



SUMMARY RECORD OF THE 58th MEETING

Chairman: Mr. CHAVANAVIRAJ (Thailand)

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The meeting was called to order at 3.35 p.m.

AGENDA ITEM 12: REPORT OF THE ECONOMIC AND SOCIAL COUNCIL (continued) (A/38/3 (Parts I, II and III), A/38/106, A/38/147 and Add.1-2, A/38/166 and Add.1-3, A/38/221, A/38/270, A/38/325, A/38/385 and Add.1, A/38/422, A/38/479, A/38/480, A/38/485, A/38/503, A/38/529 and A/38/538; A/C.3/38/1, 3, 5 and 8; A/C.3/38/L.36, L.37/Rev.1, L.43, L.44, L.45, L.47, L.48 and L.49)

(a) REPORT OF THE COUNCIL (continued)

(b) REPORTS OF THE SECRETARY-GENERAL (continued)

1. Mr. COLVILLE (Special Rapporteur on the situation on human rights in Guatemala), introducing the note by the Secretary-General (A/38/485), said that in preparing his preliminary report, he had adopted the approach that the entire range of human rights in both International Covenants were of concern to the Third Committee. Those were the standards which a country should attain and should be encouraged to attain. He had visited various places in Guatemala and refugee camps in Mexico and had met a broad cross section of people. His only limitation had been that of time. For example, one small village that he had visited was so remote that even with a helicopter had taken a half a day to investigate what had been alleged to have happened there. In an introductory speech he would be able to give only headlines of the changes that had occurred since his last visit to Guatemala in June and July 1983. The details and further information that would be available in December would be submitted to the Commission on Human Rights in February 1984. That would in effect be a new report.

2. The state of alarm had ended, and one very noticeable result was greater freedom for the press to publish what it wished. There had also been some advances in trade-union activity, and defunct organizations were being reconstituted. The much-criticized special tribunals had been abolished even though they had continued to try prisoners and to pass sentences up to the end of August. A complete list of all those convicted had been published in the press, together with a list of the crimes of which they had been convicted. He had received appeals to recommend a method for reviewing the trials and sentences, but the President of the Supreme Court had stated that, for technical reasons, there was a very limited power of review under the present law. Some sentences might be reduced, but no retrial was possible. A draft law had been prepared by the Association of Lawyers and submitted to the Head of State. If enacted, it would allow ordinary courts to start again on a trial of all the offences of which those people had been convicted.

3. With respect to elections, he could detect no change in the determination of the Government to proceed to a full return to a democratic civilian set of institutions. The Supreme Electoral Council was continuing its work in arranging for the preparation of a new electoral register. However, it appeared that the entire process would not be complete until 1985. About 25 political parties had completed their registration, in order to be able to participate in the elections early in 1984

(Mr. Colville)

4. The Government was taking positive steps to encourage the repatriation of refugees in Mexico, and was in contact with the Mexican Government, UNHCR and the churches. Amnesty was again to be extended to the end of the year, and people continued to emerge from their hiding-places in the mountains and forests, including members of the guerrilla forces bringing their arms with them.

5. With regard to development, under a new arrangement made in October 1983, all ministries and other specialized agencies were to be co-ordinated in their activities on a departmental basis. So far, only smaller projects of resettlement had been implemented, and there was much argument about those model villages. According to some, they were merely a concentration of the population for purposes of military control. They certainly helped to provide protection which was impossible in scattered houses among the impenetrable hills and forests. They also provided schools, health centres, water supplies and land. Much more ambitious and larger projects were now in active preparation, and in that connection, important work was being done by the National Reconstruction Committee.

6. There was, however, a negative side. The civil war continued with serious incidents and casualties on both sides. In addition, there had been a new outbreak of violence in the form of assassinations and kidnappings both in the capital and elsewhere. Another major issue was that of disappeared persons. For some years the Government had been supplied with lists of such persons. A few had reappeared, as subject to the special tribunals after a period of secret detention. Many more remained unaccounted for, and new cases continued to be reported. He had been told by the highest authority that there were no secret prisons in Guatemala and that investigations were continuing. He found it inexplicable that the Government, with all its resources, should have been so completely unsuccessful in resolving those cases. Solutions had been found in other countries where difficult circumstances prevailed, but not in Guatemala.

7. He believed that human rights directly concerned what happened to the individual. Apart from the effects of the civil war, which the guerrillas insisted they were intensifying, there were still allegations of violations by the army and civil patrols. Each allegation required individual attention, and he had been obliged to confine his investigation to those incidents in which it had been possible to visit the scene. However, the human rights of individuals were also reflected in an improved standard of living, education for the children and health for all.

8. He hoped that the Committee would balance the good against the bad and that it would urge the Government to step up its efforts to prevent violations of human rights and to persevere with its very constructive activities to improve the totality of human rights for the people of Guatemala.

ORGANIZATION OF WORK

9. The CHAIRMAN said that consultations on the draft resolutions were still going on, and suggested that the meeting should be suspended and resumed later in the afternoon.

The meeting was suspended at 3.55 p.m and resumed at 5.10 p.m.

AGENDA ITEM 91: UNITED NATIONS DECADE FOR WOMEN: EQUALITY, DEVELOPMENT AND PEACE
(continued)

Draft resolution A/C.3/38/L.28/Rev.1

10. Mr. ZARIF (Iran (Islamic Republic of)) said that in a spirit of co-operation and compromise, the sponsors of the draft resolution had accepted various amendments. First, the title of the draft resolution had been changed to "Prevention of prostitution". Secondly, the fifth preambular paragraph had been replaced by the following: "Considering that prostitution and the accompanying evil of the traffic in persons for the purpose of prostitution are incompatible with the dignity and worth of the human person and endanger the welfare of the individual, the family and the community,". Thirdly, in paragraph 1, the word "suppress" should be replaced by "combat". Fourthly, in paragraph 3, the words "the Commission on Human Rights," should be added after "Economic and Social Council". Fifthly, the last word, "suppression", in paragraph 3 should be replaced by "prevention". Lastly, paragraph 4 should be replaced by the following: "Requests the Economic and Social Council to consider this question at its first regular session in 1985 together with the report requested in Economic and Social Council resolution 1983/30 and to transmit its comments to the General Assembly at its fortieth session". The sponsors hoped that, with those changes, the draft resolution would be adopted without a vote.
11. Mr. CORTI (Argentina) said that in order to bring the Spanish text into line with the English, the new fifth preambular paragraph in Spanish should be the following: "Consciente de que las condiciones económicas y sociales imperantes son en gran medida responsables de que todavía subsistan los problemas sociales de la prostitución y de la trata de personas,".
12. The CHAIRMAN said that the Spanish version of the draft resolution would be re-edited to reflect the statement just made by the representative of Argentina. In addition, a vote on the draft resolution had been requested by the delegations of Australia, the Federal Republic of Germany and the Netherlands.
13. Mrs. WARZAZI (Morocco) said that the sponsors had tried hard to accommodate the desires of all delegations, and she therefore requested a recorded vote in order to determine who was in favour of prostitution.
14. Mr. ZARIF (Iran (Islamic Republic of)) said that sponsors had prepared the draft resolution on the basis of their commitment to the integrity of women and because prostitution, as an exploitation of women, was detrimental to the enjoyment of human rights. Despite their efforts to accommodate the wishes of all, however, some delegations apparently still felt obliged to prevent the adoption of the draft resolution without a vote.
15. Mr. BELL (Canada) said that the sponsors, in particular the delegations of the Islamic Republic of Iran and Pakistan, had worked very hard to accommodate differing views on a problem which delegations approached in different ways. They had made

(Mr. Bell, Canada)

several changes in the draft resolution and his delegation could have joined in a consensus. However, now that a vote had been requested, his delegation would abstain because the text did not entirely reflect the approach used in Canada. With respect to the statement just made by the representative of Morocco, he emphasized that Canada's decision not to vote in favour of the draft resolution should not be interpreted to mean that Canada was in favour of prostitution.

(Second Part)

16. Ms. FRANCO (Portugal) said that she appreciated the co-operative attitude of the sponsors of the draft resolution, in incorporating many of the suggestions made by delegations, including her own. Nevertheless, her delegation still had difficulties with paragraph 1 and with the basic approach to the problem. It would have joined in a consensus, but since a vote had been requested, it would abstain.

17. Mr. HAMER (Netherlands) said his Government considered it unfortunate that the draft resolution had been introduced under the agenda item on the United Nations Decade for Women, since that suggested implicitly that there was a link between women's emancipation and loose morals or prostitution. A more correct approach to the prostitution issue was to be found in resolution 1983/30 of the Economic and Social Council, on suppression of the traffic in persons and of the exploitation of the prostitution of others, which had been adopted by consensus. His Government had on many occasions stressed the importance it attached to the work of the Sub-Commission on Prevention of Discrimination and Protection of Minorities in that field.

18. His Government's policy on women's affairs concentrated on the full enjoyment by women of the right to physical and mental self-determination. It rejected and worked actively to eliminate excesses and unacceptable actions involving coercion and exploitation of women and children, as violations of the integrity of all persons involved. Netherlands legislation did not include the prevention of prostitution. The draft resolution did not cover his Government's concerns. His delegation therefore felt there was no need for such a resolution and would abstain in the vote.

19. Mr. TROUVEROY (Belgium) said that he would abstain in the vote because the draft resolution still contained some ambiguities and because it dealt with the problem of prostitution in too cursory a manner. With regard to the comment of the representative of Morocco, he said that Belgium did not support prostitution.

20. Mr. PERUGINI (Italy) said that he would abstain in the vote because the draft resolution did not deal properly with the social problem of prostitution. Moreover, his delegation had difficulties concerning paragraph 1.

21. Mr. AL-HADDAWI (Iraq) said it was clear that the sponsors of the draft resolution were Islamic countries. Islamic ethics and the Islamic religion prohibited all forms of prostitution, and Islamic peoples therefore had their own laws to that effect. The draft resolution did not imply that the people of Islam tolerated the social evil of prostitution. The sponsors had based their text on the

(Mr. Al-Haddawi, Iraq)

human principles of Islam, which respected women's dignity and allowed no one to take advantage of women. Iraq would vote in favour of the draft resolution.

22. Mrs. CASTRO de BARISH (Costa Rica), while thanking the Iranian delegation and the other sponsors for their co-operation, said that she still had problems with the draft resolution. Her delegation had suggested that the last words of the third preambular paragraph should be "of their country and community" which would conform with the objectives of the United Nations Decade for Women. She therefore welcomed the deletion of the reference to the Decade in paragraph 4, so that the draft resolution, if adopted, would not fall within the scope of the Decade; however, it was for that reason that her delegation would abstain in the vote.

23. At the request of the representative of Morocco, a recorded vote was taken on draft resolution L.28/Rev. 1 as amended.

In favour: Afghanistan, Albania, Algeria, Angola, Argentina, Bahamas, Bahrain, Bangladesh, Benin, Bhutan, Bolivia, Brazil, Bulgaria, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cape Verde, Chile, China, Colombia, Congo, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Fiji, Gabon, German Democratic Republic, Ghana, Guatemala, Guinea, Guinea-Bissau, Haiti, Honduras, Hungary, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Japan, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lesotho, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mexico, Mongolia, Morocco, Mozambique, Nepal, Nicaragua, Niger, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Qatar, Romania, Rwanda, Sao Tome and Principe, Saudi Arabia, Sierra Leone, Singapore, Somalia, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Togo, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Cameroon, United Republic of Tanzania, Upper Volta, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia, Zimbabwe.

Against: None.

Abstaining: Australia, Austria, Belgium, Canada, Costa Rica, Denmark, Finland, France, Germany, Federal Republic of, Greece, Guyana, Iceland, Ireland, Israel, Italy, Ivory Coast, Liberia, Luxembourg, Netherlands, New Zealand, Nigeria, Norway, Portugal, Spain, Sweden, Trinidad and Tobago, United Kingdom of Great Britain and Northern Ireland, United States of America.

24. Draft resolution A/C.3/38/L.28/Rev.1, as amended, was adopted by 106 votes to none, with 28 abstentions.

AGENDA ITEM 94: HUMAN RIGHTS AND SCIENTIFIC AND TECHNOLOGICAL DEVELOPMENTS
(continued) (A/C.3/38/L.38)

Draft resolution A/C.3/38/L.38

25. Mr. BYKOV (Union of Soviet Socialist Republics) read out the following amendments which had been agreed upon in consultations between the sponsors and the delegations concerned: in the sixth preambular paragraph, a comma to be inserted after the word "life", and the rest of the line deleted; in the seventh preambular paragraph, the words "in all its aspects" to be inserted after the words "the arms race" in the second line, a semicolon to be inserted at the end of the present text of the paragraph, and the following words added: "as well as by violations of the principles of the Charter of the United Nations regarding sovereignty and territorial integrity of States and self-determination of peoples".

26. Mrs. WARZAZI (Morocco) thanked the representative of the USSR for his co-operation and understanding. She would support the draft resolution.

27. Mrs. CASTRO de BARISH (Costa Rica) thanked the sponsors of the draft resolution for their goodwill and co-operation in accepting some of her delegation's suggestions, for example in the sixth and seventh preambular paragraphs. Although the amendment to the seventh preambular paragraph was not all that she would have desired, it was a step forward, and she accepted it in the interest of general agreement.

28. Mrs. DOWNING (Secretary of the Committee) said that the draft resolution had no financial implications and that Mali had joined the sponsors.

29. Ms. COLL (Ireland) said that her delegation would abstain on the draft resolution; in the first place, it differed in two main respects from resolution 1983/44 of the Commission on Human Rights which her delegation had supported at the Commission's thirty-ninth session because it included an appropriate mention of certain rights Ireland considered important in practice in buttressing the right to life, namely, freedom of expression, peaceful assembly, freedom of association, and freedom to take part in public affairs. Her delegation had explained its position to the principal sponsor of the draft resolution, but the sponsors had not been able to accommodate its views.

30. In the second place, unlike paragraph 2 of the Commission's resolution, in the draft resolution's seventh preambular paragraph, as amended, and paragraph 2 the reference to preventing violation of the principles of the United Nations Charter was limited to the principles concerning sovereignty and territorial integrity of States and self-determination of peoples. Her delegation regretted that limitation since it did not regard those principles as being more conducive to buttressing the right to life than the principles to which she had referred.

31. Mr. KAMPER (Netherlands) said that his delegation would abstain in the vote, as it had abstained in the vote on resolution 37/189 A. The draft resolution differed from the previous year's resolution. In addition to the points mentioned by the representative of Ireland, there was no reference in the sixth preambular paragraph to "liberty and security of person" - an ominous omission. It was disturbing that elements from the Universal Declaration of Human Rights had been considered superfluous in such a resolution, and he had no alternative but to abstain.

32. A recorded vote was taken on draft resolution A/C.3/38/L.38, as amended.

In favour: Afghanistan, Algeria, Angola, Argentina, Bahamas, Bahrain, Bangladesh, Benin, Bhutan, Bolivia, Brazil, Bulgaria, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cape Verde, Chile, China, Colombia, Congo, Costa Rica, Cuba, Cyprus, Czechoslovakia, Democratic Yemen, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Fiji, Gabon, Gambia, German Democratic Republic, Ghana, Greece, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, India, Indonesia, Iran (Islamic Republic of), Iraq, Ivory Coast, Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mexico, Mongolia, Morocco, Mozambique, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Peru, Philippines, Poland, Qatar, Romania, Rwanda, Sao Tome and Principe, 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 Cameroon, United Republic of Tanzania, Upper Volta, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia, Zimbabwe.

Against: None.

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

33. Draft resolution A/C.3/38/L.38, as amended, was adopted by 110 votes to none, with 23 abstentions.

AGENDA ITEM 100: ALTERNATIVE APPROACHES AND WAYS AND MEANS WITHIN THE UNITED NATIONS SYSTEM FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS (continued) (A/C.3/38/L.25)

- (a) STUDY ON INTERNATIONAL CONDITIONS AND HUMAN RIGHTS: REPORT OF THE SECRETARY-GENERAL (continued) (A/38/511)
- (b) NATIONAL INSTITUTIONS FOR THE PROMOTION AND PROTECTION OF HUMAN RIGHTS: REPORT OF THE SECRETARY-GENERAL (continued) (A/38/416)

Draft resolution A/C.3/38/L.25

34. Mrs. FLOREZ PRIDA (Cuba) said that following consultations on proposals from the delegations of the USSR, Bulgaria, China, Italy (in document A/C.3/38/L.46), the Netherlands, Ireland and Finland, the sponsors had agreed on a number of changes in the draft resolution. It had not been possible to accept all the suggestions, since the draft resolution represented a balanced compromise produced after prolonged and intensive negotiations, and it would not be possible to incorporate further changes without altering its nature.

35. The changes were the following. A new paragraph should be inserted between the eighth and ninth preambular paragraphs to read: "Reaffirming the importance of furthering the activities of the existing organs of the United Nations system in the field of human rights in conformity with the principles of the United Nations Charter." In the tenth preambular paragraph the word "all" should be inserted before the word "human" in the first line. In the seventeenth preambular paragraph the word "Reconfirming" should be replaced by the word "Reaffirming", and the word "of" after "group" in the second line should be replaced by the word "or". In paragraph 6 the words "promote and encourage" in the first line should be replaced by the words "achieve international co-operation in promoting and encouraging". A new paragraph should be inserted after operative paragraph 11, to read: "Expresses also concern at the existing disparity between the established principles and the actual situation of human rights and fundamental freedoms in various parts of the world." The Italian amendment in document A/C.3/38/L.46, subject to the insertion of a full stop after the word "world" in the third line and the deletion of the rest of the amendment, was to be inserted after the eleventh preambular paragraph. The representative of Italy had agreed to that arrangement.

36. The representative of Costa Rica had suggested the inclusion of a reference to trade unions in paragraph 13; while the sponsors had no objection, they would prefer not to reopen discussion on a paragraph which was the result of negotiations conducted over a long period. She hoped that the representative of Costa Rica would not insist on the amendment, which could, no doubt, be taken into consideration the following year. She thanked the delegations concerned, in particular those of Bulgaria and the Union of Soviet Socialist Republics, for their co-operation and their efforts to understand the position of the non-aligned countries sponsoring the draft resolution.

37. Mrs. CASTRO de BARISH (Costa Rica) thanked the Cuban delegation and the other sponsors of draft resolution A/C.3/38/L.25 for their efforts to reconcile the various views expressed in the Committee about the proposed text. In the same spirit, her delegation would not insist that the text should include a reference to trade-union rights, although Costa Rica attached great importance to that subject and its President was actively associated with trade-union work.

(Mrs. Castro de Barish, Costa Rica)

38. Her delegation would have supported the amendment proposed by the Italian delegation to the operative part of draft resolution A/C.3/38/L.46, since it regarded the subject as highly important.

39. Mr. PERUGINI (Italy) said that his delegation too appreciated the spirit of co-operation shown by the sponsors of draft resolution A/C.3/38/L.25. His delegation, in the light of the Cuban delegation's revised proposals, withdrew its proposed amendment (A/C.3/38/L.46) to the draft resolution.

40. Mrs. WARZAZI (Morocco) endorsed the tributes paid to the spirit of compromise shown by the sponsors of draft resolution A/C.3/38/L.25.

41. Mr. HOUFFANE (Djibouti) said his delegation was pleased that the Committee had before it a single resolution on the item concerned. He drew attention to a typographical error in the second line of the French text of paragraph 2: the word following "droits de l'homme" should be "doit".

42. Ms. O'FLAHERTY (Ireland) said that, as her delegation had already stressed, it attached great importance to the topic, and it was pleased to see a single draft resolution before the Committee at the current session. A welcome spirit of compromise and co-operation, auguring well for future deliberations, had prevailed during the negotiations. However, her delegation still had some difficulty with the resultant text, which contained no unqualified statement that violations of human rights were of concern to the United Nations - an omission all the more significant because paragraph 12, in which Member States were urged to co-operate with the Commission, failed to refer to the latter's study of such violations. Furthermore, the sponsors had felt unable to delete the words "consistent patterns of" from paragraph 6 as requested by her delegation. Consequently her delegation would have to abstain during the vote on the draft resolution.

43. Mr. KAMPER (Netherlands) said that his delegation too welcomed a single text on the subject and was pleased at the willingness shown, during drafting negotiations, to take account of General Assembly resolution 37/200. His delegation could vote in favour of the draft resolution, but its vote would not imply acceptance of the entire text as it stood. For one thing, the preambular part and paragraph 9 referred to the right to development in a way which prejudged the findings of the Commission's Working Group of Governmental Experts on the Right to Development. Moreover, the reference in the seventh preambular paragraph to the establishment of the new international economic order as an essential element for the effective promotion and the full enjoyment of human rights and fundamental freedoms for all was premature, since the nature and scope of that order had not been defined. With regard to paragraph 12, he emphasized that protection of human rights and fundamental freedoms was a matter for active United Nations involvement. His delegation hoped that its views would be borne in mind by the sponsors and reflected in a subsequent text.

44. Ms. JONES (United States of America) said that her delegation would vote against draft resolution A/C.3/38/L.25. While appreciating the amount of work done

(Ms. Jones, United States)

by the sponsors and welcoming the spirit of paragraphs 2, 3, 6, 10 and 12, her delegation, like that of the Netherlands, could not accept the implicit prejudgement of the Working Group's findings, particularly since the Governments of some members responsible for the slow pace of the Working Group's progress were among those supporting the text under consideration. It also had misgivings about the implication in paragraph 9 that the inalienable nature of the right to development had been affirmed and about the notion reflected in the seventh preambular paragraph regarding the establishment of the new international economic order. The text of General Assembly resolution 37/200 was a landmark which should guide the Committee in its future deliberations.

45. Mr. THWAITES (Australia) said that his delegation would vote in favour of the draft resolution, as amended. As a sponsor of General Assembly resolution 37/200, it had made major concessions during the negotiations just held - although the text proposed by his delegation at the thirty-seventh session had not been received in that spirit. The text as it stood did not reflect all the concerns expressed by his delegation, which shared the difficulties mentioned by the previous speakers; in particular, he failed to see why the text could not reflect the possibility of innovations to United Nations structures aimed at enhancing the promotion and protection of human rights and fundamental freedoms. Nevertheless, adoption of a single text, especially if done by consensus, would be a major step forward, and the prevalent spirit of co-operation gave reason to hope that an improved text could subsequently be achieved.

46. Mr. BELL (Canada) said that his delegation too welcomed the fact that the Committee had before it a single draft resolution on the item; however, in view of some difficulties which it still felt with regard to the latest text, it would abstain during the vote. The chief difficulty stemmed from the draft's implications concerning the right to development as a human right; great care must be taken at all times, in matters involving the relationship between human rights and development, to ensure that the provisions and spirit of the International Covenants on Human Rights were in no way impaired and that nothing would detract from the paramount importance of respect for the human rights of the individual. The text now before the Committee gave scant regard to the two International Covenants, and it implied acceptance of a new definition and seemingly asserting certain rights of States - which were not human rights. It also contained a number of political elements which should be dealt with elsewhere. However, his delegation shared the hope that an improved text, based on clearer definitions, could be achieved in the future.

47. Ms. FAWTHORPE (New Zealand) said that her delegation would be able to vote in favour of the draft resolution. It too was pleased that the Committee had a single text before it, and it thanked the Cuban delegation and the other sponsors for their efforts and co-operation. Nevertheless, it shared some of the misgivings already expressed, particularly with regard to paragraph 9.

48. Mr. BOUFFANDEAU (France) said that his delegation would vote in favour of the draft resolution, whose text reflected the efforts at compromise made with a view

(Mr. Bouffandeau, France)

to a unified approach by the international community. He would have liked to see more of his delegation's views reflected in the text - especially its belief that no category of human rights, particularly civil and political rights, could be subordinated to others. It was to be hoped, nevertheless, that the efforts already made could lead to the subsequent adoption of a better text.

49. Mr. BORCHARD (Federal Republic of Germany) joined in the expressions of thanks for the spirit of co-operation shown during the drafting negotiations. However, although his delegation welcomed the inclusion in the text of certain elements from General Assembly resolution 37/200, it shared the misgivings expressed about the implications of the seventh preambular paragraph and paragraph 9, and it would therefore abstain during the vote.

50. Mr. FURLAND (United Kingdom) said that his delegation also would abstain, for the reasons stated by the representative of Canada. While recognizing the efforts made by the sponsors, it felt that the text as it stood did not balance the provisions of General Assembly resolutions 37/199 and 37/200 well enough to be acceptable as a single draft resolution for the current session. Nevertheless, he agreed that the draft resolution could be seen as a step towards a better future text.

51. Mrs. DOWNING (Secretary of the Committee) announced that the delegations of Bolivia, Congo, Guinea-Bissau, Guyana, Mali, Mozambique and Sao Tome and Principe had been added to the sponsors of draft resolution A/C.3/38/L.25.

52. As a result of informal consultations, a number of amendments had been made to the text. In the preambular part, a new ninth paragraph was to be included, reading:

"Reaffirming the importance of furthering the activities of the existing organs of the United Nations system in the field of human rights in conformity with the principles of the United Nations Charter,".

In the new eleventh preambular paragraph the word "all" was to be inserted before the words "human rights and fundamental freedoms". In the penultimate preambular paragraph, the word "Reconfirming" was replaced by "Reaffirming", and the word "of" in the second line was replaced by "or". In paragraph 6, the words "promote and encourage" were replaced by "achieve international co-operation in promoting and encouraging". Lastly, a new paragraph 12 was to be inserted in the operative part, to read:

"Expresses also concern at the existing disparity between the established principle and the actual situation of human rights and fundamental freedoms in various parts of the world,".

The subsequent operative paragraphs would be renumbered accordingly.

53. The CHAIRMAN invited the Committee to vote on draft resolution A/C.3/38/L.25, as orally amended. He announced that the delegation of Jamaica had requested a separate vote on paragraph 9.

54. Mr. DERESSA (Ethiopia) said that as a result of consultations and negotiations held over the past five weeks, a draft resolution acceptable if not to all delegations, at least to a broad cross-section of the Committee, had been produced. As a sponsor of the draft resolution, he had participated in all of the negotiations and was sure that the spirit of accommodation was genuine. He hoped that the representative of Jamaica would not press for a separate vote.

55. Mr. RODRIGUES (Jamaica) said that he had asked for a separate vote on paragraph 9 because the Working Group of Governmental Experts on the Right to Development had not yet produced a satisfactory definition of the right to development.

56. Mr. EDON (Benin), also speaking as a sponsor of the draft resolution, said that he did not find the Jamaican delegation's reasons convincing. He urged him not to press his request.

57. Mr. SOKALSKI (Poland), speaking in his personal capacity as a member of the Working Group, said that the work of the Group was based on General Assembly resolutions which had been supported by Jamaica and which affirmed that the right to development was an inalienable human right. Paragraph 9 was therefore merely a reaffirmation of previous decisions of the General Assembly.

58. At the request of the representative of Bulgaria, a recorded vote was taken on paragraph 9 of draft resolution A/C.3/38/L.25, as amended.

In favour: Afghanistan, Algeria, Angola, Argentina, Bahrain, Benin, Bhutan, Bolivia, Brazil, Bulgaria, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cape Verde, Chile, China, Colombia, Congo, Costa Rica, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Fiji, France, Gabon, Gambia, German Democratic Republic, Ghana, Greece, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, India, Indonesia, Iran (Islamic Republic of), Iraq, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mexico, Mongolia, Morocco, Mozambique, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Peru, Philippines, Poland, Qatar, Romania, Rwanda, Sao Tome and Principe, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Spain, 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 Cameroon, United Republic of Tanzania, Upper Volta, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia, Zimbabwe.

Against: United States of America.

Abstaining: Australia, Austria, Belgium, Canada, Denmark, Finland, Germany, Federal Republic of, Iceland, Ireland, Israel, Italy, Ivory Coast, Jamaica, Japan, Luxembourg, Netherlands, New Zealand, Norway, Portugal, Sweden, Turkey, United Kingdom of Great Britain and Northern Ireland.

59. Paragraph 9 of draft resolution A/C.3/38/L.25, as amended, was adopted by 110 votes to 1, with 22 abstentions.

60. A recorded vote was taken on draft resolution A/C.3/38/L.25, as amended.

In favour: Afghanistan, Algeria, Angola, Argentina, Australia, Austria, Bahamas, Bahrain, Bangladesh, Belgium, Benin, Bhutan, Bolivia, Brazil, Bulgaria, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cape Verde, Chile, China, Colombia, Congo, Costa Rica, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Fiji, France, Gabon, Gambia, German Democratic Republic, Ghana, Greece, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, India, Indonesia, Iran (Islamic Republic of), Iraq, Italy, Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mexico, Mongolia, Morocco, Mozambique, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Peru, Philippines, Poland, Portugal, Qatar, Romania, Rwanda, Sao Tome and Principe, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Spain, 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 Cameroon, United Republic of Tanzania, Upper Volta, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia, Zimbabwe.

Against: United States of America.

Abstaining: Canada, Denmark, Finland, Germany, Federal Republic of, Iceland, Ireland, Israel, Ivory Coast, Japan, Luxembourg, Norway, Sweden, Turkey, United Kingdom of Great Britain and Northern Ireland.

61. Draft resolution A/C.3/38/L.25, as amended, was adopted by 120 votes to 1, with 14 abstentions.

The meeting rose at 7 p.m.