalize the Committee's work. With regard to operative paragraph 2, his delegation had misgivings about possible duplication between different institutions and monitoring bodies but would not insist on them.

28. Draft resolution A/C.3/43/L.78, as amended, was adopted.

29. The CHAIRMAN said that, if he heard no objection, he would take it that the Committee agreed to take no action on draft resolution A/C.3/43/L.2.

30. It was so decided.

Draft resolution A/C.3/43/L.79

31. Mr. MORA GODOY (Cuba) proposed that operative paragraph 8 should be amended to read as follows:

"Requests the Secretary-General to include in his report on the implementation of the Declaration on Social Progress and Development the results obtained in the improvement of social life in the world;"

32. The purpose of the amendment was to avoid duplication of the various reports requested from the Secretary-General on the social situation in the world.

33. At the request of the representative of the United States of America, a recorded vote was taken on draft resolution A/C.3/43/L.79 as amended by the representative of Cuba.

In favour: Afghanistan, Albania, Algeria, Angola, Argentina, Bahamas, Bahrain, Bangladesh, Barbados, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Central African Republic, Chad, China, Colombia, Congo, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Czechoslovakia, Democratic Yemen, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Fiji, Gabon, German Democratic Republic, Ghana, Guinea, Guyana, Honduras, Hungary, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kenya, Kuwait,

Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mexico, Mongolia, Morocco, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Peru, Philippines, Poland, Qatar, Romania, Rwanda, Saint Vincent and the Grenadines, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia, Zimbabwe.

Against: Austria, Belgium, Canada, Denmark, France, Germany, Federal Republic of, Israel, Luxembourg, Netherlands, New Zealand, Norway, Portugal, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Finland, Greece, Iceland, Ireland, Italy, Japan, Malta, Spain, Sweden.

34. Draft resolution A/C.3/43/L.79, as amended, was adopted by 110 votes to 15, with 9 abstentions.

35. Mr. STUART (Australia) said that, if his delegation had been able to participate in the vote, it would have voted against the draft resolution.

Draft resolution A/C.3/43/L.80

36. The CHAIRMAN recalled that the draft resolution had been amended orally by the representative of the United States at an earlier meeting. The Philippines, India, Cyprus and Hungary had become sponsors.

37. Miss BYRNE (United States of America) said that the sponsors wished to insert a new operative paragraph after operative paragraph 3, to read as follows:

"Reaffirms that apartheid should be abolished, that its systematic denial or abridgement of the right to vote on the grounds of race or colour is a gross violation of human rights and an affront to the conscience and dignity of mankind, and that the right to participate in a political system based on common and equal citizenship and universal franchise is essential for the exercise of the principle of periodic and genuine elections;"

38. The new paragraph was designed to meet the concerns of delegations which had proposed the amendments contained in document A/C.3/43/L.85.

39. Miss ZINDOGA (Zimbabwe) said that the sponsors of the amendments had ironed out their differences with the sponsors of the draft resolution and therefore wished to withdraw the amendments.

40. Mr. VELLA (Malta), Mr. BOUTET (France), Mr. WULFFTEN PALTHE (Netherlands), Mr. GRODIG (Federal Republic of Germany) and Miss FOSTIER (Belgium) announced that their delegations wished to become sponsors of the draft resolution.

41. The CHAIRMAN said that, if he heard no objection, he would take it that the Committee wished to adopt the draft resolution, as orally amended, without a vote.

42. It was so decided.

43. Miss DIEGUEZ-ARMAS (Mexico) said that her delegation had voted for the draft resolution, but thought that consideration of the item should take place in a context of strict respect for the principles of non-intervention and self-determination of peoples. It did not wish the Commission on Human Rights to have on its agenda an issue falling within the domestic competence of States; the Commission was not a supranational mechanism for the verification of electoral processes. Furthermore, the International Covenant on Civil and Political Rights provided machinery for monitoring observance of its provisions, which included the principle of periodic and genuine elections. That principle would no doubt be strengthened in practice when all States, including some of the sponsors of the draft resolution, acceded to and implemented the Covenant. If a separate vote had been taken on operative paragraph 4, her delegation would have voted against it.

44. Mr. GBEHO (Ghana) said that the sponsors of the amendments contained in document A/C.3/43/L.85 had joined in the consensus on the draft resolution even though a number of points in it were open to various interpretations. The concept of "genuine elections", for example, was not defined in the Universal Declaration of Human Rights, and operative paragraph 3 might be interpreted as prescribing a model for the entire world. Nothing in that paragraph should be construed as prescribing a political system which would prejudice the right of States to hold elections in accordance with their own traditions and culture. The sponsors of the draft amendments also had reservations about the inclusion of a new item in the agenda of the forty-fourth session of the General Assembly, for the issue could be conveniently accommodated under an existing item.

45. Miss FUNDAFUNDA (Zambia) endorsed the comments made by the representative of Ghana and added that the reference in operative paragraph 3 to "distinct alternatives" did not mean that States must adopt a multi-party system. Under its Constitution, Zambia was a one-party participatory democracy which had been established after experience of a multi-party system.

46. Mrs. JARAMILLO (Panama) said that her delegation had joined in the consensus on draft resolution A/C.3/43/L.80. In 1989, many Latin American States, including Panama, would be holding elections in accordance with their domestic legislation and the wishes of their peoples. It was vital for that process to be free of any outside interference which might prejudice the sovereignty of States.

47. Mr. HUSSAIN (Pakistan) said that his delegation had supported the draft resolution. However, the principle of periodic and genuine elections did not amount to the exercise of the right of self-determination of peoples living under colonial or alien domination or foreign occupation. The adoption of the draft resolution did not detract from the need for speedy and effective exercise of the right to self-determination by all such peoples.

Draft resolution A/C.3/43/L.81

48. The CHAIRMAN informed the Committee that Denmark, Norway and Sweden had withdrawn from sponsorship of the draft resolution.

49. Miss DIEGUEZ-ARMAS (Mexico) said that on 26 November 1988, the Government of Chile had authorized publication of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, a welcome decision that responded to the recommendations of the Special Rapporteur. The sponsors of draft resolution A/C.3/43/L.81 consequently proposed that operative paragraph 9 be amended by deleting the words "the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,".

50. Some discrepancies had been noted between the Spanish original and the English version of the text. The Secretariat would therefore be given the English version approved by the sponsors.

51. Mr. DAZA (Chile) said that his delegation recognized the efforts made to alter the wording of the draft resolution, by comparison with previous draft resolutions on the human rights situation in Chile, in order to reflect the positive developments in his country. Indeed, given the current situation in Chile, such developments could not fail to be acknowledged.

52. Unfortunately, however, the draft resolution continued to adopt a discriminatory and prejudiced approach and represented interference in matters over which the Government of Chile had sole competence. It also contained some wording to which his delegation objected, such as the statement in the ninth preambular paragraph that "the institutional and legal framework which makes violations of human rights possible has remained unchanged". Such a statement was contradictory to the findings of the Special Rapporteur concerning the protection of human rights by the Constitution. The statement in the tenth preambular paragraph concerning publications was incorrect, as any visitor to Chile could confirm; moreover, he questioned the existence of a free opposition press in other parts of the world. Operative paragraph 4 was irrelevant, since it referred to a process that was already taking place, in accordance with the Constitution. That paragraph, too, amounted to undue interference in the internal affairs of Chile. He wondered whether all the countries about to vote on the draft resolution would accept similarly worded advice on their own political processes. Operative paragraph 7 misrepresented what the Special Rapporteur had said in section III of his report (A/43/624), which stated clearly that complaints had been reproduced for information purposes only and were not to be regarded as established facts. For those reasons, Chile could not agree with the proposed draft resolution, would vote against it and urged all other delegations to do likewise.

53. Mrs. DE BARISH (Costa Rica) said that, while some aspects of the human rights situation in Chile were adequately reflected in the seventh, eighth and ninth preambular paragraphs and in operative paragraphs 2, 3, 5 and 6, her delegation considered that the draft resolution did not on the whole reflect the progress made in that country as objectively as did the Special Rapporteur's report (A/43/624).

54. She regretted that operative paragraph 1 contained no words of encouragement to the Special Rapporteur for his work. Similarly, operative paragraph 3 contained faint words of praise for the decision by the Government of Chile to respect the result of the plebiscite. The content of operative paragraph 4 was what had emerged from the Special Rapporteur's report, although he had placed special emphasis on the December 1989 elections. The United Nations should have its sights set on that date, which would signify the establishment of full democracy in Chile, until which time the Special Rapporteur should continue his work.

55. The establishment of a cordial relationship between the Special Rapporteur and the Government of Chile reflected the importance of the Special Rapporteur's efforts to secure the Government's co-operation. Paragraphs 32 to 35 of the Special Rapporteur's report gave a realistic assessment of the situation. Referring to operative paragraphs 7 and 8, she emphasized the importance of the Special Rapporteur's comments about the complaints submitted and the steps to be taken by the Government to improve the situation. However, it should be pointed out that all alleged violations were now being investigated by the courts, demonstrating both the courts' ability to act and the people's restored confidence in the judiciary's power to protect human rights. Operative paragraph 7 would have been more consistent with the preliminary report if it had said, as the Special Rapporteur had done, that much remained to be done to achieve respect for and full enjoyment of human rights and fundamental freedoms in Chile.

56. Operative paragraph 10 gave cause for concern since it represented a radical departure from the wording of resolution 42/147 and seemed to imply that the situation was as critical as it had been when the United Nations had first taken action on the situation in Chile. Moreover, the tone of the paragraph, particularly the reference to "other information" and to the need to consider the mandate of the Special Rapporteur, showed little appreciation for the work done by the Special Rapporteur, despite the credit due to him for having secured permission from the Government to visit Chile repeatedly, something his predecessors had failed to do.

57. Having been informed that her proposal to replace operative paragraph 10 by the text of operative paragraph 11 of resolution 42/147 would not be acceptable to the sponsors, she wished to propose a minor amendment to the paragraph by replacing the word "other" before "pertinent available information" by "the". If a vote was necessary on that proposal, she would request a recorded vote.

58. Mr. LINDHOLM (Sweden) said that Denmark, Norway and Sweden, on whose behalf he was speaking, had traditionally sponsored the draft resolution on the human rights situation in Chile and had decided to do so again at the current session, participating in the initial drafting. However, the final version in document

(Mr. Lindholm, Sweden)

A/C.3/43/L.81 no longer reflected a balanced picture of the current situation in Chile and they had been compelled to withdraw their sponsorship. They regretted the lack of any specific references to the violations and various forms of repression in Chile reflected in the Special Rapporteur's report.

59. While they appreciated the increasing involvement of Latin American countries in the human rights situation on their continent, they regretted that regional concerns were affecting the international pressure that must be brought to bear on the countries concerned to improve that situation. Countries from outside the region must be allowed to play their full part in negotiations if the desired effect was to be achieved.

60. Mrs. WARZAZI (Morocco) said that the draft resolution was an improvement over the one adopted the previous year, reflecting as it did the considerable progress made in Chile. The wording of operative paragraph 10, however, gave cause for concern from the standpoint of balance between the draft resolution now under consideration and others adopted by the Committee at the current session. That paragraph invited the Commission on Human Rights to consider the situation of human rights in Chile "as a matter of high priority", whereas the draft resolution just adopted on the situation in Afghanistan contained no such reference to priority. If one were to judge the two situations, the scales would certainly tip to one side. She therefore considered that the sponsors should adopt more moderate wording.

61. Miss DIEGUEZ-ARMAS (Mexico) said that it was regrettable to hear it said that the sponsors had drafted the text in an irresponsible manner, without appreciating all the facts. Intensive negotiations had been conducted which took into account the views not only of the sponsors but also of other delegations. It could not be said that the draft resolution did not fully reflect the report of the Special Rapporteur. She requested the representative of Costa Rica not to insist on the amendment she had proposed.

62. Mrs. DE BARISH (Costa Rica) regretted that she could not comply with the Mexican representative's request, but must insist on the amendment she had proposed, which was very minor.

63. Miss DIEGUEZ-ARMAS (Mexico) said that she did not wish to delay adoption of the draft resolution and, in a spirit of accommodation, would be prepared to accept the Costa Rican amendment if the other sponsors agreed.

64. Miss BYRNE (United States of America), speaking in explanation of vote said that the United States considered the draft resolution to be substantially more balanced and more in keeping with the findings of the Special Rapporteur than any previous resolution adopted by the General Assembly on the subject. It recognized many of the important gains which Chile had made during the past months; it acknowledged that the holding of the plebiscite on 5 October had stimulated increased political participation; and it pointed out correctly that serious violations of human rights persisted and needed to be corrected.

(Miss Byrne, United States)

65. Her delegation hoped that the General Assembly would continue that more balanced and realistic approach to the problem of human and civil rights in Chile. It urged the Government of Chile to take the necessary steps to ensure the fullest possible observance of human rights and fundamental freedoms and to continue its movement towards the restoration of full democracy in Chile; that was the ultimate guarantee that such rights would be respected.

66. Despite those improvements in the draft resolution, her delegation regretted that it still contained no mention of terrorism by political extremes as a significant cause of some of the greatest violations of human rights in Chile. In addition, it gave insufficient recognition to the extent to which the plebiscite marked a major step towards the restoration of democracy in Chile. Respected observers from scores of countries had witnessed the campaign, the ballot and the vote count; they had agreed that the plebiscite had been essentially free and fair. Her delegation also believed that the good work of the Special Rapporteur deserved to be commended rather than just noted. For all those reasons, the United States would abstain in the vote on the draft resolution.

67. Mr. HUERTA (Ecuador) commended the efforts of a group of Latin American countries of the region to produce an objective, balanced text which correctly reflected the evolution of the situation of human rights and fundamental freedoms in Chile. The text took particular note of the Chilean Government's co-operation with the Special Rapporteur and of its decision to lift the two states of emergency and, above all, to respect the results of the 5 October plebiscite. The plebiscite had initiated an encouraging, albeit delicate, transition process which his delegation was confident would lead to the restoration of the rule of law and the noble democratic traditions of the Chilean people. It was essential that the people of Chile should be able in future to live together in harmony on the basis of free elections in which all political forces participated.

68. At the request of the representative of Chile, a recorded vote was taken on draft resolution A/C.3/43/L.87.

In favour: Afghanistan, Albania, Algeria, Angola, Argentina, Australia, Austria, Barbados, Belgium, Benin, Bolivia, Botswana, Bulgaria, Burkina Faso, Burundi, Byelorussian Soviet Socialist Republic, Canada, Colombia, Congo, Cuba, Cyprus, Czechoslovakia, Democratic Yemen, Denmark, Dominica, Ecuador, El Salvador, Ethiopia, Finland, France, German Democratic Republic, Germany, Federal Republic of, Ghana, Greece, Guinea, Hungary, Iceland, India, Ireland, Italy, Jamaica, Kenya, Kuwait, Lao People's Democratic Republic, Libyan Arab Jamahiriya, Luxembourg, Madagascar, Mali, Malta, Mauritania, Mexico, Mongolia, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Peru, Philippines, Poland, Portugal, Rwanda, Samoa, Senegal, Spain, Sri Lanka, Swaziland, Sweden, Togo, Trinidad and Tobago, Tunisia, Uganda, Ukrainian Soviet

Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yugoslavia, Zambia, Zimbabwe.

Against: Chile.

Abstaining: Bahamas, Bahrain, Bangladesh, Bhutan, Brazil, Brunei Darussalam, Burma, Cameroon, Central African Republic, Chad, China, Costa Rica, Côte d'Ivoire, Democratic Kampuchea, Djibouti, Egypt, Equatorial Guinea, Fiji, Gabon, Guyana, Haiti, Honduras, Iraq, Israel, Japan, Jordan, Lebanon, Lesotho, Liberia, Malawi, Malaysia, Maldives, Morocco, Nepal, Niger, Oman, Pakistan, Panama, Paraguay, Qatar, Saint Vincent and the Grenadines, Saudi Arabia, Sierra Leone, Singapore, Somalia, Sudan, Suriname, Turkey, United Arab Emirates, United States of America, Zaire.

69. Draft resolution A/C.3/43/L.81 was adopted by 82 votes to 1, with 51 abstentions.

70. Mrs. HELKE (United Kingdom), speaking in explanation of vote, said that her delegation had voted in favour of the draft resolution but would nevertheless like to make the following comments.

71. The United Kingdom welcomed the progress made towards the restoration of democracy in Chile, in particular the exemplary way in which the plebiscite had been conducted and the lifting of the states of emergency and of the ban on the return of exiles. It also welcomed and supported the Chilean Government's continuing co-operation with the Special Rapporteur, to whom it was grateful for his thorough report.

72. The United Kingdom regretted that abuses of human rights evidently persisted in Chile and was disturbed at the continuing allegations of torture, the unacceptably high number of trials by military courts, the acts of intimidation by unknown groups, the long periods of detention - sometimes lasting for years - without trial, and the continuing recourse to internal banishment. Her delegation welcomed the publication on 26 November in the Chilean Official Gazette of the conventions against torture of the United Nations and the Organization of American States and hoped that the International Covenant on Civil and Political Rights would be similarly published so that it might be given full effect in Chilean courts.

73. In conclusion, her delegation regretted that the resolution did not condemn terrorism which, as the Special Rapporteur had pointed out, remained a formidable obstacle to the enjoyment of human rights in Chile.

74. Mr. HENNESSY (Ireland) said that despite serious concerns, his delegation had voted in favour of the draft resolution. His main reservation concerned the references in the seventh preambular paragraph and in operative paragraph 3 to acceptance by the Chilean Government of the result of the 5 October plebiscite. Such references were inappropriate; no Government should have to be thanked for accepting the democratically expressed will of its people.

75. With regard to the actual human rights situation in Chile, his delegation had noted with concern that intimidation by clandestine groups had become one of the most widespread forms of political persecution. The use of death threats and other intimidatory action was widespread. Despite Government claims that those threats and attacks were the work of ordinary criminals or independent extremist organizations, there was convincing evidence that they were carried out by covert groups linked to the security forces.

76. His delegation also regretted that it had not been possible to have more than just one operative paragraph, namely paragraph 7, which expressed concern at violations of human rights in Chile. Nor had the draft resolution listed the categories of violations identified by the Special Rapporteur, including torture and the harassment of journalists.

77. Mrs. KIMATA (Japan) said that the resolution was better and more balanced than the one adopted in 1987. It hoped that the Government of Chile would continue its constructive efforts and noted in particular, that the plebiscite had been conducted without incident.

78. Mr. GRILLO (Colombia) said that his delegation was satisfied that there had been real progress towards democracy in Chile. It was convinced that constitutional norms would be respected, as was clearly the wish of the Chilean people.

79. Mr. SENE (Senegal) said that his delegation had voted in favour of the resolution. It noted that the Government of Chile had always co-operated with the Special Rapporteur and had pledged to continue to do so. While significant progress had been made, however, much remained to be done before the Chilean people could enjoy their human rights to the full. His delegation hoped that the Chilean Government would take the necessary measures to restore constitutional norms which would guarantee respect for the processes of a modern democracy. His delegation noted that, according to observers, the plebiscite had been free and honest.

Draft resolution A/C.3/43/L.82

80. The CHAIRMAN announced that Samoa had become a sponsor.

81. Draft resolution A/C.3/43/L.82 was adopted.

Draft decision A/C.3/43/L.86

82. Miss LUND (Norway), introducing the draft decision, said that Senegal and Yugoslavia had become sponsors.

83. The United Nations Voluntary Fund for Indigenous Populations had been set up pursuant to General Assembly resolution 40/131. The purpose of the Secretary-General's report (A/43/706) was to inform the General Assembly of the results of the first session of the Board of Trustees of the Fund, held in 1988, and about the status of contributions. The Board had requested wide dissemination of information regarding the Fund's activities. The decision requested the General Assembly to call upon Governments, non-governmental organisations and representatives of indigenous groups to consider contributing to the Fund. The sponsors hoped that the draft decision would be adopted by consensus.

84. Mr. KRIEGER (Luxembourg) and Mr. WULFFTEN PALTHE (Netherlands) said that their delegations wished to become sponsors of the draft decision.

85. Draft decision A/C.3/43/L.86 was adopted.

The meeting rose at 5.50 p.m.