

through constant improvements, had eventually led to the Convention on Territorial Asylum, adopted at the Tenth International Conference of American States, held at Caracas in 1954. It was easy for Ecuador to endorse the draft convention, as reviewed by the Group of Experts (see

A/10177 and Corr.1, annex), since current Ecuadorian legislation was much more far-reaching than the provisions contained therein.

The meeting rose at 1.05 p.m.

2164th meeting

Wednesday, 19 November 1975, at 3 p.m.

Chairman: Mr. Ladislav ŠMÍD (Czechoslovakia).

A/C.3/SR.2164

AGENDA ITEM 80

Office of the United Nations High Commissioner for Refugees (concluded) (A/10003, chap. I, chap. III, sect. M; A/10012 and Add.1, A/10177 and Corr.1, A/C.3/L.2180, 2181, 2184):

- (a) Report of the High Commissioner;
- (b) Report of the Secretary-General

1. Mr. CAMPBELL (Australia) expressed his delegation's appreciation to the High Commissioner for the humanitarian work which he and his Office had been carrying out in such an effective manner. It was, however, regrettable that the number of refugee situations throughout the world continued to increase every year. In that connexion, the High Commissioner had said (2161st meeting) that the existence of such situations was the product of the errors of peoples and nations and an indictment of their conduct. Unfortunately, the errors seemed to multiply and the burden placed on agencies such as UNHCR increased accordingly. It was a testimony to the skill of the High Commissioner and his staff that, with the help of many Governments, including that of Australia, they had been able to rise to the challenge of new situations and carry out excellent work in Indo-China, Mozambique and Angola in 1975.

2. The High Commissioner had also pointed out that, whether in the United Nations or in the actions of States, conflicts were frequently dealt with as public events and as international crises and that it was sometimes forgotten that such conflicts had a human dimension. The exchanges which had masqueraded as a debate when the Committee had been discussing the question of missing persons in Cyprus would have dispelled any doubts the High Commissioner might have had on that score. The film shown by the High Commissioner at the 2161st meeting had, however, demonstrated that the United Nations was providing food, shelter, clothing and medicines to the destitute, the displaced and the refugees of the "fourth world". It was therefore comforting to know that, despite all the frustration which might be felt in the Committee, a practical humanitarian and much-needed programme of action was being carried on, which in itself more than justified the existence of the United Nations.

3. His country strongly supported the activities of UNHCR and had maintained close contacts with that body both at the headquarters level and in the field. Australian

contributions to the regular and special operations budget of UNHCR had increased from some \$US 220,000 in 1970 to nearly \$US 5 million in the first six months of 1975, and his Government hoped further to increase its contribution to the regular budget in 1976. It followed that his delegation fully supported draft resolutions A/C.3/L.2180, A/C.3/L.2181 and A/C.3/L.2184, and indeed it had sponsored all three.

4. With regard to draft resolution A/C.3/L.2184, on the draft convention on territorial asylum, his delegation was of the opinion that such an international convention would represent a very considerable measure of progress and would be in line with certain developments which had taken place at the regional level. Australia was a member of the Group of experts on the Draft Convention on Territorial Asylum, which had met in Geneva earlier in 1975 and whose report was contained in document A/10177 and Corr.1. A large majority of the delegations at that meeting had been in favour of embodying in the draft convention the general principles of the Declaration on Territorial Asylum (General Assembly resolution 2312 (XXII)). Although the revised articles adopted by the Group of Experts were acceptable to his delegation, it felt that they might have watered down the humanitarian objectives of contracting States contained in the draft drawn up at the Colloquium on the Law of Territorial Asylum, held at Bellagio, Italy, in April 1971. Those issues would, however, be reviewed at the proposed conference of plenipotentiaries. His delegation regretted that the proposed conference would have to be financed from the regular programme budget. The High Commissioner would be authorized to seek the necessary funds for the conference by making appeals for voluntary contributions. In that connexion, he wished to make it clear that, although his delegation was a sponsor of draft resolution A/C.3/L.2184, that did not mean that the Australian Government's support for the conference would automatically be matched by a contribution to its budget.

5. Miss DUBRA (Uruguay) said that her delegation joined with other delegations in expressing appreciation to the High Commissioner and his staff for the efforts they had made to solve the important problem of refugees. It shared the High Commissioner's concern about the need to elaborate and eventually adopt a draft convention on territorial asylum and agreed with the Executive Committee of the High Commissioner's Programme on the advisability of holding a conference of plenipotentiaries to consider the

draft convention on territorial asylum as soon as possible (A/10012/Add.1, para. 69).

6. The Latin American tradition regarding territorial asylum was well known. The right of asylum had already been recognized in 1889 in the Treaty of Montevideo and general regulations applicable to all the member countries of the inter-American system had been introduced as a result of the adoption of the Caracas Convention on Territorial Asylum of 1954. Although her delegation appreciated the work of the Group of Experts on the Draft Convention on Territorial Asylum, it felt that the present draft should not be considered a final or complete text. Moreover, it did not reflect the principles embodied in the Latin American conventions or the practice applied in Latin America. In that connexion, she drew attention to the proposed new article contained in the last paragraph of the appendix to the annex to document A/10177 and said that the wording of the second part of that proposed new article would make it irrelevant to adopt a convention enabling States to grant asylum to persons not covered by the provisions of existing article 2 of the draft. She accordingly reiterated what her delegation had stated at the twenty-ninth session during the discussion of the question of territorial asylum, namely that the Caracas Convention of 1954 should be taken into account in any discussion of the text of the draft convention on territorial asylum to be prepared by the Group of Experts. Lastly, her delegation fully shared the view of the High Commissioner that it was essential that the largest possible number of Governments should become parties to the 1951 Convention relating to the Status of Refugees and the 1967 Protocol thereto.

7. Mr. MUSA (Nigeria) expressed his delegation's gratitude for the report of the High Commissioner and the excellent work he and his staff had been doing on behalf of the refugees of the world, and said it was commendable that UNHCR devoted particular attention to individual refugees thus giving them some hope for the future and faith in humanity. His delegation attached great importance to the concept of interdependence, and fully agreed with the High Commissioner that the refugee was the product of the errors of peoples and nations, his predicament an indictment of their conduct. As had also been stated by the High Commissioner, the essence of interdependence lay in the recognition by each individual of the consequences of his actions. Indeed, in most cases, refugees fled from their homes as a result of the actions of their close or distant neighbours.

8. Hardly any country could be said to be unaffected by refugee problems. His own country had received thousands of refugees from neighbouring African States who had had to flee from drought. Although many Nigerians had also been affected by the ravages of drought, they had welcomed the refugees from other countries and taken care of them until conditions had improved sufficiently for them to return to their countries of origin.

9. Pledges would soon be made to UNHCR and his delegation trusted that the funds collected would help to alleviate the sufferings of millions of homeless human beings. Unfortunately, however, the world was squandering vast sums of money on unprofitable and destructive ventures instead of giving full attention to the humanitarian

problem of refugees. In that connexion, he referred to *The UNESCO Courier* of November 1975, which had painted a grim picture of the world 30 years after the Second World War and had pointed out that annual expenditures on arms amounted to 15 to 20 times the assistance given to developing countries. In conclusion, he invited the countries which had not yet done so to accede to the Convention relating to the Status of Refugees of 1951 and the Protocol of 1967 so that all countries might work hand in hand to improve the lot of refugees throughout the world.

10. Miss BEAGLE (New Zealand) expressed her delegation's appreciation for UNHCR's work in initiating and implementing policies to deal with the problems of refugees and said that it must be kept in mind that Governments must all increase their own efforts to find lasting solutions to the fundamental problems involved. In his introductory statement at the 2161st meeting, the High Commissioner had stressed that UNHCR's actions must at all times be based on humanitarian and non-political factors. Her country's approach to the problem of refugees had always been motivated by those considerations and, within the limits of its national resources, it had always been willing to do its utmost to meet the needs of refugees, particularly in its own region.

11. In 1974, her Government had completed a major review of New Zealand's immigration policy and laid down new guidelines regarding permanent entry. The new policy provided for the entry into New Zealand of refugees and others in comparable circumstances in accordance with the country's ability to resettle such persons satisfactorily.

12. Her Government had been a regular contributor to UNHCR's budget, and in 1974 had increased its contribution by 50 per cent. It would endeavour to maintain that contribution and, if possible, increase it during the next financial year as an indication of its confidence in the way the High Commissioner continued to discharge his functions. Her delegation's sponsorship of draft resolution A/C.3/L.2180 was also an indication of the importance it attached to the vital work of UNHCR.

13. With regard to specific UNHCR activities, her delegation paid a tribute to the skilful way in which the High Commissioner had helped in the past year to alleviate the suffering of thousands of persons in extremely sensitive political situations. Her Government has responded positively to special appeals from the High Commissioner on behalf of such displaced persons and its contribution to refugee assistance in Indo-China had amounted to almost \$NZ 1 million, of which \$NZ 700,000 represented New Zealand's contribution for 1974-1975 to the joint UNICEF/UNHCR emergency relief programme in Indo-China. Those contributions to UNHCR formed part of New Zealand's 1972 commitment to contribute \$NZ 10 million over a five-year period for the rehabilitation of the countries of Indo-China. Half of that amount would be granted under multilateral programmes. In addition, her Government had agreed to accept up to 50 refugee families from Viet-Nam as permanent residents in New Zealand and, at present, over 100 people had been granted permission to enter New Zealand. Her delegation was consequently pleased to sponsor draft resolution A/C.3/L.2181.

14. In the past year, New Zealand had also accepted a number of Chilean refugee families for resettlement, had contributed to the UNHCR Cyprus appeal and had participated to a limited extent in the "Ten or More Plan" to resettle handicapped refugees. She added that her delegation supported in principle the idea of elaborating a draft convention on territorial asylum and would vote in favour of draft resolution A/C.3/L.2184.

15. Miss DJURIČKOVIĆ (Yugoslavia) said that her country, which was a member of the Executive Committee of the High Commissioner's Programme, attached great importance to the work of the Office of the High Commissioner. As was shown in the High Commissioner's report (A/10012 and Add.1), UNHCR's assistance in 1975 had been directed mainly towards the most needy regions where the problems of refugees were most acute, namely, Africa and Latin America. Her delegation also noted with satisfaction the considerable increase in special operations financed from contributions outside the regular programme and carried out as part of the functions entrusted to UNHCR under the "good offices" resolutions of the General Assembly. She had in mind the humanitarian assistance given to Cyprus, assistance to returning refugees and displaced persons in Angola, Guinea-Bissau and Mozambique, and assistance to Indo-China. Although full financing of the High Commissioner's Programme had been achieved in the past programming period, the need for UNHCR's humanitarian assistance was increased daily and, unfortunately, a large number of refugees were still not covered by such assistance.

16. Her Government shared the High Commissioner's view that it was in the interest both of Governments and of refugees for the largest possible number of States to accede to the international legal instruments concerning refugees, in particular to the 1951 Convention relating to the Status of Refugees and the 1967 Protocol. Her country, as a party to those two instruments, was applying their provisions as well as the provisions of article 202 of the Yugoslav Constitution, which guaranteed the right of asylum to all foreign citizens and stateless persons persecuted because of their advocacy of democratic views and their support for democratic movements for social and national liberation, for the freedom and rights of the human person and for freedom of scientific and artistic creation.

17. UNHCR was also concerned with the questions of asylum and *non-refoulement* and her delegation had followed with interest the work of the Group of Experts on the Draft Convention on territorial Asylum. It was of the opinion that the draft should be further elaborated at a conference of plenipotentiaries on territorial asylum so that it might gain the widest possible acceptance. Furthermore, as an expression of its appreciation for UNHCR's efforts, her delegation was a sponsor of draft resolution A/C.3/L.2180. It had also increased its contribution to UNHCR as proof of its support for the useful work being done on behalf of refugees. It expressed the hope that, with the active assistance of an ever-increasing number of Governments, UNHCR would be able to accomplish successfully the humanitarian tasks with which it had been entrusted.

18. Mr. MBODJ (Senegal) expressed his delegation's appreciation for the untiring efforts made by UNHCR to

promote tolerance and brotherhood among the peoples of the world. Despite the limited resources available and the regrettable increase in the number of refugees throughout the world, the High Commissioner and his staff had successfully carried out the tasks of providing material assistance and international protection to refugees, many of whom were to be found in Africa, a continent which had experienced countless displacements of persons throughout its history. In that connexion, his delegation was fully aware of the important role played by UNHCR in resettling African refugees in various countries such as Senegal, Zaire and the United Republic of Tanzania. It also greatly appreciated the efforts made by UNHCR in providing assistance to refugees in Europe, Latin America and Asia. Although its own resources were very limited, his country had nevertheless given moral and material support to UNHCR and would continue to do so in future. It hoped that the entire international community, which was certainly fully aware of the situation faced by refugees, would continue to provide substantial amounts of assistance to UNHCR so that it might act effectively and promptly in cases of need.

19. His country had already been giving shelter to more than 80,000 refugees in 1974 and, in co-operation with UNHCR, the Senegal National Committee for Aid to Refugees would continue to provide material and financial assistance to those refugees by building schools and hospitals and awarding scholarships so that some of them could continue their secondary schooling. For almost a year, UNHCR's activities in Senegal had been aimed primarily at facilitating the settlement of refugees in that country, but those activities had been reconsidered as a result of a trend towards voluntary repatriation which had started when Guinea-Bissau—the country of origin of most of the refugees—had become independent. In that connexion, he noted that a tripartite committee, consisting of representatives of Senegal, Guinea-Bissau and UNHCR, had been responsible for studying ways of facilitating the voluntary repatriation of those refugees. His country, which greatly appreciated the efforts made by UNHCR to integrate those refugees in the process of economic and social development in their country of origin, would never regret the fact that it had welcomed those unfortunate persons, who had been fleeing from fascism and colonialism during the war of national liberation in Guinea-Bissau.

20. With regard to the international protection of refugees, he recalled that his country had been one of the initiators of the 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa, and was also a party to the Convention relating to the Status of Refugees of 1951 and the 1967 Protocol, which it hoped would be accepted and respected by the international community as a whole.

21. Mr. MAPANI (Zambia) said that Zambia attached great importance to the problem of refugees, and believed that they were victims of events over which they had no control. His country had always opened its doors to refugees from many different countries and had made an effort to alleviate their problems as far as possible. The bulk of the refugee population in Zambia came from Angola, Mozambique, Namibia and South Africa.

22. His delegation paid a tribute to the High Commissioner and his staff for their dedication in carrying out their difficult task. It noted with satisfaction that the High Commissioner had been active in all parts of the world where the refugee problem had arisen, and it particularly thanked him for the work that was being done in Zambia. It trusted that co-operation between UNHCR and the Zambian Government would lead to satisfactory solutions.

23. The increase in the number of refugees made the task of UNHCR even greater, and his delegation believed that the international community had a moral obligation to find solutions to the problem of refugees on the basis of humanitarian considerations. That could best be achieved by greater and more sustained contributions to UNHCR and the strengthening of the High Commissioner's Office. Every member of the international community had a moral obligation to participate in UNHCR activities, whether or not it had a refugee problem.

24. The High Commissioner's report showed how Zambia, in conjunction with UNHCR, was tackling the refugee situation. It had some difficulties in coping with the problem and therefore believed that a strengthened High Commissioner's Office, fully able to intensify and diversify its activities, would help to fill the gaps, wherever they existed. Despite the difficulties Zambia was encountering as a result of its geopolitical position, the Zambian Government was assuming administrative and financial responsibility for the refugee settlements at Mayukwayukwa and Nyimba.

25. The independence of Mozambique and Angola called for a modified approach to the services rendered to the refugees. Prospects for the voluntary repatriation of a large number of refugees had opened up, and emphasis had therefore been shifted from resettling the refugees to preparing them for reintegration into their societies upon return—for example through the provision of training in diverse fields. His delegation hoped that UNHCR would pay particular attention to activities facilitating voluntary return to Mozambique and Angola.

26. His Government would continue to render all possible help to UNHCR and believed that, on humanitarian grounds, the international community should try to alleviate the plight of refugees and displaced persons. The problem of territorial asylum should be considered by a conference of plenipotentiaries, as provided for in draft resolution A/C.3/L.2184. His Government believed that, within the provisions of the 1969 OAU Convention, the granting of asylum to refugees was a purely humanitarian act. It therefore hoped that meaningful guidelines in that area would obtain in the international community.

27. Mr. FERNANDES (Guinea-Bissau) said that UNHCR was certainly one of the most delicate institutions within the United Nations system because it dealt not only with the human being as such, but also with his aspirations and goals and his past, present and future. Refugees, who had been displaced through no fault of their own, were forced to leave their homes, settle in countries which were sometimes alien to them and live in completely different environments. His delegation considered that UNHCR had

played an extremely important role in alleviating the plight of those displaced persons.

28. His country had been associated with UNHCR for many years and appreciated the fact that the High Commissioner had always been prepared to provide assistance when refugees from Guinea-Bissau had most needed it. His Government therefore looked forward to the High Commissioner's forthcoming visit to Guinea-Bissau.

29. He thanked the countries which had responded promptly to UNHCR's appeal for generous contributions and hoped that those countries would continue to contribute in the future to that humanitarian agency. His country also thanked its neighbours for taking care of its refugees during the difficult times recently experienced during the struggle for independence.

30. Mr. ABDEL-RAHIM (Sudan) expressed his delegation's appreciation to the High Commissioner for his comprehensive introduction to the item under consideration and for the assistance UNHCR had provided to his country when it had encountered serious refugee problems in the recent past. His country could thus attest to the competence of the High Commissioner and the humanitarian way in which he had dealt and continued to deal with the misery and despair of refugees throughout the world.

31. His country had faced many problems, including internal conflict caused by forces which had sown discord in order to prevent it from enjoying its right to full independence. UNHCR had provided assistance to his country in its efforts to achieve reunification, in accordance with the Addis Ababa Agreement of March 1972. In that connexion, his delegation thanked UNHCR for the assistance it had provided for the voluntary repatriation of refugees from the southern Sudan so that they might take part in the development of the country as a whole. In addition, as could be seen from paragraphs 106 to 111 of the High Commissioner's report (A/10012), persons from other countries had taken refuge in the Sudan, which was helping them to live a meaningful life with the assistance of UNHCR. UNHCR's activities were, however, not confined to Africa. They extended to all parts of the world, and his delegation greatly appreciated the efforts that were being made, for example, in Asia and in Latin America. It appealed to all States to help UNHCR in carrying out its tasks and, as proof of its support, was a sponsor of draft resolutions A/C.3/L.2180 and A/C.3/L.2181.

32. The CHAIRMAN announced that the Niger, Oman and Yemen had become sponsors of draft resolution A/C.3/L.2180 and that Oman and Turkey had become sponsors of draft resolution A/C.3/L.2181.

33. Mr. CATO (Ghana), introducing draft resolution A/C.3/L.2184, said that the statement which the United Nations High Commissioner for Refugees had made in introducing his report had reminded the Committee of some of the deeper issues involved in the granting of asylum and of its responsibilities. Various delegations had stressed that the granting of asylum was a peaceful and humanitarian act which could not be regarded as unfriendly, and had also pointed to the need for the legal protection of

refugees. He noted that Zambia had joined the sponsors of the draft resolution.

34. It would be recalled that the question of elaborating a draft convention on territorial asylum had first arisen at the twenty-seventh session of the General Assembly, when the High Commissioner had been requested to consult with Governments for their views on the draft text prepared by a group of experts.¹ The High Commissioner had reported back to the General Assembly at its twenty-eighth² and twenty-ninth sessions,³ and the Assembly had then adopted resolution 3272 (XXIX) requesting the Secretary-General, in consultation with UNHCR, to convene the Group of Experts to review the text of the draft convention. The report of the Secretary-General (A/10177 and Corr.1) described the work done by that Group. The sponsors of the draft resolution considered that it was unnecessary for the Committee to discuss the substance of the draft convention but that it should take a procedural decision requesting the Secretary-General to convene a conference of plenipotentiaries. The sponsors hoped that the draft resolution could be adopted by consensus.

35. The CHAIRMAN said that if he heard no objection, he would take it that the Committee adopted draft resolutions A/C.3/L.2180, A/C.3/L.2181 and A/C.3/L.2184 by consensus.

It was so decided.

36. Price Sadruddin AGA KHAN (United Nations High Commissioner for Refugees) expressed gratitude to the Committee for the decisions it had just taken and said that the Committee's expression of support would greatly encourage the Office in its work. He expressed special appreciation to all the delegations which had sponsored the texts which had just been adopted, and especially to Canada, Denmark and Ghana, which had introduced them. The Office, in discharging its humanitarian duties, attached great importance to the support of the Committee. The unanimous support the Committee had shown in adopting the texts without a vote would be reflected in more effective action in the many countries where assistance was given to refugees. He also noted the importance which the Committee attached to international protection, asylum and the human rights of refugees. The Office would continue its assistance efforts both under its regular programme and in special operations.

AGENDA ITEM 12

Report of the Economic and Social Council [chapters III (sections F, G, I, L and M), IV (sections A and C) and V] (continued)* (A/10003, A/10284, A/10285, A/10295, A/10303, A/C.3/637, A/C.3/639, A/C.3/640, A/C.3/642, A/C.3/L.2173/Rev.1, 2175-2179, 2182, 2183, 2185, 2186)

HUMAN RIGHTS QUESTIONS (continued)* (A/10003, chap. V, sect. B)

¹ See *Official Records of the General Assembly, Twenty-seventh Session, Supplement No. 12, appendix, annex I.*

² *Ibid.*, Twenty-eighth Session, Supplement No. 12B.

³ *Ibid.*, Twenty-ninth Session, Supplement No. 12C.

* Resumed from the 2162nd meeting.

Consideration of draft resolutions (continued)* (A/C.3/L.2173/Rev.1, 2175)

37. Mr. SÖYLEMEZ (Turkey), speaking on a point of order, recalled that at the 2162nd meeting his delegation had made a formal proposal on the question of the so-called missing persons in Cyprus, since the Greek Cypriot delegation had seen fit to submit a draft resolution (A/C.3/L.2173) on the subject. His delegation's proposal had been that the Committee should invite a representative of the Turkish Cypriot community to make a statement on the issue. That proposal had been discussed at the meeting and, since his delegation had proposed the closure of the debate, the proposal remained to be voted on. The leader of the Turkish Cypriot community, Mr. Denktaş, was willing to address the Committee at any time. His delegation therefore proposed that the Committee should vote on its proposal, and it requested a roll-call vote.

38. Mr. MAVROMMATIS (Cyprus), speaking on a point of order, said that the Turkish representative was entirely out of order in reopening the debate on an item which had been fully discussed. His delegation opposed the Turkish delegation's proposal. He recalled that at the 2162nd meeting the representative of Sierra Leone had suggested that the Committee should listen to the tape recording of its 2159th meeting to see whether it had actually commenced voting on draft resolution A/C.3/L.2173. His delegation had listened to the tape and had found that it showed that the Committee had closed the general debate and had decided to defer its vote on the draft resolution and the amendments thereto. He therefore asked the Chairman to give a ruling on the question before considering the Turkish delegation's proposal.

39. At the request of the CHAIRMAN, Mr. LÜTEM (Secretary of the Committee) read out the relevant parts of the summary record and tape recording of the Committee's 2159th meeting.

40. Mr. MAVROMMATIS (Cyprus) said that the tape recording of the Committee's 2159th meeting bore out what he had said. It showed that the Committee had decided to postpone the vote on draft resolution A/C.3/L.2173 and the amendments to it, and that it could not therefore reopen the general debate on the subject.

41. Mr. RIOS (Panama), speaking on a point of order, said that his delegation considered that the Committee had started its voting procedure and that any further statements in the context of the general debate were at the indulgence of the Chair. He would like the Chairman to give a ruling on the matter.

42. The CHAIRMAN said that the Committee would recall that it had held a procedural discussion on the matter and had decided to close its debate on the proposal by Turkey. During that procedural debate conflicting views had been expressed as to whether or not the Committee was in the process of voting. Since the Committee was master of its own proceedings, he suggested that it should decide whether or not it had begun the process of voting on draft resolution A/C.3/L.2173 and the amendments contained in document A/C.3/L.2178. He suggested that the question should be decided by a vote.

At the request of the representative of Cyprus, a vote was taken by roll-call.

Guatemala, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Guatemala, Guinea, Guyana, Hungary, Iceland, India, Ireland, Italy, Ivory Coast, Jamaica, Luxembourg, Malta, Mongolia, Netherlands, New Zealand, Norway, Panama, Peru, Poland, Sri Lanka, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Upper Volta, Uruguay, Venezuela, Yugoslavia, Zaire, Australia, Austria, Belgium, Bulgaria, Byelorussian Soviet Socialist Republic, Canada, Colombia, Congo, Cuba, Cyprus, Czechoslovakia, Dahomey, Denmark, Ecuador, Finland, France, Gabon, Gambia, German Democratic Republic, Germany (Federal Republic of), Ghana, Greece, Grenada.

Against: Iran, Iraq, Jordan, Pakistan, Saudi Arabia, Turkey, Afghanistan, Bahrain.

Abstaining: Indonesia, Israel, Japan, Kenya, Kuwait, Laos, Lebanon, Lesotho, Liberia, Libyan Arab Republic, Madagascar, Malawi, Malaysia, Mali, Mauritania, Mexico, Morocco, Mozambique, Nepal, Niger, Nigeria, Oman, Papua New Guinea, Philippines, Portugal, Romania, Rwanda, Senegal, Sierra Leone, Singapore, Sudan, Swaziland, Sweden, Syrian Arab Republic, Thailand, Togo, Tunisia, Uganda, United Arab Emirates, United Republic of Cameroon, Zambia, Algeria, Argentina, Bahamas, Barbados, Bhutan, Bolivia, Brazil, Burma, Chad, Chile, China, Costa Rica, Democratic Yemen, Dominican Republic, Egypt, Fiji.

By 53 votes to 8, with 57 abstentions, the Committee decided that it had started the process of voting.

43. Mr. SÖYLEMEZ (Turkey) said that his delegation deeply regretted the results of the vote. He recalled that there had been a lengthy discussion at the 2162nd meeting of the Committee concerning a proposal submitted by his delegation. Instead of dealing with that proposal, the Greek Cypriot delegation had chosen a roundabout way of denying the representative of the Turkish Cypriot community the right to speak in the Committee on the question of the so-called missing persons in Cyprus.

44. It was obvious from the results of the vote that 57 delegations had not been certain whether or not the Committee had actually begun to vote. His delegation would have liked the Chairman to give a ruling on the matter. In adopting the decision just taken, the Committee had negated itself, since at the meeting in question it had in fact been on the point of proceeding to the vote. His delegation regretted that the Committee had taken a decision on that question before deciding on the substance of the issue. He submitted that the decision just taken constituted no victory for those who were afraid to hear a representative of the Turkish community on the question of the so-called missing persons. He thanked all delegations which had supported the view that it was only fair to grant an equal opportunity to speak to a representative of the Turkish Cypriot community when a problem of concern to it was being discussed.

45. His delegation would oppose draft resolution A/C.3/L.2173/Rev.1.

46. Mr. BAHNEV (Bulgaria), speaking in explanation of vote, said that his delegation's affirmative vote had been based on the transcript read out by the Secretary of the Committee, which showed that the Committee had been in the process of voting.

47. The CHAIRMAN put to the vote the first amendment in document A/C.3/L.2178.

At the request of the representative of Turkey, a recorded vote was taken.

In favour: Afghanistan, Indonesia, Iran, Jordan, Morocco, Mozambique, Oman, Pakistan, Saudi Arabia, Turkey.

Against: Algeria, Austria, Bahrain, Belgium, Bolivia, Botswana, Bulgaria, Byelorussian Soviet Socialist Republic, Canada, Congo, Costa Rica, Cuba, Cyprus, Czechoslovakia, Dahomey, Democratic Yemen, Denmark, Dominican Republic, Ecuador, Fiji, Finland, France, Gabon, Gambia, German Democratic Republic, Germany (Federal Republic of), Ghana, Greece, Grenada, Guatemala, Guinea, Guyana, Hungary, Iceland, India, Ireland, Italy, Jamaica, Luxembourg, Mali, Malta, Mongolia, Netherlands, New Zealand, Niger, Norway, Panama, Poland, Portugal, Senegal, Spain, Sri Lanka, Sweden, Trinidad and Tobago, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America, Upper Volta, Uruguay, Venezuela, Yugoslavia.

Abstaining: Argentina, Australia, Bahamas, Barbados, Bhutan, Brazil, Burma, Chad, Chile, China, Colombia, Egypt, Israel, Ivory Coast, Japan, Kenya, Kuwait, Laos, Lebanon, Lesotho, Liberia, Libyan Arab Republic, Madagascar, Malawi, Malaysia, Mexico, Nepal, Nigeria, Papua New Guinea, Peru, Philippines, Romania, Rwanda, Sierra Leone, Singapore, Sudan, Swaziland, Syrian Arab Republic, Thailand, Togo, Tunisia, Uganda, United Arab Emirates, United Republic of Cameroon, United Republic of Tanzania, Zaire, Zambia.

The first amendment in document A/C.3/L.2178 was rejected by 62 votes to 10, with 47 abstentions.

48. The CHAIRMAN put to the vote the second amendment in document A/C.3/L.2178.

At the request of the representative of Turkey, a recorded vote was taken.

In favour: Afghanistan, Algeria, Bahrain, Egypt, Gabon, Guinea, India, Indonesia, Jordan, Libyan Arab Republic, Malaysia, Mali, Mexico, Morocco, Mozambique, Oman, Pakistan, Saudi Arabia, Tunisia, Turkey.

Against: Botswana, Byelorussian Soviet Socialist Republic, Congo, Costa Rica, Cuba, Cyprus, Czechoslovakia, Dahomey, Dominican Republic, Ecuador, Gambia, German Democratic Republic, Greece, Grenada, Guatemala, Guyana, Hungary, Jamaica, Malta, Mongolia, Niger, Pa-

nama, Poland, Sri Lanka, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics.

Abstaining: Argentina, Australia, Austria, Bahamas, Barbados, Belgium, Bhutan, Bolivia, Brazil, Bulgaria, Burma, Canada, Chad, Chile, China, Colombia, Democratic Yemen, Denmark, Fiji, Finland, France, Germany (Federal Republic of), Ghana, Iceland, Iran,⁴ Ireland, Israel, Italy, Ivory Coast, Japan, Kenya, Kuwait, Laos, Lebanon, Lesotho, Liberia, Luxembourg, Madagascar, Malawi, Nepal, Netherlands, New Zealand, Nigeria, Norway, Papua New Guinea, Peru, Philippines, Portugal, Romania, Rwanda, Senegal, Sierra Leone, Singapore, Spain, Sudan, Swaziland, Sweden, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Uganda, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Cameroon, United Republic of Tanzania, United States of America, Upper Volta, Uruguay, Venezuela, Yugoslavia, Zaire, Zambia.

The second amendment in document A/C.3/L.2178 was rejected by 26 votes to 20, with 73 abstentions.

49. The CHAIRMAN put to the vote the third amendment in document A/C.3/L.2178.

At the request of the representative of Turkey, a recorded vote was taken.

In favour: Afghanistan, Egypt, Guinea, Indonesia, Iran, Jordan, Madagascar, Malaysia, Morocco, Nigeria, Oman, Pakistan, Saudi Arabia, Tunisia, Turkey, Uruguay, Venezuela.

Against: Bolivia, Botswana, Bulgaria, Byelorussian Soviet Socialist Republic, Congo, Costa Rica, Cuba, Cyprus, Czechoslovakia, Dahomey, Dominican Republic, Ecuador, Gabon, Gambia, German Democratic Republic, Ghana, Greece, Grenada, Guyana, Hungary, Ivory Coast, Malta, Mexico, Mongolia, Niger, Panama, Poland, Portugal, Sri Lanka, Trinidad and Tobago, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Yugoslavia.

Abstaining: Algeria, Argentina, Australia, Austria, Bahamas, Bahrain, Barbados, Belgium, Bhutan, Brazil, Burma, Canada, Chad, Chile, China, Colombia, Democratic Yemen, Denmark, Fiji, Finland, France, Germany (Federal Republic of), Guatemala, Iceland, India, Ireland, Israel, Italy, Jamaica, Japan, Kenya, Kuwait, Laos, Lebanon, Lesotho, Liberia, Libyan Arab Republic, Luxembourg, Malawi, Mali, Mauritania, Mozambique, Nepal, Netherlands, New Zealand, Norway, Papua New Guinea, Peru, Philippines, Romania, Rwanda, Senegal, Sierra Leone, Singapore, Spain, Sudan, Swaziland, Sweden, Syrian Arab Republic, Thailand, Togo, Uganda, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Cameroon, United Republic of Tanzania, United States of America, Upper Volta, Zaire, Zambia.

The third amendment in document A/C.3/L.2178 was rejected by 33 votes to 17, with 70 abstentions.

⁴ The delegation of Iran subsequently stated that it had intended to vote in favour.

50. The CHAIRMAN put to the vote the fourth amendment in document A/C.3/L.2178.

At the request of the representative of Turkey, a recorded vote was taken.

In favour: Iran, Jordan, Morocco, Oman, Pakistan, Saudi Arabia, Turkey.

Against: Algeria, Botswana, Byelorussian Soviet Socialist Republic, Congo, Costa Rica, Cuba, Cyprus, Czechoslovakia, Dahomey, Democratic Yemen, Dominican Republic, Ecuador, Egypt, Fiji, Gabon, Gambia, German Democratic Republic, Ghana, Greece, Grenada, Guatemala, Guinea, Guyana, Hungary, India, Jamaica, Mali, Malta, Mexico, Mongolia, Niger, Panama, Poland, Senegal, Sri Lanka, Trinidad and Tobago, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Upper Volta, Uruguay, Venezuela, Yugoslavia.

Abstaining: Afghanistan, Argentina, Australia, Austria, Bahamas, Bahrain, Barbados, Belgium, Bhutan, Bolivia, Brazil, Bulgaria, Burma, Canada, Chad, Chile, China, Colombia, Denmark, Finland, France, Germany (Federal Republic of), Iceland, Indonesia, Ireland, Israel, Italy, Ivory Coast, Japan, Kenya, Kuwait, Laos, Lebanon, Lesotho, Liberia, Libyan Arab Republic, Luxembourg, Madagascar, Malawi, Malaysia, Mozambique, Nepal, Netherlands, New Zealand, Nigeria, Norway, Papua New Guinea, Peru, Philippines, Portugal, Romania, Rwanda, Sierra Leone, Singapore, Spain, Sudan, Swaziland, Sweden, Syrian Arab Republic, Thailand, Togo, Tunisia, Uganda, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Cameroon, United Republic of Tanzania, United States of America, Zaire, Zambia.

The fourth amendment in document A/C.3/L.2178 was rejected by 42 votes to 7, with 70 abstentions.

51. The CHAIRMAN put to the vote draft resolution A/C.3/L.2173/Rev.1.

At the request of the representative of Cyprus, a recorded vote was taken.

In favour: Algeria, Argentina, Austria, Bahrain, Barbados, Belgium, Bhutan, Bolivia, Botswana, Brazil, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Canada, Chile, Colombia, Congo, Costa Rica, Cuba, Cyprus, Czechoslovakia, Dahomey, Democratic Yemen, Denmark, Dominican Republic, Ecuador, Egypt, Fiji, Finland, France, Gabon, Gambia, German Democratic Republic, Germany (Federal Republic of), Ghana, Greece, Grenada, Guatemala, Guinea, Guyana, Hungary, Iceland, India, Ireland, Italy, Ivory Coast, Jamaica, Kenya, Kuwait, Laos, Lebanon, Lesotho, Liberia, Libyan Arab Republic, Luxembourg, Malawi, Malaysia, Mali, Malta, Mexico, Mongolia, Mozambique, Nepal, Netherlands, New Zealand, Niger, Nigeria, Norway, Panama, Peru, Philippines, Poland, Portugal, Romania, Rwanda, Senegal, Sierra Leone, Singapore, Spain, Sri Lanka, Sudan, Swaziland, Sweden, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United

States of America, Upper Volta, Uruguay, Venezuela, Yugoslavia, Zambia.

Against: Turkey.

Abstaining: Afghanistan, Australia, Bahamas, Chad, China, Indonesia, Iran, Israel, Japan, Jordan, Madagascar, Mauritania, Morocco, Oman, Pakistan, Papua New Guinea, Saudi Arabia, Tunisia, Uganda, United Republic of Cameroon, Zaire.

Draft resolution A/C.3/L.2173/Rev.1 was adopted by 98 votes to 1, with 21 abstentions.

52. Mr. LI Wen-chuan (China), speaking in explanation of vote, said that at the 2406th plenary meeting of the General Assembly on 14 November 1975 his delegation had expressed in a comprehensive manner his Government's position on the question of Cyprus. It deeply sympathized with the sufferings of the two communities and believed that the fate of Cyprus should be decided by the people of the island themselves. It therefore earnestly hoped that the Greek and Turkish communities and the parties concerned would take full account of the situation as a whole, eliminate super-Power meddling, interference and sabotage and hold patient and friendly consultations on the basis of equality, genuine sincerity and mutual understanding in order to seek an equitable and reasonable solution to the question.

53. Consequently, and in view of the fact that the parties concerned had not been able to reach agreement on draft resolution A/C.3/L.2173/Rev.1 and the amendments in document A/C.3/L.2178, his delegation had abstained in the voting on those texts.

54. Mr. CAMPBELL (Australia) said that his delegation had abstained in the vote on draft resolution A/C.3/L.2173/Rev.1, because it believed that the parties concerned in Cyprus should be engaged, not in recrimination and confrontation, but in bridge-building, in finding ways to reach agreement on the many seemingly impractical problems that separated them. By abstaining, it had not been his delegation's intention to indicate any lessening in its humanitarian concern for all the people of Cyprus. Australia had strong ties with the island and had welcomed to its shores many Cypriots who had come there to settle. Moreover, its record of support for both United Nations peace-keeping and United Nations social and humanitarian involvement in Cyprus was sufficiently good to dispel any suspicions that its motives were less than genuine.

55. His delegation believed that as the plenary General Assembly and the Special Political Committee had been assigned responsibility for discussing the question of Cyprus, they should equally be given an opportunity of arriving at a consensus on the over-all question, including agreement on what had been discussed in the Committee. It was imperative to seek ways and means to assist the Secretary-General to break the current impasse, to reconvene the intercommunal talks and to resolve the dispute once and for all. His delegation was not convinced that what the Committee had done necessarily led in that direction.

56. Mr. FARANI (Pakistan), speaking in explanation of vote, said that his delegation had consistently supported all initiatives in the Third Committee relating to humanitarian issues. It would have preferred to participate in a consensus on the question before the Committee. His delegation had hoped that the sponsors of draft resolution A/C.3/L.2173 would accept the amendments proposed in document A/C.3/L.2178 in view of their stated concern for the fate of the missing persons in Cyprus. His delegation considered that such an acceptance would have enabled the Committee to reach a consensus and it regretted that that had not proved possible.

57. Tracing and accounting for persons missing as a result of conflict was essentially a humanitarian activity. In that connexion, he said that ICRC had already investigated the matter. If the Committee had wished, it could have requested ICRC and other appropriate international organizations to renew their efforts to trace the persons in question.

58. In his delegation's opinion, the adoption of a draft resolution which invited the Secretary-General to exert efforts in that regard would only politicize an essentially humanitarian issue. His delegation had therefore been compelled to abstain in the vote on draft resolution A/C.3/L.2173/Rev.1.

59. Miss GUERRA (Madagascar), speaking in explanation of vote, said that her delegation had abstained because of its concern for justice, which it had always sought to uphold, and because it wished to reaffirm the objectives of the Committee. It regretted that the two delegations concerned had not been able to agree on the humanitarian action to be taken to alleviate the sufferings of the two communities in Cyprus.

60. Mr. MOUNGUEN (United Republic of Cameroon), speaking in explanation of vote, said that his delegation had abstained because it believed that the question should be solved by the people of Cyprus themselves on a humanitarian basis. It hoped that the two communities would reach agreement. Moreover, it thought that the appeal would be heeded by the two communities so that the awesome problem would soon be resolved.

61. Mr. SÖYLEMEZ (Turkey), speaking in explanation of vote, said that the apparently humanitarian issue before the Committee had been exploited by the Greek Cypriot delegation for its own narrow interests. To place the draft resolution in its proper perspective, his delegation had submitted a number of amendments, which had been voted on and rejected. His delegation had also proposed that a representative of the Turkish Cypriot community should be heard in the Committee on the question of the so-called missing persons. That proposal had not even been put to the vote as a result of procedural manoeuvring. In view of all those considerations, his delegation had had no choice but to vote against the draft resolution.

62. Mr. KLOSSON (United States of America), speaking in explanation of vote, said that his delegation had supported draft resolution A/C.3/L.2173/Rev.1, which it viewed in humanitarian terms.

63. The preceding year, his delegation had sponsored a draft resolution on assistance in accounting for persons who were missing or dead in armed conflicts, subsequently adopted by the General Assembly as resolution 3220 (XXIX). His delegation continued to be guided by the concern which had led it to submit that draft resolution. Failure to account satisfactorily for persons missing as a result of armed conflict caused inexcusable sorrow for the families of those missing and hampered international efforts to free captured persons who were still alive.

64. His delegation hoped that the countries concerned would do their utmost to locate and account for the missing persons.

65. Mr. SOBHY (Egypt) said that his delegation had supported the draft resolution because it believed that it was primarily humanitarian in nature and that it embodied

some of the points which the Turkish delegation had raised during the discussion.

66. Mr. DIEZ (Chile) said that his delegation had voted in favour of the draft resolution for humanitarian and not political reasons. It had wanted to ensure that peace was restored to the area. His delegation did not believe that intervention by the Secretary-General, given his position within the Organization, would politicize the situation in Cyprus.

67. Mr. SEPAHBODI (Iran) said that his delegation felt that draft resolution A/C.3/L.2173/Rev.1 had humanitarian goals. However, in order to be effective, it should have embodied the views of all concerned, which had not been the case. His delegation had therefore considered that the draft was inadequate and counter-productive; it had therefore abstained in the vote.

The meeting rose at 6.05 p.m.

2165th meeting

Thursday, 20 November 1975, at 3 p.m.

Chairman: Mr. Ladislav ŠMÍD (Czechoslovakia).

A/C.3/SR.2165

In the absence of the Chairman, Mrs. Shahani (Philippines), Vice-Chairman, took the Chair.

Tribute to the memory of General Francisco Franco Bahamonde, Head of the Spanish State

1. Mr. DIEZ (Chile) suggested that the Committee should observe a minute of silence to the memory of the late Head of the Spanish State.

On the proposal of the Chairman, the members of the Committee observed a minute of silence.

2. Miss BOCETA (Spain) expressed her delegation's gratitude to the members of the Committee, and to the representative of Chile in particular, for their expression of sympathy in connexion with the death of the Head of the Spanish State.

AGENDA ITEM 12

Report of the Economic and Social Council [chapters III (sections F, G, I, L and M), IV (sections A and C) and V] (continued) (A/10003, A/10284, A/10285, A/10295, A/10303, A/C.3/637, A/C.3/639, A/C.3/640, A/C.3/642, A/C.3/L.2175-2177, 2179, 2182, 2183, 2185, 2186 /Rev.1)

HUMAN RIGHTS QUESTIONS (continued)
(A/10003, chap. V, sect. B)

Consideration of draft resolutions (continued) (A/C.3/L.2175)

3. Mr. ELHOFARI (Libyan Arab Republic) said that he wished first of all to make some comments on the draft resolution submitted by the United States delegation on amnesty for political prisoners (A/C.3/L.2175).

4. All the countries of the third world attached paramount importance to individual freedoms and the dignity of mankind. They had therefore carried out a long struggle to ensure the dignity of mankind and had supported relevant documents in the United Nations. The peoples of the third world had thrown off foreign subjugation and had been able to achieve their freedom. They had fought for a better world for all peoples, a world in which man would truly be free. However, the imperialist countries were still intervening in the internal affairs of other States. For example, the information media constantly reported on attempts by the Central Intelligence Agency (CIA) to overthrow Governments or to attack Heads of State. It could be asked who was responsible for those attacks against man's dignity and integrity. The issue was quite complex. He was not opposed to the contents of draft resolution A/C.3/L.2175, but it had been sponsored by a country known throughout the world for its violation of human rights and for the suffering it had inflicted on peoples throughout the world, in particular the people of Indo-China. His country did not need lessons from the imperialist régimes, whose hands were stained with the blood of martyrs. The countries of the third world had sacrificed millions of people who had been martyrs for the dignity of mankind. He recalled that