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SUMMARY RECORD OF THE 56TH MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 14 March 1985, at 10 a.m.

Chairman: Mr. CHOWDHURY (Bangladesh)

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Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights

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The meeting was called to order at 10.30 a.m.

QUESTION OF THE REALIZATION IN ALL COUNTRIES OF THE ECONOMIC, SOCIAL AND CULTURAL RIGHTS CONTAINED IN THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND IN THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, AND STUDY OF SPECIAL PROBLEMS WHICH THE DEVELOPING COUNTRIES FACE IN THEIR EFFORTS TO ACHIEVE THESE HUMAN RIGHTS (agenda item 8) (continued) (E/CN.4/1985/L.52, L.65, L.68, L.82, L.88 and L.89)

Draft resolution E/CN.4/1985/L.65

1. Mr. FRAMBACH (German Democratic Republic), introducing draft resolution E/CN.4/1985/L.65 on behalf of the sponsors, which had been joined by Afghanistan, Argentina and the Byelorussian Soviet Socialist Republic, said that the purpose of the text was to emphasize the indivisibility, equality and interdependence of all human rights and to enable the Commission, which had expressed the desire to promote economic, social and cultural rights, to do precisely that. The second, third and fourth preambular paragraphs referred to universally accepted human rights instruments and reaffirmed the interdependence of all human rights. The fifth preambular paragraph listed the obstacles to the full realization of economic, social and cultural rights, and the tenth reaffirmed the close relationship between disarmament and development.
2. In operative paragraphs 1 and 2, the Commission appealed to all States to pursue a policy directed towards the implementation of all human rights and to create national and international conditions conducive to the enjoyment of those rights. Paragraph 3 urged the Sub-Commission on Prevention of Discrimination and Protection of Minorities to finalize its study on the right to food. In paragraph 4, the Directors-General of FAO, WHO, UNESCO and ILO were invited to submit to the Commission a concise report on the implementation of the rights to food, health, education and work respectively. In paragraph 5, the Sub-Commission was requested to examine the conclusions and recommendations of the report entitled "The Realization of Economic, Social and Cultural Rights: Problems, Policies, Progress".
3. The sponsors saw no reason why the draft resolution should not be adopted without a vote.
4. Mr. WIESNER (Observer for Austria) said that his Government had long been urging the international community to analyse and improve the implementation of economic, social and cultural rights. His delegation had submitted preliminary ideas on the subject to the Economic and Social Council, and during the consultations on the draft resolution under consideration, it had been pleased to see that many delegations shared its concern. Because of lack of time, the sponsors had been unable to consider many of Austria's proposals in depth, but he hoped that they would be taken into account in the future and that consultations on similar draft resolutions at the Commission's next session would begin earlier so that a more co-ordinated approach could be taken.

5. Mr. CLEMENT (France), supported by Mr. KOOIJMANS (Netherlands) said that in view of the complex relationships between the numerous texts on the right to development and the fact that draft resolution L.65 contained some of the wording which would be included in the declaration on the right to development, the text required further analysis. He accordingly proposed that no action should be taken on it as yet.
6. Mr. FRAMBACH (German Democratic Republic), supported by Ms. BOJKOVA (Bulgaria), opposed the proposal by France and requested that it should be put to a roll-call vote.
7. A vote was taken by roll-call on the proposal by France to postpone action on draft resolution E/CN.4/1985/L.65.
8. Venezuela, having been drawn by lot by the Chairman, was called upon to vote first.
- In favour: Australia, Austria, Finland, France, Germany, Federal Republic of, Ireland, Japan, Netherlands, Spain, United Kingdom of Great Britain and Northern Ireland, United States of America.
- Against: Argentina, Bangladesh, Brazil, Bulgaria, Cameroon, China, Colombia, Congo, Costa Rica, Cyprus, German Democratic Republic, India, Jordan, Kenya, Libyan Arab Jamahiriya, Mexico, Mozambique, Nicaragua, Peru, Philippines, Sri Lanka, Syrian Arab Republic, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Tanzania, Venezuela, Yugoslavia.
- Abstaining: Lesotho, Senegal.
9. The proposal by France was rejected by 27 votes to 11, with 2 abstentions.
10. Mr. GAGLIARDI (Brazil) said that his delegation would vote in favour of draft resolution L.65, even though it had some doubts about the request in paragraph 3 for another study by the Sub-Commission, which was already overloaded with requests for studies.
11. At the request of the representative of the German Democratic Republic, a vote was taken by roll-call on draft resolution E/CN.4/1985/L.65.
12. Cameroon, having been drawn by lot by the Chairman, was called upon to vote first.
- In favour: Argentina, Bangladesh, Brazil, Bulgaria, Cameroon, China, Colombia, Congo, Costa Rica, Cyprus, German Democratic Republic, India, Jordan, Kenya, Lesotho, Libyan Arab Jamahiriya, Mexico, Mozambique, Nicaragua, Peru, Philippines, Senegal, Sri Lanka, Syrian Arab Republic, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Tanzania, Venezuela, Yugoslavia.
- Against: France, Germany, Federal Republic of, Japan, Netherlands, United Kingdom of Great Britain and Northern Ireland, United States of America.
- Abstaining: Australia, Austria, Finland, Ireland, Spain.
13. Draft resolution E/CN.4/1985/L.65 was adopted by 29 votes to 6, with 5 abstentions.

Draft resolution E/CN.4/1985/L.52 and amendments thereto (E/CN.4/1985/L.88)

14. The CHAIRMAN said that since document E/CN.4/1985/L.88 contained amendments to draft resolution E/CN.4/1985/L.52, the Commission would vote on the amendments first.
15. Mr. MTANGO (United Republic of Tanzania) requested that the amendments contained in paragraphs 2, 4, 5, 7 and 9 of document L.88 should be voted on first, in that order and by roll-call, and that the remaining amendments should be voted on as a group, also by roll-call.
16. Mr. PRASAD (India), speaking in explanation of vote, said that the best way of promoting the right to development was through the participation of all interested parties. The declaration on the subject should be supported as widely as possible, but his delegation was not convinced that the Working Group of Governmental Experts on the Right to Development was best qualified to mobilize such support. It had made no progress on many issues and had often attempted to reverse agreements already reached in the General Assembly and the Economic and Social Council. The problems created by the extreme positions adopted by a few members could perhaps be resolved by a body which was better equipped to take political decisions.
17. Viewed from the position of the non-aligned countries, draft resolution L.52 was unacceptable. Several ideas which were extremely important to the non-aligned and developing countries were conspicuous by their absence. Those ideas included the following: that equality of opportunities for development was as much a prerogative of nations as of individuals; that the ultimate aim of development was full popular participation and fair distribution of benefits; that the right to development was an inalienable human right; that all human rights were indivisible and interdependent; and that the essential objectives of the effort to create a new international economic order were to strengthen the economic independence of all nations and to promote individual and collective self-reliance. The fact that those ideas had not been included in the draft resolution seemed to indicate that an attempt was being made to reverse agreements reached in the Working Group and the Commission. That would seriously prejudice chances of achieving results consistent with the position of the non-aligned countries.
18. His delegation supported the amendments contained in document L.88, although it wished that a clearer indication had been given of how the Working Group would promote the right to development and what would be its relationship with other United Nations bodies attempting to take similar action.
19. Replying to a question asked by the representative of Cameroon, he said that the references in his statement to the non-aligned position should be understood as his delegation's interpretation of that position.

20. Mr. SENE (Senegal) said that, in his delegation's view, the draft resolution did not prejudice the contents of the declaration on the right to development and was simply procedural. Although his delegation had no substantive objection to the amendments, it feared that they might prejudice the consultations on similar texts within the Working Group of Governmental Experts. It was to be hoped that when the draft declaration was finally submitted to the General Assembly, a consensus could be reached so that a credible legal text could be adopted and ratified by all members of the international community.

21. A vote was taken by roll-call on the amendment contained in paragraph 2 of document E/CN.4/1985/L.88.

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

In favour: Argentina, Bangladesh, Brazil, Bulgaria, Cameroon, China, Colombia, Congo, Costa Rica, Cyprus, Gambia, German Democratic Republic, India, Jordan, Kenya, Lesotho, Liberia, Libyan Arab Jamahiriya, Mexico, Mozambique, Nicaragua, Peru, Philippines, Sri Lanka, Syrian Arab Republic, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Tanzania, Venezuela, Yugoslavia.

Against: Finland, Germany, Federal Republic of, Ireland, Japan, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Australia, Austria, Spain.

23. The amendment contained in paragraph 2 of document E/CN.4/1985/L.88 was adopted by 30 votes to 6, with 3 abstentions.

24. A vote was taken by roll-call on paragraph 4 of document E/CN.4/1985/L.88.

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

In favour: Argentina, Bangladesh, Brazil, Bulgaria, Cameroon, China, Colombia, Congo, Costa Rica, Cyprus, Gambia, German Democratic Republic, India, Jordan, Kenya, Lesotho, Liberia, Libyan Arab Jamahiriya, Mexico, Mozambique, Nicaragua, Peru, Philippines, Sri Lanka, Syrian Arab Republic, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Tanzania, Venezuela, Yugoslavia.

Against: Finland, Germany, Federal Republic of, Ireland, Japan, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Australia, Austria, Spain.

26. Paragraph 4 of document E/CN.4/1985/L.88 was adopted by 30 votes to 6, with 3 abstentions.

27. A vote was taken by roll-call on paragraph 5 of document E/CN.4/1985/L.88.

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

In favour: Argentina, Bangladesh, Brazil, Bulgaria, Cameroon, China, Colombia, Congo, Costa Rica, Cyprus, Gambia, German Democratic Republic, India, Jordan, Kenya, Lesotho, Liberia, Libyan Arab Jamahiriya, Mexico, Mozambique, Nicaragua, Peru, Sri Lanka, Syrian Arab Republic, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Tanzania, Venezuela, Yugoslavia.

Against: Finland, Germany, Federal Republic of, Ireland, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Australia, Austria, Japan, Philippines, Spain.

29. Paragraph 5 of document E/CN.4/1985/L.88 was adopted by 29 votes to 5, with 5 abstentions.

30. A vote was taken by roll-call on paragraph 7 of document E/CN.4/1985/L.88.

31. Costa Rica, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Argentina, Bangladesh, Brazil, Bulgaria, Cameroon, China, Colombia, Congo, Costa Rica, Cyprus, Gambia, German Democratic Republic, India, Jordan, Kenya, Lesotho, Liberia, Libyan Arab Jamahiriya, Mexico, Mozambique, Nicaragua, Peru, Philippines, Sri Lanka, Syrian Arab Republic, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Tanzania, Venezuela, Yugoslavia.

Against: None.

Abstaining: Australia, Austria, Finland, Germany, Federal Republic of, Ireland, Japan, Spain, United Kingdom of Great Britain and Northern Ireland, United States of America.

32. Paragraph 7 of document E/CN.4/1985/L.88 was adopted by 30 votes to none, with 9 abstentions.

33. A vote was taken by roll-call on paragraph 9 of document E/CN.4/1985/L.88.

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

In favour: Argentina, Bangladesh, Brazil, Bulgaria, Cameroon, China, Colombia, Congo, Costa Rica, Cyprus, Gambia, German Democratic Republic, India, Jordan, Kenya, Lesotho, Liberia, Libyan Arab Jamahiriya, Mexico, Mozambique, Nicaragua, Peru, Philippines, Sri Lanka, Syrian Arab Republic, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Tanzania, Venezuela, Yugoslavia.

Against: Finland, Germany, Federal Republic of, Ireland, Japan, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Australia, Austria, Spain.

35. Paragraph 9 of document E/CN.4/1985/L.88 was adopted by 30 votes to 6, with 3 abstentions.

36. Mr. MOONYANE (Lesotho) proposed that in paragraph 12 of document L.88 the words "at its forty-first session" should be inserted after "General Assembly".

37. Mr. MIRANDA (Nicaragua) said that the sponsors of the amendments could not accept the Lesotho amendment because it would prejudice the work of the General Assembly.

38. Sir Anthony WILLIAMS (United Kingdom) said that the amendment proposed by Lesotho would make it seem that the Commission was giving instructions to the General Assembly. His delegation therefore requested a separate vote on the amendment.

39. Mr. de PIEROLA (Peru) said that his delegation would vote against the amendment proposed by Lesotho for the reasons given by the representative of the United Kingdom.

40. Mr. MTANGO (United Republic of Tanzania) said that there was no question of the Commission, as a subsidiary body, giving instructions to the Assembly. The proposed amendment left the Assembly free to take whatever decision it wished.

41. At the request of the representative of Nicaragua, a vote was taken by roll-call on the amendment proposed by Lesotho.

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

In favour: Kenya, Lesotho, Netherlands.

Against: Argentina, Australia, Austria, Bangladesh, Brazil, Bulgaria, China, Colombia, Congo, Costa Rica, Cyprus, German Democratic Republic, Germany, Federal Republic of, India, Jordan, Libyan Arab Jamahiriya, Mexico, Mozambique, Nicaragua, Peru, Philippines, Sri Lanka, Syrian Arab Republic, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Tanzania, Venezuela, Yugoslavia.

Abstaining: Finland, Ireland, Japan, Liberia, Spain, United Kingdom of Great Britain and Northern Ireland, United States of America.

43. The amendment proposed by Lesotho was rejected by 28 votes to 3, with 7 abstentions.

44. The CHAIRMAN invited the Commission to vote on whether it wished to retain the following words which had been proposed for inclusion at the end of paragraph 12 of document E/CN.4/1985/L.88: "with a view to the Assembly being able to adopt a declaration on the right to development".

45. Mr. de PIEROLA (Peru) said that his delegation would cast an affirmative vote because, in its view, it was necessary for the Commission to indicate to the Assembly why it was transmitting the report in question. He requested that the vote should be taken by roll-call.

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

In favour: Argentina, Bangladesh, Brazil, Bulgaria, China, Colombia, Congo, Costa Rica, Cyprus, German Democratic Republic, India, Libyan Arab Jamahiriya, Mexico, Mozambique, Nicaragua, Peru, Philippines, Sri Lanka, Syrian Arab Republic, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Tanzania, Venezuela, Yugoslavia.

Against: Australia, Austria, Finland, Germany, Federal Republic of, Ireland, Japan, Jordan, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Cameroon, Gambia, Kenya, Lesotho, Liberia, Spain.

47. The amendment was adopted by 24 votes to 9, with 6 abstentions.

48. A vote was taken by roll-call on paragraphs 1, 3, 6 and 10-16 of document E/CN.4/1985/L.88.

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

In favour: Argentina, Bangladesh, Brazil, Bulgaria, China, Colombia, Congo, Costa Rica, Cyprus, German Democratic Republic, India, Jordan, Libyan Arab Jamahiriya, Mexico, Mozambique, Nicaragua, Peru, Philippines, Sri Lanka, Syrian Arab Republic, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Tanzania, Venezuela, Yugoslavia.

Against: Australia, Austria, Finland, Germany, Federal Republic of, Ireland, Japan, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Cameroon, Gambia, Kenya, Lesotho, Liberia, Spain.

50. Paragraphs 1, 3, 6 and 10-16 of document E/CN.4/1985/L.88 were adopted by 25 votes to 8, with 6 abstentions.

51. Mr. COLLIARD (France), speaking in explanation of vote before the vote on draft resolution E/CN.4/1985/L.52 as amended, said that his delegation had not participated in the vote on the amendments to draft resolution L.52, and would vote against the draft resolution as amended because of the contradictions and illogicalities it contained.

52. Mr. ATANGANA (Cameroon) said that, during the discussion of the item at the previous meeting, his delegation had seen no contradiction between the provisions of draft resolution L.52 and the proposed amendments contained in draft resolution L.88, and had considered that any difficulties were of a purely procedural nature. His delegation could not endorse the proposal to transmit the report of the Working Group and the summary records of the Commission's discussion on the question to the General Assembly. The amendments made to draft resolution L.52 had entirely changed its import; his delegation was, therefore, reluctantly obliged to withdraw its sponsorship of the draft resolution.

53. Mr. KOOLJMANS (Netherlands), speaking also on behalf of the observer delegation of Belgium, said that both delegations wished to withdraw their sponsorship of draft resolution L.52, since the amendments had changed its entire tenor. His delegation would vote against draft resolution L.52 as amended.

54. Mr. MAHONEY (Gambia) said that his delegation had been unable to endorse certain amendments which had been made to draft resolution L.52 and had voted on them accordingly. His delegation wished to withdraw its sponsorship of draft resolution E/CN.4/1985/L.52 as amended.

55. Mr. SENE (Senegal) said that the Commission should not prejudge the results of the discussion in the Working Group, of which he was Chairman. He could have withdrawn draft resolution L.52 altogether, but hoped that a spirit of consensus would prevail and enable agreement to be reached at the fortieth session of the General Assembly.

56. Speaking also on behalf of the observer delegation of Somalia, he said that both delegations wished to withdraw their sponsorship of draft resolution L.52.
57. Mr. MTANGO (United Republic of Tanzania), speaking on a point of order, said that, since the Somalian delegation had not been present at the meeting, it must be unaware of the amendments made to the draft resolution under discussion, and asked whether it was in order for Somalia's sponsorship of the draft resolution to be withdrawn.
58. Mr. MOONYANE (Lesotho) said that the amendments made to the draft resolution under discussion had changed the text so much that it no longer resembled the original. His delegation was thus obliged to withdraw its sponsorship.
59. Mr. FERNANDEZ (Liberia) and Mr. KIILU (Kenya) said that their delegations wished to withdraw their sponsorship of the draft resolution under discussion.
60. Mr. MTANGO (United Republic of Tanzania) expressed regret at the failure to reach a consensus on the right to development. States were free to choose whether or not to sponsor a draft resolution, and the fact that some delegations had felt obliged to withdraw their sponsorship should not give rise to alarm. His delegation had not sponsored draft resolution L.52 or the amendments thereto contained in document L.88, but it was willing to endorse the amendments which had been made and wished to become a sponsor of draft resolution L.52 as amended.
61. Mr. KLENNER (German Democratic Republic), Mr. RAVENNA (Argentina), Ms. BOJKOVA (Bulgaria), Mr. BIKOU-M'BYS (Congo), Mr. ALVARADO (Nicaragua), Mrs. MACHAVELA (Mozambique), Mr. FERJANI (Libyan Arab Jamahiriya) and Mr. PAZ CLARCS (Observer for Bolivia) requested that their delegations should be added to the sponsors of the draft resolution under discussion.
62. The CHAIRMAN said that the observer for Cuba had likewise requested that his delegation should be added to the sponsors of the draft resolution.
63. Mr. EKBLUM (Finland) said that his delegation had been greatly concerned about the manner in which the important question of the right to development had been treated at the current session of the Commission. Agreement on the question should be reached by consensus, rather than by majority vote. He proposed that the Commission should take no decision on draft resolution L.52 as amended, but should adopt a decision incorporating the elements of operative paragraphs 2, 3 and 4 of the original text of draft resolution L.52.
64. Sir Anthony WILLIAMS (United Kingdom) said that his delegation had voted against the proposed amendments to draft resolution L.52 since in its view they constituted substantive changes rather than amendments. No real progress could be made in a situation which prompted delegations to vote against a resolution they had sponsored in its original form. His delegation considered that an adequate consensus had not been reached on the issues under discussion, and would accordingly vote against draft resolution L.52 as amended.

65. Mr. HÖYNCK (Federal Republic of Germany) said that his delegation would vote against draft resolution L.52 as amended because of the amendments which had been made. His delegation nevertheless believed in the importance of the right to development and would work to achieve a consensus on the question.
66. Mr. CURTIN (Australia) said that 43 countries had expressed concern at the failure to reach a consensus on the right to development. He regretted the failure of the non-aligned countries to reach agreement, which had meant that no wider agreement could be reached, and deplored the necessity for so many votes. For that reason, his delegation had abstained in the vote on the amendments to draft resolution L.52. It considered that the question had not been sufficiently discussed in the Commission and thus opposed the proposal to transmit the Working Group's report and the summary records of the Commission's discussion on the question to the General Assembly. For that reason, it would vote against draft resolution L.52 as amended.
67. His delegation supported the idea of a declaration on the right to development, but it was too soon to refer the matter to the General Assembly. Australia was a member of the Working Group and understood that an initiative on the lines of a declaration could be effective only if consensus was reached. He hoped that the experience gained during the current session would enable the Working Group to make more rapid progress in the future.
68. Mrs. OGATA (Japan) said that her delegation would vote against draft resolution L.52 as a whole. A careful and considered consensus was essential if a draft declaration on the right to development was to be drawn up. Her delegation considered that in the original operative paragraph 5 of draft resolution L.52, the words "for the purpose of securing the widest possible consultation" should be retained.
69. Mr. SAKER (Syrian Arab Republic) endorsed the need for a consensus on the issue of the right to development. The Working Group had spent a great deal of time seeking a consensus, but some Western countries had been unwilling to take into account instruments such as the International Covenants on Human Rights. The problem lay not with those countries which supported the amendments to the draft resolution, but with those which opposed the amendments. His delegation would vote in favour of draft resolution L.52 as a whole. It was interesting to note that some Western countries had even requested a vote on draft resolution E/CN.4/1985/L.65 on the right to food, which would establish standards and offer a short-term solution to the problem.
70. Mr. PALACIOS (Spain) said that his delegation had abstained in the vote on the amendments to the draft resolution L.52 contained in document L.88, and would abstain in the vote on draft resolution L.52 as a whole, in order to make clear its regret at the failure to reach a consensus on such an important issue. The draft resolution as amended contained many contradictions, and it should not have been necessary to bring the issue to a vote.

71. Mr. SCHIFTER (United States of America) said that the Commission should remember the world outside the conference room. The hungry children of the world needed food, not more United Nations resolutions. The Conference on the Emergency Situation in Africa, which had been held earlier that week, had produced real results. The Chairman of the Working Group of Governmental Experts on the Right to Development had done his best to achieve a consensus, but his advice had not been heeded: the result was a useless piece of paper which would achieve no practical results.

72. Mr. WIESNER (Austria) reiterated his Government's position that the right to development should be declared an inalienable right of individuals and groups. He hoped that the Working Group would pursue its efforts and reach agreement shortly.

73. Mr. ATANGANA (Cameroon) said that a previous speaker had implied that the failure of the non-aligned group to reach agreement had been the cause of the Commission's current difficulties. Members of the non-aligned group inevitably held differing opinions since, by definition, it was not a political bloc; however, the views of the non-aligned countries were basically in harmony, as shown by their voting pattern on the amendments contained in document L.88. The report of the Working Group of Governmental Experts on the Right to Development (E/CN.4/1985/11) contained a draft resolution submitted by the non-aligned group. He could not endorse the proposal in document L.88, paragraph 12, that the report of the Working Group and the summary records of the Commission's discussion on the question should be transmitted through the Economic and Social Council to the General Assembly. In resolution 39/145, the General Assembly had already requested the Secretary-General to transmit to it a detailed report on the progress made by the Working Group. It was difficult to see why there was so much disagreement on the issue, and he hoped that the representative of Finland would not press his proposal.

74. Mr. de PIEROLA (Peru), referring to the amendments to draft resolution L.52, said that everyone agreed on the need for action to combat the critical economic situation prevailing in Africa and Latin America. There could surely be no objection, therefore, to the substance of the proposed amendments, and he appealed to all delegations to bear in mind the need for a new international economic order and to support the amended text. Adoption of that text would not put an end to the Working Group; it would simply have the effect of informing the General Assembly of the Working Group's progress, and the Assembly would accordingly take whatever decision it deemed fitting.

75. Mr. BARAKAT (Jordan) said that his delegation had voted in favour of the amendments to draft resolution L.52. However, it regretted that a text on the topic in question could not be adopted by consensus and sincerely hoped that consensus could be achieved on all similar occasions in the future.

76. Mr. MTANGO (United Republic of Tanzania) agreed with the representative of Cameroon that the non-aligned countries had in no way been divided on the substance of the matter; the only differences expressed had been of a procedural nature. In particular, it had been unanimously felt that the Working Group of Governmental Experts on

the Right to Development should continue its task. The purpose of requesting separate votes on the various paragraphs had been to record that fact and to show on what points views had differed.

77. Mrs. GU Yijie (China) said that her delegation regretted the lack of consensus on draft resolution L.52. It hoped that, in future, a more united and progressive approach could be made to such an important topic as a declaration on the right to development. It supported the proposed amendments to the draft resolution, and felt that after the question had been considered in the General Assembly it might be possible to achieve greater progress.

78. Mr. FERJANI (Libyan Arab Jamahiriya) said that ingratitude was one of the hardest attitudes to understand or accept. His delegation expressed its highest appreciation to the Working Group and its Chairman, who had ably and tactfully represented the interests of the African continent as a whole. His delegation had striven to achieve a compromise solution, in recognition of the efforts made by the Senegalese and Yugoslav delegations on behalf of the third-world countries. It also appreciated the Cuban delegation's efforts to solve the problems faced in the Commission.

79. His country, as a developing nation, had carefully followed the progress of negotiations in UNCTAD and other United Nations forums on the third world's development needs. With reference to the observations made by the United States representative, the developing countries were ready to use all available means, including declarations, in their efforts to assert their rights; they would never be deterred from those efforts, but would continue to intensify them in the Commission and all other international forums.

80. Mr. GAGLIARDI (Brazil) endorsed the appreciation expressed for the efforts made by the Chairman of the Working Group. His delegation agreed that the non-aligned and developing countries had been united on the substance of the question at issue, and had differed merely on procedural points - as the voting pattern had shown. No sharp division could be said to have existed. A consensus decision would have been desirable, of course, but the third-world delegations had not opposed the request for a vote. They did not presume to lecture others on how to proceed and expected no such lectures in return.

81. Mr. LABRADOR RUBIO (Venezuela) said that his delegation had voted in favour of the amendments to draft resolution L.52, and would vote in favour of the draft resolution as amended, since it felt that the General Assembly was the forum in which to take the necessary decision. However, it recorded its regret at the way in which the Commission's consideration of the draft resolution had developed.

82. Mr. EKBLOM (Finland) said that the reason for his delegation's proposal was the division within the Commission revealed by the deliberations and the attendant procedural difficulties. The Commission had a duty to produce a basis for continued efforts which would avoid any approach not conducive to maintaining the substantive interest of all members in the subject.

83. At the request of the representative of Bulgaria, a vote was taken by roll-call on the proposal made by Finland.

84. The Gambia, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Australia, Austria, Finland, France, Germany, Federal Republic of, Ireland, Japan, Kenya, Netherlands, Senegal, United Kingdom of Great Britain and Northern Ireland, United States of America.

Against: Argentina, Bangladesh, Brazil, Bulgaria, China, Colombia, Congo, Cyprus, German Democratic Republic, India, Jordan, Liberia, Libyan Arab Jamahiriya, Mexico, Mozambique, Nicaragua, Peru, Philippines, Sri Lanka, Syrian Arab Republic, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Tanzania, Venezuela, Yugoslavia.

Abstaining: Cameroon, Gambia, Spain.

85. The proposal made by Finland was rejected by 25 votes to 12, with 3 abstentions.

86. At the request of the representative of Bulgaria, a vote was taken by roll-call on draft resolution E/CN.4/1985/L.52, as amended.

87. The Libyan Arab Jamahiriya, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Argentina, Bangladesh, Brazil, Bulgaria, China, Colombia, Congo, Costa Rica, Cyprus, German Democratic Republic, India, Jordan, Libyan Arab Jamahiriya, Mexico, Mozambique, Nicaragua, Peru, Philippines, Sri Lanka, Syrian Arab Republic, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Tanzania, Venezuela, Yugoslavia.

Against: Australia, Austria, Finland, France, Germany, Federal Republic of, Ireland, Japan, Netherlands, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Cameroon, Gambia, Kenya, Lesotho, Liberia, Spain.

88. Draft resolution E/CN.4/1985/L.52, as amended, was adopted by 25 votes to 10, with 6 abstentions.

89. The CHAIRMAN observed that the financial implications of the resolution just adopted remained as set forth in document E/CN.4/1985/L.89.

Draft resolution E/CN.4/1985/L.68

90. Mrs. DJORDJEVIĆ (Yugoslavia) introduced draft resolution E/CN.4/1985/L.68 on behalf of the sponsors. She pointed out that the text was similar in substance to that submitted on the same topic at the Commission's previous session, except for new elements reflected in the requests to the Secretary-General in operative paragraphs 3 and 5.

91. Draft resolution E/CN.4/1985/L.68 was adopted without a vote.

Draft resolution E/CN.4/1985/L.82

92. The CHAIRMAN announced that draft resolution E/CN.4/1985/L.82 had been withdrawn by the sponsors.

The meeting rose at 1.05 p.m.