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THIRD COMMITTEE  
66th meeting  
held on  
Friday, 7 December 1984  
at 6 p.m.  
New York

SUMMARY RECORD OF THE 66th MEETING

Chairman: Mr. MADAR (Somalia)

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The meeting was called to order at 7.35 p.m.

AGENDA ITEM 99: TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT (continued) (A/C.3/39/L.68/Rev.1)

Draft resolution A/C.3/39/L.68/Rev.1

1. Mr. MIRAFSAL (Islamic Republic of Iran) said he was sorry to see that in the Committee dealing with human rights questions, there was opposition to the adoption of a draft resolution condemning torture and calling for a prohibition of the means and devices used to inflict torture. Perhaps it was precisely because it was a good resolution. However, his delegation, which not only condemned torture, but also deplored the exploitation of human rights questions for political purposes, would not press for a vote on its draft resolution. Nevertheless, the text should be preserved as a document of the Committee.

2. Mrs. WARZAZI (Morocco) thanked the representative of the Islamic Republic for withdrawing his text on the motion of Morocco, but pointed out that a draft resolution which had been withdrawn could not be retained as a United Nations document.

AGENDA ITEM 12: REPORT OF THE ECONOMIC AND SOCIAL COUNCIL (continued)  
(A/C.3/39/L.43/Rev.2, L.71, L.77, L.79, L.80, L.82, L.83, L.84, L.85)

Draft resolution A/C.3/39/L.80: "Human rights and mass exoduses"

3. Mr. HAWKES (Canada) recalled that mass exoduses of refugees constituted a very serious problem both for the refugees and for the host countries, which were often the least able to bear the burden. In order to foster unanimity on the text, as in previous years, and to support United Nations assistance to the refugees, the sponsors were prepared to make the following changes in the wording of the draft resolution: in the third preambular paragraph, second line, the word "population" should be replaced by "refugees" and in the third line, the word "demonstrated" by "indicated"; in paragraph 4, the clause "to establish an early warning system with the aim of" should be deleted, the word "prevent" replaced by "anticipate", the phrase "humanitarian emergency" replaced by "humanitarian assistance" and the word "activities" towards the end of the paragraph by "work".

4. Mr. UMAÑA (Colombia), Mr. MOHAMED (Sudan) and Mr. ALI (Somalia) announced that they were co-sponsoring the draft resolution.

5. Mrs. DOWNING (Secretary of the Committee) said that Pakistan was also a co-sponsor.

6. In response to a comment from Mr. MAHONEY (Gambia), Mr. NG (Singapore) suggested that the phrase in paragraph 4 should read "cases requiring humanitarian assistance", not "cases of humanitarian assistance".

7. Mr. HAWKES (Canada) said that if the wording proposed by the representative of Singapore was clearer, he was quite prepared to accept it.

8. Draft resolution A/C.3/39/L.80 as orally revised was adopted without a vote.

Draft resolution A/C.3/39/L.82: "Human rights in the administration of justice"

9. Mr. WIESNER (Austria), speaking for the sponsors, said that they started with the premise that for social, cultural or religious reasons, capital punishment was still part of the body of laws in some countries. Consequently, they sought not to abolish it but merely to protect the persons facing the death penalty. After intensive consultations, the sponsors wished to amend their text as follows: in the first preambular paragraph, the following should be added: "as well as the relevant provisions of the International Covenant on Civil and Political Rights, in particular its article 6, which explicitly states that no one shall arbitrarily be deprived of life. In paragraph 1, the words "Reaffirms its strong rejection" should be replaced by "Reaffirms the existing prohibition in international law". In paragraph 5, the phrase "his task of" should be replaced by "his tasks in connection with" and "to employ his good offices" by "to employ his best endeavours" and, at the end of the paragraph, the phrase "appear not to be respected" by "are violated". In paragraph 7, the phrase "other competent United Nations bodies" should be replaced by "other relevant United Nations bodies", the phrase "including the United Nations Development Programme" should be deleted, together with the word "all" in the clause "as well as all concerned intergovernmental and non-governmental organizations". The sponsors hoped that those changes, which had been made in a spirit of compromise, would enable the Committee to adopt draft resolution A/C.3/39/L.80 without a vote. It should be noted that Zambia had also become a co-sponsor.

10. Mrs. CASTRO de BARISH (Costa Rica) said that as a co-sponsor of draft resolution A/C.3/39/L.82, she approved all the amendments proposed except for the deletion of the reference to the United Nations Development Programme in paragraph 7. That omission, in a paragraph in which the General Assembly was inviting continued co-operation with the Secretary-General by providing assistance in the area of crime prevention, was surprising and regrettable.

11. Mr. WIESNER (Austria) reminded the Committee that the amendments he was introducing represented the outcome of last minute consultations and it would therefore be difficult to take account of all the suggestions made. The sponsors were well aware that UNDP was providing valuable assistance in the endeavours aimed at crime prevention, but a great many delegations had felt that the words "and other relevant United Nations bodies" included UNDP and that that was sufficient.

12. Mrs. CASTRO de BARISH (Costa Rica) recalled that the Third Committee had adopted a unified approach to social development whereas UNDP, under its terms of reference, was concerned more with economic development. Her delegation therefore still found it regrettable that the reference to UNDP was being deleted, but she would not press the point.

13. Draft resolution A/C.3/39/L.82 as orally revised was adopted without a vote.

Draft resolution A/C.3/39/L.43/Rev.2: "Situation of human rights in El Salvador"

14. Mr. MONTANO (Mexico) informed the Committee that after informal consultations, it was agreed that several changes should be made in draft resolution A/C.3/39/L.43/Rev.2. The seventh preambular paragraph should be replaced by the following text: "Aware that a delicate process aiming at a political settlement has been initiated in El Salvador, which could be hindered if arms or military contributions of any other kind making it possible to prolong or intensify the war are provided from outside,". Paragraph 6 should be replaced by the following text: "Requests all States to refrain from intervening in the internal situation in El Salvador and, instead of supplying arms or helping in any way to prolong and intensify the war, to encourage the continuation of the dialogue until a just and lasting peace is achieved,".

In paragraph 7, the words "which had expressed its willingness" should be replaced by "which had confirmed its willingness".

15. On behalf of the sponsors of the draft resolution, he wished to thank the delegations of Colombia, Costa Rica and Venezuela for their assistance in the consultations. He also announced that Denmark, the Netherlands and Norway had become co-sponsors of the draft resolution.

16. Mr. SUCRE FIGARELLA (Venezuela) was of the opinion that draft resolution A/C.3/39/L.43/Rev.2, as it had just been orally amended, was a good compromise solution aimed at restoring peace in Central America and upholding the interests of the Salvadorian people. On behalf of Costa Rica and Venezuela, he therefore withdrew the amendments (A/C.3/39/L.83) to the draft resolution and on behalf of Costa Rica, Singapore and Venezuela, he withdrew draft resolution A/C.3/39/L.71. As a result, the amendments to draft resolution A/C.3/39/L.71 (A/C.3/39/L.84 and L.85) became a dead letter.

17. Mr. ANDINO-SALAZAR (El Salvador) said that despite the new amendments, which improved the text on various points, he still rejected draft resolution A/C.3/39/L.43/Rev.2 because it was still tendentious. First, the text departed from the human rights issue to enter into subjective political considerations in violation of the principle of non-interference in the internal affairs of Member States enshrined in Article 2 of the United Nations Charter. Secondly, it played down the armed interventions of the left, carried out under the protection of totalitarian régimes, which jeopardized the economic, civil and political rights of the Salvadorian people. The amendments to draft resolution A/C.3/39/L.71 (documents A/C.3/39/L.84 and A/C.3/39/L.85) also clearly demonstrated that direct interference.

18. Other forms of interference, no less overt, were just as intolerable. Mexico for instance, a co-sponsor of draft A/C.3/39/L.43/Rev.2, adopted an indefensible position by assuming responsibility for accusations against the Salvadorian Government, whereas it was supposed to engage in a mission of good offices as a member of the Contadora Group. He wanted to make it clear that his Government could not accept that a State remained a full member of a negotiating group if it set itself up as both judge and jury.

(Mr. Andino-Salazar, El Salvador)

19. He wholly disapproved of the way in which the different versions of draft resolution L.43/Rev.2 had been negotiated, first because he had not taken part in those negotiations, and secondly because the conclusions reached were not consistent with the conclusions of the Special Representative.
20. Reverting to a statement made by the Cuban delegation during the 65th meeting, he stressed that the Cuban Government bore a heavy responsibility for the bloodshed in El Salvador, because it was one of the main instigators of the disturbances: it encouraged the extreme left to adopt radical positions by providing it with arms and training camps as well as with military, political and diplomatic support. It was ridiculous to hear the Cuban Government criticize the legitimate and democratic Government of El Salvador and to hear it give lectures on human rights when the atmosphere in Cuba was heavy with repression and dictatorship.
21. Mrs. WARZAZI (Morocco) recognized that the sponsors of draft resolutions A/C.3/39/L.43/Rev.2 and A/C.3/39/L.71, in particular Mexico and Venezuela, had made great efforts to finally propose a text which more closely reflected reality. Her delegation regretted, however, that despite the goodwill of the Salvadorian Government, vouched for by the Special Representative, the Salvadorian delegation had not been consulted during the negotiations on the text, whereas the Salvadorian political opposition had been consulted. Morocco could not accept such a compromise formula, and therefore could not support draft resolution A/C.3/39/L.43/Rev.2, notwithstanding the oral amendments. Her delegation still hoped that in the near future, at the prompting of the legitimate Government of El Salvador, and with the co-operation of all Salvadorians, the people of that country would enter into an era of peace and reconciliation under a genuine democracy which would ensure respect for everyone's human rights.
22. Mr. HAWKES (Canada) was pleased to note that the sponsors of the various draft resolutions and amendments before the Committee had agreed on a single text, which he would support because it reflected Canada's concern about the human rights situation in El Salvador. However, his delegation challenged the use of the expression "a negotiated comprehensive political solution" in paragraph 8 of the amended draft resolution, since that wording gave the impression that the Salvadorian Government, and the opposition forces which had not participated in the electoral process, enjoyed the same constitutional legitimacy. Moreover, those opposition forces should not be specifically named as they were in paragraphs 7 and 8 of the draft.
23. Canada would support any initiative which might lead to a peaceful settlement of the conflict in El Salvador. He considered it encouraging that the dialogue had begun on the initiative of the Salvadorian Government, and that the opposition forces had reacted positively. In the circumstances, it was essential that the resolution to be adopted by the General Assembly should be acceptable and balanced.
24. Mr. MATELJAK (Yugoslavia) fully supported draft resolution L.43/Rev.2, as orally amended.

25. Mr. JATIVA (Ecuador) said that his delegation would explain its vote when the General Assembly considered, in plenary session, draft resolutions A/C.3/39/L.43/Rev.2, L.77 and L.79 on human rights in El Salvador, Guatemala and Chile respectively.

26. Mr. AIDARA (Senegal) reiterated the great importance attached by his Government to the defence of human rights. His country fully appreciated the efforts made by the parties concerned to place before the Committee a much more balanced draft resolution than the initial text. Senegal would support any negotiation aimed at strengthening the process of political dialogue and democratization which had recently been set in motion in El Salvador. His delegation would therefore vote in favour of draft resolution A/C.3/39/L.43/Rev.2, as orally amended. It was nevertheless regrettable that certain interested delegations had not been consulted, for that would have helped considerably to improve the text of certain paragraphs, making it more widely acceptable.

27. Mrs. JONES (United States of America) said that she would vote against the draft resolution, partly because she felt that it did not give enough recognition to the work done by the President of El Salvador since he took office after democratic elections, or to the undisputed progress made in the democratization of the country during the past year. Moreover, the draft tried to dictate internal policy to the current Government, which was not within the competence of the United Nations.

28. A recorded vote was taken on draft resolution A/C.3/39/L.43/Rev.2, as orally amended.

In favour: Afghanistan, Algeria, Angola, Argentina, Australia, Austria, Bahrain, Barbados, Belgium, Benin, Bulgaria, Burkina Faso, Burundi, Byelorussian Soviet Socialist Republic, Canada, Colombia, Congo, Costa Rica, Cuba, Cyprus, Czechoslovakia, Democratic Yemen, Denmark, Dominican Republic, Egypt, Ethiopia, Finland, France, Gambia, German Democratic Republic, Ghana, Greece, Guyana, Hungary, Iceland, India, Iran (Islamic Republic of), Iraq, Ireland, Italy, Jamaica, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Luxembourg, Madagascar, Mali, Mauritania, Mauritius, Mexico, Mongolia, Mozambique, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Panama, Poland, Portugal, Qatar, Rwanda, Sao Tome and Principe, Saudi Arabia, Senegal, Spain, Swaziland, Sweden, Syrian Arab Republic, Togo, Tunisia, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Tanzania, Venezuela, Viet Nam, Yugoslavia, Zambia, Zimbabwe.

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

Abstaining: Brazil, Brunei Darussalam, Burma, Cameroon, Central African Republic, Chad, China, Ecuador, Fiji, Gabon, Germany, Federal Republic of, Ivory Coast, Japan, Jordan, Malawi, Malaysia, Maldives, Niger, Oman, Pakistan, Papua New Guinea, Peru, Romania, Saint Vincent and the Grenadines, Singapore, Somalia, Sri Lanka, Sudan, Suriname, Thailand, Trinidad and Tobago, Turkey, Uganda, United Kingdom of Great Britain and Northern Ireland, Zaire.

29. Draft resolution A/C.3/39/L.43/Rev.2, as orally amended, was adopted by 83 votes to 13, with 35 abstentions.

Draft resolution A/C.3/39/L.77: "Situation of human rights and fundamental freedoms in Guatemala"

30. Mrs. JONES (United States of America) said that the State Department's annual report on the situation of human rights throughout the world, in particular the part which concerned Guatemala, showed clearly how much the United States was concerned about the situation of human rights in Guatemala. According to the conclusions of that report - the Special Rapporteur of the Commission on Human Rights had reached similar conclusions - certainly there were still problems in Guatemala but there had been definite improvements. For example, since the free elections of July 1984, the Constituent Assembly had begun its work; it was to be hoped that it would manage to re-establish a democratic régime in that country.

31. Draft resolution A/C.3/39/L.77 was not balanced and was even inaccurate in a number of points. Far from reflecting the progress made, it made unfounded allegations. Consequently, although they strongly wished to encourage the promotion of human rights in Guatemala, the United States would be obliged to vote against the draft resolution.

32. Mrs. WARZAZI (Morocco) said that Morocco was careful not to boast loudly about what it was achieving and had achieved with regard to human rights because it knew only too well that in that respect modesty and humility were indispensable and that only deeds counted. Her delegation was always very cautious because it really wanted to promote human rights. That was proved by the nature of the resolutions it had sponsored and the way it tackled the problems presented in draft resolutions. Human rights could be defended only in an atmosphere devoid of emotionalism, political manoeuvres, geopolitics and hegemonistic and ideological ambitions whatever the source. That was why her delegation had never wanted to approach the question on any but a humanitarian basis. Therefore, whenever a draft resolution raised any doubt as to its true objective, her delegation would vote accordingly.

33. A recorded vote was taken on draft resolution A/C.3/39/L.77.

In favour: Afghanistan, Algeria, Angola, Argentina, Australia, Austria, Bahrain, Barbados, Belgium, Benin, Botswana, Bulgaria, Burkina Faso, Burundi, Byelorussian Soviet Socialist Republic, Canada, Central African Republic, Congo, Cuba, Cyprus, Czechoslovakia, Democratic Yemen, Denmark, Ethiopia, Finland, France, Gambia, German Democratic Republic, Germany, Federal Republic of, Ghana, Greece, Guyana, Hungary, Iceland, India, Iran (Islamic Republic of), Iraq, Ireland, Italy, Jamaica, Kenya, Kuwait, Lao People's Democratic Republic, Lesotho, Libyan Arab Jamahiriya, Luxembourg, Madagascar, Mali, Mauritania, Mauritius, Mexico, Mongolia, Mozambique, Netherlands, New Zealand, Nicaragua, Norway, Poland, Portugal, Qatar, Rwanda, Sao Tome and Principe, Saudi Arabia, Senegal, Spain, Swaziland, Sweden, Syrian Arab Republic, Togo, Tunisia, 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, Zimbabwe.

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

Abstaining: Brazil, Brunei Darussalam, Burma, Cameroon, Chad, China, Colombia, Costa Rica, Dominican Republic, Ecuador, Egypt, Fiji, Gabon, Honduras, Ivory Coast, Japan, Jordan, Malawi, Malaysia, Maldives, Niger, Nigeria, Oman, Panama, Papua New Guinea, Peru, Romania, Singapore, Somalia, Sri Lanka, Sudan, Suriname, Thailand, Trinidad and Tobago, Turkey, Uganda, Venezuela, Yemen, Zaire.

34. Draft resolution A/C.3/39/L.77 was adopted by 79 votes to 13, with 39 abstentions.

Draft resolution A/C.3/39/L.79: "Situation of human rights and fundamental freedoms in Chile"

35. Mr. BORCHARD (Federal Republic of Germany) said that at the thirty-seventh and thirty-eighth sessions of the General Assembly, his delegation had abstained on the resolution concerning the situation of human rights in Chile because there was some hope then that the Chilean Government would take further steps to restore democracy as it had promised. In fact, recent developments had unfortunately been a decisive set-back resulting in further deterioration of the situation of human rights in Chile. Consequently, his Government would vote in favour of the draft resolution before the Committee.



(Mr. Borchard, Federal Republic  
of Germany)

36. Over the past few years, the delegation of the Federal Republic of Germany had repeatedly protested against the persistent discriminatory treatment of Chile in the Third Committee and the Commission on Human Rights and the fact that a Special Rapporteur was systematically appointed for that country. It continued to believe that the same criteria should be applied to Chile as to other countries to persuade it to co-operate with the Commission and fully respect human rights.

Unfortunately, even the countries with a long tradition of friendly relations with Chile found it very difficult to understand the attitude of the Chilean Government, let alone to approve it. The imposition of a state of siege made it impossible to believe in a return to democracy, and until it was raised, the efforts made by the Chilean judiciary to affirm its independence would be thwarted. The situation in Chile was of course complicated: acts of violence and terrorism were increasing in number and the legitimate democratic opposition found it difficult to define its position. However, it was the responsibility of the Government to ensure the return to democracy. Repression could only intensify the violence. It was only by involving as many Chileans as possible in the process of redemocratization that the Government could isolate the terrorist forces and pursue the path desired by all democrats. Unfortunately, the draft resolution did not refer to that aspect of the question.

37. The Government of the Federal Republic again appealed to the Chilean Government and to all forces in Chile to initiate a constructive dialogue, renounce force and spare no effort to re-establish democratic institutions in their country.

38. Mr. SCHIFTER (United States of America) said that the vast majority of Chileans favoured the re-establishment of democracy in their country. The United States fully supported them for it was convinced that democracy was the best guarantor of human rights, not only in Chile but throughout the world. That was why it had placed great hopes in the dialogue between the Chilean Government and the opposition which had been brutally interrupted. The Chilean Government and those representing the forces of democracy must resume that dialogue and pursue it until they arrived at a national consensus and entered into firm commitments concerning the time-frame and modalities for a return to democracy in Chile.

39. His delegation had voted against the similar resolution submitted at each of the past three sessions because the situation of human rights had been gradually improving in Chile. At the present session, the United States felt obliged to express its concern about the set-back in that process: it deplored, *inter alia*, the restriction of residence for political reasons, the violations of fundamental freedoms, the brutal repression and the imposition of the state of emergency. The United States Government had made its views on human rights known to the Chilean Government, both privately and in public, and urged it to take immediate steps aimed at rectifying the situation, beginning with the revocation of the state of emergency, and to put an end to the violations of human rights.

(Mr. Schifter, United States of America)

40. He had often reproached the United Nations for its double standards, and he would do so again with regard to the draft resolution before the Committee. The text, which was a mixture of truths, falsehoods and statements which the United Nations was clearly not competent to make, would require Chile to respect criteria which were not applied universally. That was why his delegation would vote against it.

41. Mr. HAWKES (Canada) said that his delegation would vote in favour of draft resolution A/C.3/39/L.79 to demonstrate its concern over the fact that the situation with regard to the protection of human rights and fundamental freedoms in Chile had, as the Special Rapporteur had emphasized in his report, continued to deteriorate. Since his delegation had always endeavoured to approach human rights problems objectively, it would nevertheless have preferred a more balanced draft resolution in which the increase in violence in Chile was attributed not only to the Government but also to the opposition forces. The rights to life, liberty and security of the person must be respected by the Government, certainly, but also by the opposition forces.

42. Mrs. DOWNING (Secretary of the Committee) announced that Australia and Portugal had become sponsors of draft resolution A/C.3/39/L.79. The typographical errors which had been noted in the French and English versions would be corrected by the technical services.

43. As requested, a recorded vote was taken on draft resolution A/C.3/39/L.79.

In favour:

Afghanistan, Algeria, Angola, Argentina, Australia, Austria, Bahrain, Barbados, Belgium, Benin, Bhutan, Botswana, Bulgaria, Burkina Faso, Burundi, Byelorussian Soviet Socialist Republic, Canada, Central African Republic, Congo, Costa Rica, Cuba, Cyprus, Czechoslovakia, Democratic Yemen, Denmark, Dominican Republic, Ethiopia, Finland, France, Gambia, German Democratic Republic, Germany, Federal Republic of, Ghana, Greece, Guyana, Hungary, Iceland, India, Iran (Islamic Republic of), Ireland, Italy, Jamaica, Kenya, Kuwait, Lao People's Democratic Republic, Lesotho, Libyan Arab Jamahiriya, Luxembourg, Madagascar, Maldives, Mali, Mauritania, Mauritius, Mexico, Mongolia, Mozambique, Netherlands, New Zealand, Nicaragua, Norway, Poland, Portugal, Qatar, Romania, Rwanda, Sao Tome and Principe, Senegal, Spain, Sri Lanka, Swaziland, Sweden, Togo, Tunisia, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Venezuela, Viet Nam, Yugoslavia, Zambia, Zimbabwe.

Against:

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

Abstaining: Brunei Darussalam, Burma, Cameroon, Chad, China, Ecuador, Egypt, Fiji, Gabon, Honduras, Ivory Coast, Japan, Jordan, Malawi, Malaysia, Niger, Nigeria, Oman, Panama, Papua New Guinea, Peru, Saudi Arabia, Singapore, Somalia, Sudan, Suriname, Thailand, Trinidad and Tobago, Turkey, Uganda, Yemen, Zaire.

44. Draft resolution A/C.3/39/L.79 was adopted by 83 votes to 15, with 32 abstentions.

45. Mr. SUCRE FIGARELLA (Venezuela) said that he wished to explain why he had voted in favour of draft resolution A/C.3/39/L.43/Rev.2 although, his delegation, together with those of Costa Rica and Singapore, had submitted a draft resolution (A/C.3/39/L.71) on the same subject. The single resolution that had finally been adopted essentially took account of the criticisms his delegation had levelled against the original draft submitted by Mexico and a number of other countries.

46. His delegation believed, like many others, that El Salvador had launched a democratic transformation process which was of great importance for the promotion of human rights. Unfortunately, the original draft resolution had not taken that into account, and had barely mentioned the changes for the better which had been clearly exemplified by the elections that had brought President Duarte to power. The new policy of the Government in El Salvador was a reality which changed the rules of the game. Although some revolutionary actions had been justifiable in the past, the Salvadorian Government was putting into effect a series of socio-economic and political measures which made recourse to armed insurrection unnecessary.

47. Accordingly, his delegation had felt that, in the new resolution on the subject, the Third Committee should avoid linking the protection of human rights with the pursuit of a revolutionary strategy, for that would be tantamount to treating the problem in El Salvador as one of an all-out civil war, in which there was no difference between the Government and the insurgents and, as in any war, the victor would dictate the law.

48. Revolutions were justified only when no means of negotiating existed and the people did not have the right to express itself freely. Once there was a system which was prepared to guarantee democratic principles, however, recognition of insurgents amounted to defending lawlessness. The original draft resolution had appeared to do just that.

49. In its revised form, the draft resolution acknowledged the legitimacy of established authority, but made it clear that, in order for it to constitute a true political system which fully respected human rights, that authority must negotiate with those who had taken up arms. In other words, the new draft resolution was inspired by a totally different political philosophy: that the democratic strategy conferred power on duly constituted authority. The draft was designed to safeguard the democratic process which the vast majority of the Salvadorian people desired. It was a matter not of deciding in advance who would hold power, but of ensuring

(Mr. Sucre Figarella, Venezuela)

that a true democracy would emerge from the dialogue between the Government and the opposition. While it recognized that arms shipments constituted a severe threat to peace in the region, the new draft did not seek to dictate the foreign policy of the country in question.

50. His delegation had realized that the credibility of a country which was convinced of the need to renounce violence and to establish the foundations for a democratic process was at stake in El Salvador. As the substantial improvement in the human rights situation in El Salvador could not be ignored, and since the draft resolution was moderate, balanced and designed to promote the interests of the Salvadorian people itself, his delegation had supported it.

51. Mr. SURIADTMADJA (Indonesia) said that Indonesia was fully committed to promoting human rights, but not at the expense of the most fundamental right: the sovereign independence of States. Indonesia, like many other Member States which had freed themselves from colonialism, had paid dearly for its independence and therefore could brook no interference in the affairs of States. When an uprising threatened the integrity of the State, external interference could only exacerbate the situation. The principle of the national authority of a State enshrined in the Charter must not be called in question. That was why his delegation had voted against draft resolutions A/C.3/39/L.43/Rev.2, L.77 and L.79.

52. Mrs. BORGES (Uruguay) said that, as in the past, she had voted against draft resolutions A/C.3/39/L.43/Rev.2, L.77 and L.79 because they were based on a discriminatory attitude against the Latin American countries, which alone were subject to condemnation in the Committee on the question of human rights. More specifically with regard to draft resolution A/C.3/39/L.43/Rev.2, various paragraphs referred to aspects which were extraneous to the question of human rights and constituted interference in the internal affairs of the country concerned. She commended the efforts of other delegations, in particular those of Venezuela and Costa Rica, to try to establish a more acceptable text.

53. Mr. BAYONA (Peru) said that, as in the past, his delegation had abstained on the draft resolutions concerning the human rights situation in El Salvador, Guatemala and Chile, because it considered that such drafts were the result of systematic discrimination against the Latin American region.

54. Mr. BORCHARD (Federal Republic of Germany) said that he had abstained on draft resolution A/C.3/39/L.43/Rev.2, which had been adopted as orally revised by its sponsors. Clearly, his country was committed to the protection of human rights throughout the world and viewed violations of human rights in El Salvador with the same concern as those committed in other countries. Moreover, the 1984 draft resolution on that question was more balanced than that submitted in 1983 and its sponsors had endeavoured as much as possible to accommodate divergent views but it was still deficient on a number of counts. While the text stressed a reduction in the number of human rights violations in El Salvador, it did not consider adequately the conclusions reached in chapter 7 of the Special Representative's

(Mr. Borchard, Federal Republic  
of Germany)

interim report concerning the positive intentions of the Salvadorian Government. It should have taken note more clearly of the free and democratic elections held in El Salvador giving a legitimate mandate to President Duarte, who had courageously committed himself, before the General Assembly, to an active policy to restore respect for human rights in El Salvador. The beginning of a dialogue between all political forces of El Salvador was an important step in the right direction but the initiation of that dialogue was not adequately reflected in paragraph 7. In addition, the seventh preambular paragraph and paragraph 6 were not sufficiently balanced; nor did they take sufficiently into account the fact that a democratic and legitimate Government was now installed in El Salvador.

55. However, his country had voted in favour of draft resolution A/C.3/39/L.77 on the human rights situation in Guatemala, even though it still had reservations with regard to the text. In particular, since the interim report of the Special Rapporteur gave clear evidence that the situation of human rights in Guatemala, in spite of some encouraging developments, continued to be very serious, the draft resolution reflected only partially the conclusions of the Special Rapporteur. Similarly, the draft was imbalanced in that it gave the impression that the violence in Guatemala could be blamed on the Government alone and did not indicate that the guerrilla forces as well bore a considerable part of the responsibility. Paragraph 11 lacked precision on the same point and its formulation, to be more clear, should have referred to the Government of Guatemala as well as the opposition forces. Moreover, in view of the report of the Special Rapporteur, the draft resolution should have been more prudent in its references to rural development centres and forced participation in civilian patrols. Nevertheless, his Government expressed the hope that, on the whole, the resolution would help to improve the human rights situation in Guatemala.

56. Once again, it was regrettable that the Committee and the General Assembly had adopted the practice of considering the human rights situation in only three Latin American countries whereas violations of human rights and fundamental freedoms were just as serious, and perhaps even more serious, in other parts of the world. Such selectivity could only undermine the credibility of the United Nations in its efforts to promote and protect human rights.

57. Mr. FURSLAND (United Kingdom) said that he too was concerned by the fact that, with regard to the human rights situation, the Committee had received only three reports, all concerning countries of Latin America, which was not a satisfactory approach to consideration of the human rights situation in the world. However, that imbalanced approach had not prevented the United Kingdom from taking decisions on the three draft resolutions in terms of their intrinsic merits. His delegation endorsed most of the points proposed in the three texts but its position varied according to whether it considered a text sufficiently balanced and whether it reflected an accurate picture of the situation.

58. His delegation had voted in favour of draft resolution A/C.3/39/L.79 on the situation in Chile, whereas it had abstained on similar drafts in recent years, even though the draft did not present a balanced picture of the opening up noted

(Mr. Fursland, United Kingdom)

recently in Chile. But his delegation had, in 1984, made a point of expressing its concern at the deterioration of the human rights situation in that country and it adhered without reservation to the statement made in that regard by the delegation of Ireland on behalf of the members of the European Economic Community. None the less, the general tenor of draft resolution A/C.3/39/L.79 should have been more balanced. In other words, the text should have referred to terrorist activities in Chile and the violence for which they were responsible and should have contributed positively to the resumption of a dialogue. Moreover, it was for the Commission on Human Rights alone to extend the mandate of the Special Rapporteur, and paragraph 15 prejudiced unduly the decisions of that Commission.

59. His delegation had abstained on draft resolution A/C.3/39/L.43/Rev.2, which had been adopted as revised by its sponsors. He understood that they had found it very difficult to establish a compromise text which would make it possible to withdraw the concurrent draft resolution and the three series of amendments. His delegation endorsed most of the aspects of the final text and would have liked to be able to vote in favour of it. But the resolution as a whole remained too imbalanced, in particular in its ninth preambular paragraph and paragraphs 6 and 8. His delegation could not agree that States should be categorically obliged to suspend their supplies of arms and military assistance to El Salvador even if that provision came under the Contadora process, which was yielding positive results. It was unacceptable to single out certain countries for such a prohibition. Moreover, the text did not take due account of the improvements noted in the situation or of the goodwill shown and the co-operation extended to the Special Representative in the country.

60. Miss DIAZ AVALOS (Paraguay) regretted that the Committee was applying two sets of standards in using the machinery at its disposal to study the human rights situation in the world, as demonstrated by the fact that all three draft resolutions before it concerned Latin American countries. Her delegation had been unable to support those three drafts which were flawed by partiality and prejudice.

61. Mr. TROUVEROY (Belgium) said that he had noted with satisfaction the appeal for a dialogue made by the President of El Salvador and the positive response of the opposition forces, as that made it possible to attain a new stage in the process of pacification and democratization in El Salvador. But it was regrettable that draft resolution A/C.3/39/L.43/Rev.2, as orally revised by its sponsors, expressed the same ideas and approached them in a manner which it was not for the General Assembly to define, since that definition lay within the exclusive purview of the country concerned.

62. Mr. THWAITES (Australia) said that his delegation had voted for draft resolution A/C.3/39/L.43/Rev.2, as orally revised by its sponsors. The sponsors should be thanked, especially the Contadora Group, for sparing no effort to produce a text which might contribute to solving the conflict in El Salvador. His delegation approved of President Duarte's attempts at pacification and democratization in El Salvador and believed that all interested parties should intensify their activities in that direction. However, it had to be admitted that

(Mr. Thwaites, Australia)

there were still many cases of serious violations of human rights in El Salvador and that many reforms were necessary, in particular reform of the judicial system. Moreover, all peace initiatives in El Salvador should be the result of negotiated agreements.

63. Mr. RUSI (Finland) said that his delegation had voted for the three draft resolutions, L.43/Rev.2, as orally revised, L.77 and L.79, because the Governments of El Salvador and Guatemala, where the situation was improving, should be encouraged to promote dialogue among all interested parties, while in the case of Chile, where the Government was unfortunately refusing to co-operate, the General Assembly had to express its concern at the deterioration of the situation.

64. Mr. UMAÑA (Colombia) regretted that the Committee was once again showing an irritating selectiveness towards Latin American countries. His delegation had nevertheless voted for draft resolution L.43/Rev.2, as revised by its sponsors, but reserved the right to revert to the text in more detail at the plenary meeting of the General Assembly.

65. Mr. DAVANE (Mozambique) said he had also voted for draft resolution L.43/Rev.2, as revised by its sponsors, but they would have to make the text more precise on certain points before the General Assembly took a definitive decision in plenary meeting.

66. Ms. GUO (China) said that her delegation had abstained from voting on draft resolution L.43/Rev.2 as revised by its sponsors. The fight being waged by the Latin American countries for effective enjoyment of their independence served a just cause. Her delegation fully supported the Contadora Group. All foreign interference in the affairs of those countries should cease.

67. Mrs. DOWNING (Secretary of the Committee) announced, in accordance with rule 154 of the Rules of Procedure of the General Assembly, that the financial implications of the resolutions adopted by the Committee amounted altogether to \$US 4,554,100, subject to final approval.

#### COMPLETION OF THE COMMITTEE'S WORK

68. Mr. ITOUA (Congo), speaking on behalf of the African Group, Mr. EL-FAWWAZ (Jordan), on behalf of the Asian Group, Mr. TANASA (Romania), on behalf of the East European Group, Mr. VREEDZAAM (Suriname), on behalf of the Latin American and Caribbean Group, Mr. BORCHARD (Federal Republic of Germany), on behalf of the Group of West European countries and other States, and Mr. QASIM (Oman) on behalf of the Arab Group, thanked the Chairman for the patience, firmness and impartiality with which he had conducted the Committee's work and congratulated him on showing a spirit of compromise, thanks to which the Committee had been able to adopt resolutions of very great importance for the social and humanitarian causes it sought to serve. They also wished to thank the officers of the Committee and all members of the Secretariat, near and far, who had facilitated their work.

69. Mrs. WARZAZI (Morocco) announced that the balance of the collection organized at the Committee's traditional dance amounted to \$US 400, which had been contributed to UNICEF on behalf of the Committee.

70. The CHAIRMAN, summing up the work of the Committee, said that it had had a heavy agenda in which the main questions obviously once again concerned the struggle against racism and racial discrimination. It was therefore gratifying to note that the resolution on the implementation of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination had been adopted by consensus. It was also satisfying to note that, in order to encourage respect for the human rights of the majority populations in South Africa, Namibia and the Middle East, the Committee had adopted resolutions calling on all States to become parties to international conventions against racial discrimination and apartheid and to stop all collaboration with South Africa. The debate on human rights issues had once again shown that consistent patterns of violations of human rights were a legitimate concern of the international community and that such concern could not be regarded as interference in the internal affairs of States. But the debate had also made the point that the Committee should be careful not to be unduly selective in its approach to the violations of human rights observed in many different regions of the world. United Nations initiatives to promote respect for human rights would carry greater weight if they were impartial. He welcomed the continued support shown by the Committee for the resolution on alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms, because that text could broaden understanding and strengthen co-operation among Member States on human rights issues.

71. The Committee's adoption of resolutions on action to benefit such vulnerable groups as children, youth, the aging, the disabled and migrant workers testified to its continuing concern for those groups. Moreover, its approval of preparations for the conferences to be held in 1985 dealing with youth and the achievements of the United Nations Decade for Women should assure the success of those meetings.

72. He was happy that the Committee had unanimously given its full support to the strictly humanitarian efforts of the United Nations High Commissioner for Refugees. The Committee had rightly recognized the valuable contribution of the High Commissioner to the Second International Conference on Assistance to Refugees in Africa, which would make possible the better integration of refugee assistance programmes and development planning. The Committee had also made a useful study of ways of encouraging respect for the rights of people seeking asylum and refugees.

73. The fact that the Committee had adopted without a vote several important resolutions on the international traffic in narcotic drugs showed the determination of Member States to promote an integrated international campaign in that field.

74. Finally, after lengthy discussion, the Committee had succeeded in adopting by consensus the new convention against torture and other cruel, inhuman or degrading treatment or punishment elaborated by the Commission on Human Rights.

75. He wished to thank all members of the Bureau and all members of the Secretariat, both known and unknown, for helping the Committee to complete its work on schedule. He wished to express particular appreciation to the Committee Secretary.