



UNITED NATIONS
GENERAL
ASSEMBLY



PROVISIONAL

A/37/PV.111
8 January 1983

ENGLISH

Thirty-seventh session

GENERAL ASSEMBLY

PROVISIONAL VERBATIM RECORD OF THE ONE HUNDRED AND ELEVENTH MEETING

Held at Headquarters, New York,
on Saturday, 18 December 1982, at 10.30 a.m.

President:

Mr. HOLLAI

(Hungary)

- Elimination of all forms of religious intolerance: report of the Third Committee /84/ (continued)
- Human rights and scientific and technological developments: report of the Third Committee /85/ (continued)
- Question of a convention on the rights of the child: report of the Third Committee /86/ (continued)
- International Covenants on Human Rights: report of the Third Committee /87/ (continued)
- Torture and other cruel, inhuman or degrading treatment or punishment: report of the Third Committee /88/ (continued)
- Office of the United Nations High Commissioner for Refugees: /90/ (continued)
 - (a) Report of the Third Committee
 - (b) Report of the Fifth Committee

/...

This record contains the original text of speeches delivered in English and interpretations of speeches in the other languages. The final text will be printed in the Official Records of the General Assembly.

Corrections should be submitted to original speeches only. They should be sent under the signature of a member of the delegation concerned, within one week, to the Chief of the Official Records Editing Section, Department of Conference Services, room A-3550, 866 United Nations Plaza, and incorporated in a copy of the record.

- International campaign against traffic in drugs: report of the Third Committee /93/ (continued)
- Alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms: /94/ (continued)
 - (a) Report of the Third Committee
 - (b) Amendments
- New international humanitarian order: report of the Third Committee /95/ (continued)
- Elections to fill vacancies in subsidiary organs and other elections: /16/ (continued)
 - (g) Election of the United Nations High Commissioner for Refugees: report of the Secretary-General

The meeting was called to order at 11.10 a.m.

AGENDA ITEMS 84 TO 88, 90, AND 93 TO 95 (continued)

ELIMINATION OF ALL FORMS OF RELIGIOUS INTOLERANCE: REPORT OF THE THIRD COMMITTEE (A/37/715)

HUMAN RIGHTS AND SCIENTIFIC AND TECHNOLOGICAL DEVELOPMENTS: REPORT OF THE THIRD COMMITTEE (A/37/716)

QUESTION OF A CONVENTION ON THE RIGHTS OF THE CHILD: REPORT OF THE THIRD COMMITTEE (A/37/717)

INTERNATIONAL COVENANTS ON HUMAN RIGHTS: REPORT OF THE THIRD COMMITTEE (A/37/718)

TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT: REPORT OF THE THIRD COMMITTEE (A/37/727)

OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES:

(a) REPORT OF THE THIRD COMMITTEE (A/37/692)

(b) REPORT OF THE FIFTH COMMITTEE (A/37/757)

INTERNATIONAL CAMPAIGN AGAINST TRAFFIC IN DRUGS: REPORT OF THE THIRD COMMITTEE (A/37/728)

ALTERNATIVE APPROACHES AND WAYS AND MEANS WITHIN THE UNITED NATIONS SYSTEM FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS:

(a) REPORT OF THE THIRD COMMITTEE (A/37/693)

(b) AMENDMENTS (A/37/L.56, A/37/L.57)

NEW INTERNATIONAL HUMANITARIAN ORDER: REPORT OF THE THIRD COMMITTEE (A/37/746)

The PRESIDENT: As members will recall, the reports on the items now before the Assembly were introduced by the Rapporteur of the Third Committee at yesterday afternoon's plenary meeting.

The Assembly will first consider the report of the Third Committee on agenda item 84, entitled "Elimination of all forms of religious intolerance".

(The President)

The Assembly will now take a decision on the draft resolution contained in paragraph 8 of the report of the Third Committee in document A/37/715. That draft resolution, entitled "Elimination of all forms of religious intolerance", was adopted by the Third Committee without a vote. May I take it that the General Assembly wishes to do the same?

The draft resolution was adopted (resolution 37/187).

The PRESIDENT: The representative of Iraq wishes to explain the position of his delegation on the draft resolution, and I call on him.

Mr. HUSSAIN (Iraq) (interpretation from Arabic): My delegation joined in the consensus on the draft resolution concerning the elimination of all forms of religious intolerance, in view of the importance of this subject. In this connection, my delegation would like to explain its position.

First of all, my delegation would like to express its appreciation for the efforts made by the delegation of Ireland and the other sponsors of the draft resolution and to thank them for their work.

On this occasion I should like to refer briefly to the fact that my Government takes great care in respecting all religions and all denominations in view of its basic principle that the citizens have full freedom of religion outside the political framework provided that it is not in contravention of the revolutionary approach to the building of a new society and the applicable laws and regulations. My country has respected the clergy and taken care of them and their families and has given reconsideration to their pay scales and entitlements, in addition to providing proper housing for them. We have also begun to distribute blocks of land for housing free to the clergy as a result of co-ordination between the Ministry of the Interior and the Ministry of Trust Lands and Religious Affairs, and they are categorized as having the same status as the military, the judiciary and men of letters. The concern of my Government extends beyond religion and places of worship to include all Christian places of worship and holy places, and the same applies to all other religions in our country.

The PRESIDENT: The Assembly has concluded its consideration of agenda item 84.

Next we turn to the report of the Third Committee on agenda item 85, entitled "Human rights and scientific and technological developments". The report is contained in document A/37/716.

I call on the representative of Democratic Kampuchea, who wishes to speak in explanation of vote before the voting.

Mr. NGO PIN (Democratic Kampuchea): My delegation will vote in favour of both draft resolutions contained in document A/37/716, but with regard to draft resolutions II A and B it wishes to make some comments in explanation of vote before the voting.

With regard to draft resolution II A, my delegation has given serious consideration to the eleventh preambular paragraph and operative paragraph 2. The first recalls the historic responsibility of the Governments of all countries of the world to remove the threat of war, to preserve civilization and ensure that everyone enjoys his inherent right to life. . The second stresses the urgent need for all possible efforts by the international community to strengthen peace, remove the threat of war and prevent violations of the principles of the United Nations Charter regarding the sovereignty and territorial integrity of States and self-determination of peoples, thus contributing to assuring the right to life.

It is well known in our Assembly that in Kampuchea, my country, it is not merely a threat of war but rather a real war that is occurring, as a result of foreign invasion and occupation. The thousand-year-old Kampuchean civilization and culture are being devastated every day; as a matter of fact the nation and people of Kampuchea as a whole not only cannot exercise their sacred right to self-determination but have now been threatened with extinction because of foreign aggression and occupation.

As for draft resolution II B, my delegation wishes to draw the attention of the Assembly to operative paragraph 2, which calls upon all States to make every effort to use the achievements of science and technology in order to promote peaceful social, economic and cultural development and progress. The facts show that almost everything we have achieved thanks to scientific and technological development has been totally destroyed or looted by the invaders, who have been making intensive use of sophisticated conventional weapons and chemical weapons provided and supplied by the science and technology of their master, whose representatives are claiming here to be co-sponsors of this draft resolution.

(Mr. Ngo Pin, Democratic Kampuchea)

In this respect, my delegation feels it necessary to place on record its strong reservations about the inclusion of Viet Nam as a sponsor of these two draft resolutions, for the actual deeds and policy of Viet Nam are in total contradiction with the essence of the draft resolutions.

The PRESIDENT: The Assembly will now take decisions on the draft resolutions recommended by the Third Committee in paragraph 16 of its report in document A/37/716.

The Assembly will first take a decision on draft resolution T. The Third Committee adopted that draft resolution without a vote. May I take it that the Assembly wishes to do the same?

Draft resolution I was adopted (resolution 37/188).

The PRESIDENT: We turn now to draft resolution II, which has two parts, A and B. The Assembly will first vote on draft resolution II A.

A recorded vote has been requested.

A recorded vote was taken.

In favour: Afghanistan, Algeria, Angola, Argentina, Bahamas, Bahrain, Bangladesh, Barbados, Benin, Bhutan, Bolivia, Botswana, Brazil, Bulgaria, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cape Verde, Central African Republic, Chad, Chile, Colombia, Congo, Costa Rica, Cuba, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Fiji, Gabon, Gambia, German Democratic Republic, Ghana, Greece, Guatemala, Guinea, Guyana, Hungary, India, Indonesia, Iran (Islamic Republic of), Iraq, Ivory Coast, Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malaysia, Maldives, Mali, Malta, Mauritania, Mexico, Mongolia, Morocco, Mozambique, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea,

Paraguay, Peru, Philippines, Poland, Qatar, Romania, Samoa, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Sri Lanka, Sudan, Suriname, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Cameroon, United Republic of Tanzania, Upper Volta, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia, Zimbabwe

Against: None

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

Draft resolution II A was adopted by 110 votes to none, with 24 abstentions (resolution 37/189 A).*

The PRESIDENT: We shall now vote on draft resolution II B.

A recorded vote has been requested.

A recorded vote was taken.

In favour: Afghanistan, Algeria, Angola, Argentina, Bahamas, Bahrain, Bangladesh, Barbados, Benin, Bhutan, Bolivia, Botswana, Brazil, Bulgaria, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Congo, Costa Rica, Cuba, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Fiji, Gabon, Gambia, German Democratic Republic,

* Subsequently, the delegation of Cyprus advised the Secretariat that it had intended to vote in favour.

Ghana, Greece, Guatemala, Guinea, Guyana, Hungary, India, Indonesia, Iran (Islamic Republic of), Iraq, Ivory Coast, Jamaica, Japan, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malaysia, Maldives, Mali, Malta, Mauritania, Mexico, Mongolia, Morocco, Mozambique, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Qatar, Romania, Samoa, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Sri Lanka, Sudan, Suriname, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Cameroon, United Republic of Tanzania, Upper Volta, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia, Zimbabwe

Against: None

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

Draft resolution II B was adopted by 113 votes to none, with 21 abstentions (resolution 37/189 B).*

The PRESIDENT: I call on the representative of the United States, who wishes to explain her vote.

* Subsequently, the delegation of Cyprus advised the Secretariat that it had intended to vote in favour.

Mr. RITTERHOFF (United States of America): My delegation warmly welcomes the adoption of draft resolution I, concerning the protection of persons detained on the grounds of mental ill health. As we emphasized in our statement on this item, the use of psychiatric facilities and methods against individuals for political reasons is a continuing gross, especially cruel and flagrant abuse of human rights and fundamental freedoms, above all in one particular country. The fifth preambular paragraph of draft resolution I thus also reaffirms the conviction of my Government that the detention of persons in mental institutions on account of their political views or on other non-medical grounds is a violation of their human rights. My Government strongly supports the work of the Sub-commission on Prevention of Discrimination and Protection of Minorities outlined in draft resolution I. We believe that the Commission on Human Rights and the Sub-commission should accord the highest priority to completing initial consideration of the question of protecting those detained on the grounds of mental ill health, including the examination and eventual adoption of guidelines, principles and guarantees for the protection of the mentally ill or persons suffering from mental disorder. My Government joins the Sub-commission, in its resolution on this subject, in expressing the deepest appreciation and gratitude to the Special Rapporteur, Mrs. Erica-Irene A. Daes, and we also look forward to receiving her final report from the Sub-commission prior to the fortieth session of the Commission on Human Rights.

The PRESIDENT: The Assembly has concluded its consideration of agenda item 85.

(The President)

The Assembly will now turn its attention to agenda item 86, entitled "Question of a convention on the rights of the child". That report appears in document A/37/717.

The Assembly will take a decision on the draft resolution recommended by the Third Committee in paragraph 7 of its report. The Committee adopted that draft resolution without a vote. May I take it that the General Assembly also wishes to do so?

The draft resolution was adopted (resolution 37/190).

The PRESIDENT: The Assembly has concluded its consideration of agenda item 86.

The General Assembly will now consider the report of the Third Committee on agenda item 87, entitled "International Covenants on Human Rights". That report is contained in document A/37/718.

The Assembly will take decisions on the two draft resolutions recommended by the Third Committee in paragraph 13 of its report.

Draft resolution I is entitled "International Covenants on Human Rights". The Third Committee adopted that draft resolution without a vote. May I take it that the General Assembly wishes to do the same?

Draft resolution I was adopted (resolution 37/191).

The PRESIDENT: Draft resolution II is entitled "Capital punishment". Although there was a recorded vote on this draft resolution in the Third Committee, I am not aware that a recorded vote has been requested in the Assembly.

In the absence of such a request, may I take it that the Assembly adopts draft resolution II?

Draft resolution II was adopted (resolution 37/192).

The PRESIDENT: I now call on the representative of Oman, who wishes to explain his delegation's position on the draft resolution just adopted.

Mr. MACKI (Oman): My delegation went along with the adoption of the draft resolution entitled "Capital punishment", mainly as the result of its procedural nature. I wish, however, to place it on record that my delegation quite clearly expressed strong opposition in the Third Committee with regard to the substantive issue, the abolition of the death penalty, which clearly contradicts our Islamic Sharia law.

The PRESIDENT: We have concluded our consideration of agenda item 87.

We shall now consider the report of the Third Committee on agenda item 88, entitled "Torture and other cruel, inhuman or degrading treatment or punishment". That report appears in document A/37/727.

The Assembly will take decisions on the two draft resolutions recommended by the Third Committee in paragraph 10 of its report. They were adopted without a vote in the Committee.

Draft resolution I is entitled "Torture and other cruel, inhuman or degrading treatment or punishment".

May I take it that the General Assembly wishes to adopt that draft resolution?

Draft resolution I was adopted (resolution 37/193).

The PRESIDENT: We next turn to draft resolution II, entitled "Principles of medical ethics".

May I take it that the Assembly wishes to adopt that draft resolution also?

Draft resolution II was adopted (resolution 37/194).

The PRESIDENT: I now call on the representative of Canada, who wishes to explain his delegation's position.

Mr. BELL (Canada): My delegation wishes to announce to the General Assembly, during its consideration of agenda item 88, that the Government of Canada has decided to make a unilateral declaration of its continued compliance with the United Nations Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Delegations will recall that General Assembly resolution 32/64 requested that Member States consider making such unilateral declarations.

(Mr. Bell, Canada)

The unilateral declaration by the Government of Canada, conveyed in a note addressed to the Secretary-General, confirms solemnly the intention of the Canadian authorities to continue to act in conformity with the Declaration. This moral commitment entails no change in present Canadian law and practice, which continue to be consistent with the principles contained in the Declaration of the United Nations.

The United Nations Declaration against torture, which was adopted by the General Assembly on 9 December 1975, does not include legally binding obligations for States. To date, over 30 Governments, including the Canadian Government, have declared unilaterally that the competent authorities within their respective territories intend to act in conformity with the provisions contained in the Declaration.

The Government of Canada intends, in addition, to continue to work within the United Nations Commission on Human Rights for the early completion of the drafting of an international convention against torture and other cruel, inhuman or degrading treatment or punishment - work that was begun in 1978. Canada believes it is important that the international community provide itself with the legal instruments necessary for the effective suppression of the practice of torture in the world.

The PRESIDENT: The Assembly has concluded its consideration of agenda item 88.

The Assembly will now consider the report of the Third Committee on agenda item 90, entitled "Office of the United Nations High Commissioner for Refugees". That report is contained in document A/37/692

The Assembly will take decisions on the draft resolutions recommended by the Third Committee in paragraph 16 of its report.

Draft resolution I is entitled "Report of the United Nations High Commissioner for Refugees". The Third Committee adopted that draft resolution without a vote. May I take it that it is the wish of the Assembly to do the same?

Draft resolution I was adopted (resolution 37/195).

The PRESIDENT: We next turn to draft resolution II, entitled "Continuation of the Office of the United Nations High Commissioner for Refugees". The Third Committee adopted that draft resolution also without a vote. May I take it that the Assembly wishes to do the same?

The PRESIDENT: Draft resolution III is entitled "International Conference on Assistance to Refugees in Africa".

The administrative and financial implications of this draft resolution are contained in the report of the Fifth Committee in document A/37/757.

It is my understanding that a separate vote has been requested on operative paragraph 5 of draft resolution III.

As I hear no objection, I take it that the Assembly has no objection to taking a separate vote on that paragraph.

I therefore now put to the vote operative paragraph 5 of draft resolution III.

A recorded vote has been requested.

A recorded vote was taken.

In favour: Afghanistan, Algeria, Angola, Argentina, Australia, Austria, Bahamas, Bahrain, Bangladesh, Barbados, Benin, Bhutan, Bolivia, Botswana, Brazil, Burma, Burundi, Canada, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Congo, Costa Rica, Cuba, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Fiji, Finland, France, Gabon, Gambia, Ghana, Greece, Guatemala, Guinea, Guyana, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Israel, Italy, Ivory Coast, Jamaica, Japan, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Mali, Malta, Mauritania, Mauritius, Mexico, Morocco, Mozambique, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Portugal, Qatar, Romania, Samoa, Sao Tome and Principe, Saudi Arabia, Senegal,

Sierra Leone, Singapore, Somalia, Spain, Sri Lanka, Sudan, Suriname, Sweden, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Ukrainian Soviet Socialist Republic, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Cameroon, United Republic of Tanzania, Upper Volta, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia, Zimbabwe

Against: None

Abstaining: Belgium, Byelorussian Soviet Socialist Republic, German Democratic Republic, Germany, Federal Republic of, Luxembourg, Mongolia, Poland, Union of Soviet Socialist Republics, United States of America

Operative paragraph 5 of draft resolution III was adopted by 127 votes to none, with 9 abstentions.*

The PRESIDENT: If I hear no objection, I shall take it that the Assembly wishes to adopt draft resolution III as a whole without a vote.

Draft resolution III as a whole was adopted (resolution 37/197).

The PRESIDENT: I shall now call on those representatives who wish to explain their position.

Mr. STEVENS (Belgium)(interpretation from French): Belgium continues to attach great importance to the problem of the refugees in Africa. We must indeed continue to seek a satisfactory solution. My country is prepared to contribute to this end in so far as it can do so.

* Subsequently, the delegation of Cyprus advised the Secretariat that it had intended to vote in favour.

(Mr. Stevens, Belgium)

However, my delegation feels that the holding of a special conference to deal with this matter is not the most appropriate method. We have learned from experience that such conferences yield few results when compared with the heavy financial costs involved in holding them.

It would be preferable for the international community to continue to deal with the question of the refugees in Africa within the framework of the existing United Nations structures - that is, the Office of the United Nations High Commissioner for Refugees, assisted by the various competent international organizations.

For those reasons, my delegation abstained in the separate voting on operative paragraph 5 of draft resolution III.

Mr. YAKOUB (Libyan Arab Jamahiriya) (interpretation from Arabic):

On behalf of the countries of the African Group, I have pleasure in extending our thanks and appreciation to all the members of the General Assembly for their support for the draft resolution recommended by the Third Committee in document A/37/692 concerning the International Conference on Assistance to Refugees in Africa. This support without doubt reflects the growing concern on the part of the international community over the situation of the refugees of the world in general and in Africa in particular, and the necessity for providing them with the requisite assistance.

This is a humanitarian topic which deserves the attention of all, regardless of political positions. In view of the importance attached by the African countries in particular and the international community in general to the issue of refugees, we hope that the Secretariat will prepare the necessary studies and other documents concerning the needs of the refugees and the host countries in time for the Member States to study those documents and to take the necessary action during the second session of the Conference.

(Mr. Yakoub, Libyan Arab Jamahiriya)

The African Group is certain that the Member States and the entire international community will accord this Conference the necessary attention and care, in view of the great numbers of refugees in Africa and the difficult circumstances in which they find themselves.

The PRESIDENT: The Assembly has concluded its special consideration of agenda item 90.

We shall now consider the report of the Third Committee on agenda item 93, entitled "International campaign against traffic in drugs". That report is contained in document A/37/728.

The Assembly will take a decision on the draft resolution recommended by the Third Committee in paragraph 8 of its report. It was adopted without a vote. May I take it that the Assembly wishes to do the same?

The draft resolution was adopted (resolution 37/198).

The PRESIDENT: The Assembly has concluded its consideration of agenda item 93.

The Assembly will now consider the report of the Third Committee on agenda item 94, entitled "Alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms". That report appears in document A/37/693.

The two draft resolutions recommended by the Third Committee appear in paragraph 17 of its report.

Members also have before them amendments to those draft resolutions. They are contained in documents A/37/L.56 and A/37/L.57.

I call on the representative of Singapore on a point of order.

Mr. KOH (Singapore): In paragraph 17 of its report, the Third Committee recommends to the General Assembly for consideration two draft resolutions, draft resolution I and draft resolution II. In addition, in paragraph 18, the Third Committee recommends a draft decision for the consideration of the Assembly.

(Mr. Koh, Singapore)

Furthermore, six delegations have co-sponsored 10 amendments, in document A/37/L.57, to draft resolution I; 10 other delegations have co-sponsored 19 amendments, in document A/37/L.56, to draft resolution II.

In accordance with rule 74 of the rules of procedure, my delegation proposes that the Assembly take no action on all the amendments contained in documents A/37/L.56 and A/37/L.57. I should like to explain briefly to my good friends who have sponsored the two sets of amendments, and to other colleagues, the reasons for my proposal. I hope that at the end of my explanation I shall have at least the understanding if not the support of the sponsors of the two sets of amendments.

In the Third Committee my delegation voted in favour of both draft resolution I and draft resolution II. We did so because we found much merit in the two draft resolutions. We did so also because we did not regard them - and we do not regard them - as being hostile and mutually exclusive. The concept of human rights covers a whole spectrum of rights embracing social, economic, cultural, civil and political rights. Human rights have both a collective and an individual aspect. Draft resolution I gives greater emphasis to social and economic rights and to the collective aspect, whereas draft resolution II gives greater emphasis to civil and political rights and to the individual aspect. It is for that reason that we regard the two draft resolutions as being complementary and compatible. Together, they appear to my delegation to strike a reasonable balance in our approach to the question of human rights.

The amendments proposed in documents A/37/L.56 and A/37/L.57 are, in the view of my delegation, not helpful and if adopted would tend to upset the balance which we find in the two draft resolutions, taken together. It is for that reason that I propose to this Assembly not to take any action on all the draft amendments contained in documents A/37/L.56 and A/37/L.57.

I wish to make two other points before I conclude. First, it is clear that rule 88 of our rules of procedure does not apply on this occasion because the process of voting has not yet begun. Secondly, if any of my colleagues should question the legality of my invocation of rule 74, I would request the United Nations Legal Counsel, or a member of his staff, to advise the Assembly on the legality of my motion, before it is put to the vote.

The PRESIDENT: The representative of Singapore has invoked rule 74 of the rules of procedure of the General Assembly. For the sake of clarity, I shall read out that rule:

"During the discussion of any matter," - and we are at the stage of discussion - "a representative may move the adjournment of the debate on the item under discussion. In addition to the proposer of the motion, two representatives may speak in favour of, and two against, the motion, after which the motion shall be immediately put to the vote. The President may limit the time to be allowed to speakers under this rule."

I shall therefore call on two representatives to speak in favour of the motion and two to speak against it.

Mr. VILLAGRA DELGADO (Argentina) (interpretation from Spanish): In the first place, my delegation would like to ask for clarification. Rule 74, invoked by the representative of Singapore, speaks of adjournment of the debate. Does this mean that if the debate were adjourned the amendments would be voted on at another time?

The PRESIDENT: I shall ask for clarification from the representative of the Legal Counsel, as the representative of Singapore has requested.

Mr. ASANTE (Ghana): The Ghana delegation finds itself in distinguished company. I want to support the motion of the international jurist Ambassador Koh. Our reasons for supporting the motion are as follows.

It seems to us that we have to distinguish between the work of the plenary Assembly, which is specifically called upon to consider the reports of a Main Committee - as we are doing now - and the work of a Main Committee. Now, our rules of procedure and practice are quite clear on this, and I shall not burden the Assembly with an exposition of the rule of procedure and the practice in this regard. To say this is not to say that amendments may not be introduced in the plenary Assembly. They may be introduced; revisions may be made to texts, and so on. But I am suggesting, in support of the motion, that there are at

(Mr. Asante, Ghana)

least two tests which, in the view of my delegation, ought to be met by any proposal to amend a draft resolution which has been adopted by a Main Committee and which forms part of a recommendation in a report for consideration by the plenary Assembly.

The first test may be stated in this way: Amendments may be introduced, in our view, if, because of constraints of time or other factors, they could not be given the care and attention they deserved at the Committee level.

The second test, in our view - and it flows from the first test - is this: If the introduction of amendments in the plenary Assembly provides an opportunity for delegations to reflect further on the proposals, then the amendments may be introduced.

Similarly, revisions may be introduced in the plenary Assembly if they are primarily for textual harmonization.

There is perhaps a third practical test that we might suggest: whether the proposed amendments or revisions are of such a nature and scope that they can be considered without unduly deflecting the General Assembly from its primary purpose - and I underline that: its primary purpose - namely, consideration of the recommendations, and I underline the word "recommendations", made by a Main Committee (in this case the Third Committee) to the plenary Assembly.

For those reasons the Ghana delegation supports the motion proposed, and we are certainly in good company this morning.

There is a small matter that I think I might draw to the Assembly's attention. There is a little report in The New York Times this morning about a prayer said by the Chaplain in a United States legislative body, in which he spoke of the "weariness in body and mind" and also of "the promise of a joyful holiday season upon us". Well, I am not sure whether representatives would subscribe to the notion of a weariness of body and mind, but they will certainly agree that the promise of a joyful holiday season is upon us - beginning with Hannukah, and then going on to Christmas and Id Al Fitr.

So the Ghana delegation supports the motion and we believe that it should be adopted.

Mr. RANGACHARI (India): I wanted to say something on the substantive side of the motion we have just heard from the representative of Singapore. But I understood you, Sir, to say that you are going to seek the advice of a representative of the Legal Counsel - as indeed proposed by the representative of Singapore himself. Therefore I think it might perhaps be better if we had that advice. On procedure, it seems to me that rule 74 calls for the adjournment of the debate, which would mean movement to the process of voting and if so, that would mean that we would first take up the amendments and then vote on the draft resolutions.

I do not know whether the legal counsel would consider that a proposal to adjourn the debate is the same as a proposal not to vote on amendments. That would be somewhat unusual. I would not like to prejudge what a legal counsel might wish to tell us. As I said earlier, I do have something to say on substance but I would prefer to wait until we have heard a legal counsel, because in case his advice is that the proposal as at present formulated by the representative of Singapore is not admissible, then it will not be necessary for me to speak.

Therefore, Mr. President, until we have heard from a representative of the Legal Counsel, and until you have given two delegations the opportunity to speak against the motion - if it is considered to be in order - I hope you will not put it to the vote.

The PRESIDENT: We have now heard one speaker in favour of the motion and two others who have said that they wish to hear the advice of a representative of the Legal Counsel.

Mrs. WARZAZI (Morocco) (interpretation from French): We support the motion presented by the representative of Singapore.

I would like to say to the representative of India that even if the Legal Counsel were to come here and say that rule 74 does not apply to this motion, that rule can in no way be interpreted to mean what the representative of India said it did. An adjournment of the debate does not mean, as the representative of India said it did, that we would then immediately proceed to vote on the

(Mrs. Warzazi, Morocco)

amendments and the draft resolutions. It is absolutely not that which is involved here.

I think that there are two rules of procedure that militate in favour of the motion of the representative of Singapore. Rule 78 says that proposals or amendments, and motions as to procedure, may be submitted at any time and that the President may permit discussion and consideration of them. If there is still any difficulty, then the best weapon in the hands of a President is rule 79.

The PRESIDENT: We have now heard two speakers in favour of the motion. I can therefore call only upon representatives who wish to speak against it.

Mr. WALKATE (Netherlands): As a representative of a delegation which has sponsored one of the sets of amendments, I think I should address myself to the motion of the representative of Singapore. These amendments, as can be seen, were submitted on 15 December. Today is Saturday, 18 December. Obviously, there is not enough time to give serious consideration to the matter that has now been raised, and my delegation, to facilitate and speed up the work of this Assembly, can support the proposal not to vote on either set of amendments. I think that would keep the balance of the two texts, as suggested by the representative of Singapore.

The PRESIDENT: Actually we have now heard three speakers in favour of the motion. As I have said, that is not in accordance with the rules of procedure.

Mr. RANGACHARI (India): I wanted to make the same point you have just made, Sir. As I see it the representative of Argentina and I myself have indicated that we would speak against the motion, depending upon what the representative of the Legal Counsel would say. I therefore think that if other delegations were given an opportunity to speak in favour of the motion it would not be in conformity with the rules of procedure; and of course it would not be fair to those who are not in favour of the motion - if it should be considered to be in order.

Mr. MORENO-SALCEDO (Philippines): I am not going to speak either in favour of or against the motion before the Assembly regarding the application of rule 74. What I would like to say is merely for the consideration of the Legal Counsel himself, because, regardless of what his view may be, this body is the master of its own rules and we may overrule the Legal Counsel himself if it is our wish. So I should like to say a few words about the effect of rule 74 if applied.

The representative of Singapore has invoked rule 74 in proposing that the debate on this matter be adjourned.

(Mr. Moreno-Salcedo, Philippines)

The question, therefore, is what will be the effect if the debate is adjourned. Shall we proceed to a vote, or shall we postpone the debate, which means to say that we shall not debate this matter any more this year but shall debate it next year?

My delegation is of the view that while there may be some doubt concerning the meaning of the word "adjournment" of the debate in the English version of rule 74, there can be no doubt about its meaning in Spanish - and Spanish is one of the official languages of the United Nations. The phrase in Spanish is: "Todo representante podrá proponer el aplazamiento del debate".

"Aplazamiento" is very clear; it means postponement. Therefore if we postpone the debate on this item, that means that it will not be considered any more at this session, but will be considered at the next session. That is the view of my delegation.

The PRESIDENT: I think the representative of the Philippines has emphasized the point made by the representative of Morocco. But I do not want to prejudge the opinion of the representative of the Legal Counsel. Of course, one can cite several precedents in the Assembly in this regard. Adopting the motion would not necessarily mean that we would not take up the item itself. The motion is to adjourn the debate only on the amendments; it does not apply to the report of the Third Committee on the item. I think that should be clear to the members of the Assembly. The representative of Singapore invoked rule 74 only with respect to the amendments presented to the draft resolutions recommended in the report of the Third Committee.

I tend to agree with the representative of the Philippines, a Vice-President of the Assembly, that the opinion of the Legal Counsel is advice and is not binding on the Assembly, because the Assembly is master of its own procedure.

Having said that, I now call on the representative of the Legal Counsel to give advice to the Assembly concerning the matter under discussion.

Mr. SZASZ (Office of the Legal Counsel): As I understand it, the question is this: whether a motion to adjourn the debate on some amendments means that, if adopted, no vote would be taken on those amendments but that action could be taken on the main proposals.

A motion has been made under rule 74 of the rules of procedure. Strictly speaking, rule 74 does not cover this situation. On the other hand, there have been several precedents in the Assembly, particularly during the present session, both in the plenary Assembly and in a number of Committees, which have permitted this use to be made of rule 74. One of them was in connection with the first report of the Credentials Committee, where this very type of motion was introduced and acted upon by the Assembly.

Consequently, it could either be said that it is an accepted practice of the Assembly in interpreting rule 74 or that, as the President has just pointed out, the Assembly is master of its own procedures and there is no rule that is specifically contravened by this interpretation. So, viewed in that light, it can be said that the motion made by the representative of Singapore is in order and would have the effect of disposing of any discussion of and vote on the amendments while leaving the main proposals open for action.

The PRESIDENT: I shall now call on two representatives who wish to speak against the motion submitted by the representative of Singapore.

Mr. O'DONOVAN (Ireland): I do not wish to speak against the motion but simply to say that in the view of my delegation there are two issues involved here. One is the interpretation of rule 74 which has just been given to us by the representative of the Legal Counsel. The other is the question whether or not we should vote on the amendments contained in documents A/37/L.56 and A/37/L.57, and there are clearly ample precedents for such a vote in the history of the General Assembly and its Main Committees.

Mr. RANGACHARI (India): To begin with I think I should just follow up a point made by the representative of Ireland. If I understood correctly, he said that even if the debate were closed, as proposed, under rule 74, there were still precedents for the Assembly's going ahead and voting on the amendments that had been proposed and then voting on the draft resolutions themselves.

(Mr. Rangachari, India)

Perhaps this is not the time to engage in a long procedural debate. The representative of the Philippines said that it would be for us to take a decision as to whether or not we should accept the advice of a legal counsel, but I think that before we proceed to a stage where the motion of the representative of Singapore would have to be voted upon, I should make some comments.

This is the second attempt since yesterday to prevent the taking of action on amendments. Yesterday, of course, it was rejected; today we do not know what will happen. The representative of Singapore himself said yesterday that precedent is not always a guide. We have accepted precedent in some cases and we have not accepted precedent in other cases. But there is quite a difference between the amendments brought forward yesterday, which had - as was stated repeatedly by a number of delegations - been settled in the Committee, and the amendments, particularly those in document A/37/L.56, that we are dealing with this morning.

In fact, it is somewhat surprising that yesterday, when my delegation, supported by the delegation of Ireland, proposed that we should have a debate on the amendments in question - which would ordinarily not have taken place, under rule 66 of the rules of procedure - the representative of Singapore did not make this motion at that point. In fact, we heard no one in the Assembly saying that we should close the debate, which we could easily have done yesterday under rule 66, if necessary by a vote. Yesterday we did agree that we would have an opportunity to express ourselves on the amendments in question, but this morning we are told that we should not take action on these sets of amendments - and the reason being given is that this is a Saturday morning. I would hope that any day, even Saturday, is not too precious when we are dealing with human rights.

I should like to say that this way of handling rules or procedure brings into disrepute the rules of procedure themselves and this body and the way we conduct ourselves.

I think it is only fair that when as many as 10 delegations, belonging to all the regional groups of developing countries have put forward the amendments in document A/37/L.56, we should have an opportunity to be heard by this Assembly.

(Mr. Rangachari, India)

Perhaps those who, like the representative of Singapore were not in the Third Committee are not fully familiar with the way that this draft resolution to which we have proposed amendments was handled in the Third Committee and it might be useful if at this stage I enlightened members as to exactly what happened.

We have two different draft resolutions here: one is draft resolution I, which in the Committee had the document number A/C.3/37/L.31; the other is draft resolution II, which in the Committee had the document number A/C.3/37/L.41. Draft resolution A/C.3/37/L.31 was discussed at length, over a period of four weeks. We had as many as 10 pages of amendments from various delegations. Those delegations which had proposed amendments held extensive consultations with the co-sponsors, on the basis of which a revised text of draft resolution A/C.3/37/L.31 was issued in the Committee, and that is the text that was voted upon. It was on that text that delegations expressed their opinions. A large number of delegations voted in favour, some abstained and one delegation voted against it. In that sense the issue was settled as far as the Committee was concerned, and that is the issue that is being reopened here in the Assembly, the amendments in document A/37/L.57.

As regards draft resolution A/C.3/37/L.41, which is now draft resolution II -

The PRESIDENT: I am sorry to have to interrupt the representative of India.

Under this rule that we are discussing the President cannot permit representatives to go into the details or history of the substance of an issue that is before the Assembly. Representatives may speak only in favour of or against the motion, and at this stage I call on only one speaker, against the motion.

I know that there was a thorough debate in the Third Committee on the substantive aspect of the question and that most members present today are familiar with that debate.

I appeal for the co-operation of members of the Assembly so that we may proceed with our work. We have now had the opinion of the representative of the Legal Counsel. Members may or may not share that opinion - and I agree that the Assembly is master of its own procedure. But I would ask representatives to bear in mind that what is before us now is the motion under rule 74 of the rules of procedure.

(The President)

If the representative of India is speaking against the motion he may continue. He will be the second speaker against it and we shall then proceed to vote on it. I would ask him to address himself only to the motion.

Mr. RANGACHARI (India): I thought that was exactly what I was doing, Mr. President. I felt that members should know what we are voting on and why. At any rate, if it is your wish that I conclude I shall simply make one or two brief points.

First, with regard to the amendments contained in document A/37/L.56, we did not have an opportunity to present them in the Third Committee and therefore we could not have a substantive discussion on them. That is why this document has been submitted to the plenary Assembly.

Secondly - and I say this with a deep sense of regret - I find that those who claim to be championing the cause of human rights are today stilling dissent and even an expression of opinion. Certainly my delegation will vote against the motion that has been made, and let it be on the conscience of those who vote in favour of it.

Mr. VILLAGRA DELGADO (Argentina) (interpretation from Spanish): My delegation opposes the proposal made by the representative of Singapore precisely because the *raison d'être* of the amendments in document A/37/L.56 to draft resolution II could not be discussed in the Third Committee. The President said that there had been an extensive debate in the Third Committee. But there was no such debate on draft resolution II, which was submitted on the same day on which it was voted upon. My delegation proposed amendments on that occasion, but for procedural reasons they were not taken into account.

The representative of Ghana just said that one of the justifications for the submission of amendments in the plenary Assembly - and my delegation is in full agreement - is that they could not for reasons of time or procedure be submitted in Committee. That is indeed the case with the amendments contained in document A/37/L.56.

The PRESIDENT: We have heard speakers in favour of and against the motion made by the representative of Singapore under rule 74 of the rules of procedure. He is proposing the adjournment of action on all the amendments contained in documents A/37/L.56 and A/37/L.57. I now put that motion to the vote.

I call on the representative of the Philippines on a point of order.

Mr. MORENO-SALCEDO (Philippines): I regret I must interrupt the voting, but what I have to say refers precisely to the conduct of the voting.

Before you, Mr. President, announced that you were putting the motion to the vote, one of my colleagues had approached the desk to say that I wished to explain my vote before the voting.

The PRESIDENT: I think that, under the rules of procedure, there can be no explanation of vote on this motion not to take action on the amendments.

~~Mr. MORENO-SALCEDO (Philippines): Yes, Mr. President, but the rules do not deprive any representative of the right to explain his vote before the voting. In any case, my delegation does not want to make an issue of this now, but wants to place it on record that at any stage before a vote is taken any delegation has the right to explain its vote before the voting. But I repeat that I do not want to delay the proceedings, and my own delegation will vote in favour of the motion by Singapore.~~

The PRESIDENT: I see that the representative of Ghana wishes to speak. Let me repeat that under rule 74,

In addition to the proposer of the motion, two representatives may speak in favour of, and two against, the motion, after which the motion shall be immediately put to the vote. The President may limit the time to be allowed to speakers under this rule."

If the representative of Ghana insists on speaking, I shall call on him, but only in regard to the procedure of the voting.

Mr. ASANTE (Ghana): I wish to raise a point of order which indeed is meant to support exactly what you have said, Mr. President. We do this for the record so that tomorrow it may not be said that under rule 74 the President ought to have allowed delegations to explain their votes. That is not correct.

(Mr. Asante, Ghana)

You have read out the rule, Sir. It contains the phrase, "after which the motion shall be immediately put to the vote." It is quite clear, and under no canons of interpretation could anyone suggest for one minute that the President could allow any delegation to explain its vote before the voting. I would go even further: the President may not allow any delegation to explain its vote after the voting.

The last sentence of rule 74 says: "The President may limit the time to be allowed to speakers under this rule." The speakers referred to, in our view, are the two speakers in favour and the two against. That sentence does not allow the President to permit speakers even to explain their votes. This is a procedural motion, under a particular rule of procedure, and we should proceed accordingly.

I thought I should make that clear for the record.

The PRESIDENT: I thank the representative of Ghana for supporting my position, and I think we should now proceed to the vote. For the sake of clarity I would point out that the motion of the representative of Singapore is that, under rule 74, no action be taken on the two sets of amendments. I now put that motion to the vote.

A recorded vote was taken.

In favour: Australia, Austria, Bahamas, Barbados, Belgium, Botswana, Brazil, Burma, Canada, Central African Republic, Chad, Chile, Colombia, Costa Rica, Democratic Kampuchea, Denmark, Djibouti, Dominican Republic, Egypt, El Salvador, Fiji, Finland, France, Gabon, Gambia, Germany, Federal Republic of, Ghana, Greece, Guatemala, Guinea, Honduras, Iceland, Ireland, Israel, Italy, Ivory Coast, Jamaica, Japan, Jordan, Kenya, Lebanon, Lesotho, Liberia, Luxembourg, Malawi, Malaysia, Morocco, Nepal, Netherlands, New Zealand, Norway, Papua New Guinea, Paraguay, Peru, Philippines, Portugal, Samoa, Senegal, Sierra Leone, Singapore, Solomon Islands, Somalia, Spain, Sudan, Sweden, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, United Kingdom of Great Britain and Northern Ireland, United Republic of Cameroon, United Republic of Tanzania, United States of America, Upper Volta, Uruguay, Venezuela, Zaire, Zambia, Zimbabwe

Against: Afghanistan, Algeria, Angola, Argentina, Bahrain, Bangladesh, Benin, Bhutan, Bolivia, Bulgaria, Burundi, Byelorussian Soviet Socialist Republic, Cape Verde, China, Congo, Cuba, Czechoslovakia, Democratic Yemen, Ethiopia, German Democratic Republic, Grenada, Guyana, Hungary, India, Indonesia, Iran (Islamic Republic of), Iraq, Lao People's Democratic Republic, Libyan Arab Jamahiriya, Madagascar, Mauritania, Mauritius, Mexico, Mongolia, Mozambique, Nicaragua, Oman, Pakistan, Panama, Poland, Qatar, Romania, Sao Tome and Principe, Saudi Arabia, Sri Lanka, Syrian Arab Republic, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, Viet Nam, Yemen, Yugoslavia

The motion was adopted by 80 votes to 52.

The PRESIDENT: I shall now call on those representatives who wish to explain their votes before the voting on the two draft resolutions recommended by the Third Committee in paragraph 17 of its report in document A/37/693.

Mr. VILLAGRA DELGADO (Argentina) (interpretation from Spanish): My delegation will vote against draft resolution II. In both the Third Committee and the General Assembly, for procedural reasons in each case, my delegation was prevented from expressing its views on the draft resolution, which in the Third Committee was contained in document A/C.3/37/L.41. Therefore, although it has many positive elements, we shall be obliged to vote against it.

Mr. RANGACHARI (India): My delegation also intends to vote against draft resolution II, because neither in the Committee nor here in the General Assembly have we been allowed to express our views on it.

The amendments offered in document A/37/L.56, to a large extent, reflect the kind of text we should have wished to see emerge in draft resolution II. However, for procedural reasons, it has not been possible to have even a discussion of those amendments. Therefore, while there are many elements in draft resolution II that we could support, we are compelled to vote against it.

(Mr. Rangachari, India)

I hope that in the future the procedures we have seen adopted here today and that were adopted in the Committee will not be repeated, so that it will be possible to have a fuller discussion of the issues relating to human rights. I also hope that when delegations take positions they will be able to do so on the basis of the merits of what is said rather than who says it.

Mr. HUSAIN (Pakistan): My delegation will be obliged to vote against draft resolution II because it did not receive detailed consideration in the Committee and there was not enough opportunity to debate it at that stage. There are elements of the draft resolution with which, like other speakers, we could agree, but it also contains provisions on which we have strong reservations and which we should have liked to be amended and improved so as to make the draft resolution more balanced from the point of view of the protection and promotion of human rights in a comprehensive manner.

For that reason my delegation will vote against draft resolution II.

Mrs. CASTRO de BARISH (Costa Rica) (interpretation from Spanish): My delegation did not explain its vote in the Third Committee when the vote was taken on these draft resolutions. Now we are very pleased that the motion of Singapore that no decision should be taken on the amendments contained in documents A/37/L.56 and A/37/L.57 was adopted by a vote of 80 to 52. Clearly the amendments in document A/37/L.56 had the sole objective of destroying the integrity of a good text adopted by the Third Committee on the subject of "Alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms".

(Mrs. Castro de Barish, Costa Rica)

Various views mean various approaches in this specific context of the greatest promotion of human rights and fundamental freedoms for mankind. This is the legitimate approach and the aim is precisely as stated. We know that two draft resolutions have been adopted on this subject in the Committee. The first has the same title as the agenda item and offers a profusion of ideas and views on the right to development, which is a collective right. We are all, certainly, in favour of development; in the first place the development of the human person and then, as a result of that, of societies, communities and nations. Most of the ideas in this draft have been supported by Costa Rica in very important documents - for instance, in the International Development Strategy, the Charter of Economic Rights and Duties of States, the New International Economic Order and, in the Group of 77, on the launching of global negotiations, in which my delegation has shown great interest and to which it is deeply committed. ~~This is proof of our commitment to the~~ efforts of the international community to achieve development for all peoples of the earth.

Now, as everybody knows, the approach of this draft is to replace the dynamic process instituted by the Charter itself in the first place, in which provisions were laid down defining the work of the United Nations and its bodies to achieve its purposes and aims, as well as that of subsidiary bodies such as the Economic and Social Council, to deal with major items that required and still require active and responsible co-operation on the part of the international community. The Commission on Human Rights was established to promote the enjoyment of human rights and fundamental freedoms by all without distinction as to race, colour, sex, religion, national origin, belief or opinions. The Commission on Social Development, as its name indicates, was to devote itself to such purposes. So we have the Economic and Social Council, the United Nations Conference on Trade and Development, and various other forums to deal with economic development.

We are therefore concerned that in this whole approach, which includes many ideas that we can all support, we see emerging the purpose of undermining the Declaration on Human Rights and replacing it with what has been called the "declaration on the right to development" which is a collective right, as many delegations have repeatedly stated.

(Mrs. Castro de Barish, Costa Rica)

Clearly, if this is adopted, people will resort to this pretext, in order to say that when satisfactory conditions are not present for the development of peoples, one cannot hope for effective enjoyment of human rights and fundamental freedoms for individual human beings.

In our experience as a developing country, we can state that our institutional life, which began after our independence and which has been responsible for the régime of liberty and representative and participatory democracy in our country with regard to human rights and fundamental freedoms, has achieved development, particularly the development of our human resources. That is why our people, which cherishes peace, friendship and freedom of choice, is a happy and confident people that realizes its aspirations in full freedom. We are not economically developed, but even so we have greater development than some countries that have greater economic resources but lack those precious possessions.

We would have voted against all the amendments in document A/37/L.56, whose sole objective was to destroy the approach of draft resolution II, which refers specifically to human rights and fundamental freedoms for the individual.

Miss RADIC (Yugoslavia): My delegation intends again to vote against draft resolution II because neither in the Third Committee nor in this plenary meeting has my delegation been given the opportunity to submit any amendments to that draft resolution or to debate that draft.

We are compelled to vote against that draft resolution although there are in it elements that we could accept. We regret that the amendments that my delegation co-sponsored in document A/37/L.56 could not be considered in the plenary Assembly due to the procedural motion put forward with regard to the two sets of amendments, in documents A/37/L.56 and A/37/L.57. We hope that the way that draft resolution II has been dealt with in this session will not be repeated in future and that those representatives who have something to say on the question of substance will be permitted to speak and will not be prevented from doing so by a procedural motion which, by the way, could have been put forward only with regard to the amendments contained in document A/37/L.57.

Mrs. WARZAZI (Morocco) (interpretation from French): As has been so ably said by the representative of Singapore, the two draft resolutions before us

represent an excellent balance between two trends that emerged in the Third Committee, one defending collective rights and the other individual rights.

Accordingly, by voting in favour of the two draft resolutions, we shall show that our delegation believes both in collective rights and in individual rights.

Mr. NORDENFELT (Sweden): For reasons eloquently expressed by the representative of Costa Rica, my delegation will abstain on draft resolution I; we shall vote in favour of draft resolution II.

I should like to make an observation in regard to what has been said here about the unavailability of opportunities in the Third Committee to discuss or present amendments to draft resolution A/C.3/37/L.41.

As can be easily seen from the report before us in document A/37/693, chapter II, section A, paragraphs 5, 7 and 8, and section B, paragraphs 9, 10 and 12, both draft resolutions were presented in the Third Committee on 22 November last. Both drafts were voted upon on 1 December. Consequently, the same amount of time was available during that period for delegations who were interested in doing so to discuss and present amendments to both draft resolutions.

Mr. O'DONOVAN (Ireland): I wish to explain my delegation's vote in favour of draft resolution II as contained in the Third Committee's report in document A/37/693 now before us.

In the course of this session my delegation has sought to put forward ideas for consideration by the General Assembly on the further promotion and protection of human rights and fundamental freedoms. These ideas are contained in draft resolution II and in the amendments to draft resolution I in document A/37/L.57, upon which the General Assembly has now decided to take no action.

I should like at this point to indicate again what these ideas are. First, and in general, we believe that we should recognize that violations of human rights, wherever they exist, are of concern to the United Nations. Secondly, the United Nations should consider further the question of the link between peace and human rights, a link which is inherent in the very first Article of the Charter. At a time both of increasing concern for human rights violations and of increasing concern for the peace of the world, we think it important that the General Assembly should advance this link further. Thirdly, we believe that we need to consider further also the link between human rights and development and, in particular, the purpose of development, which in our view has an individual as well as a collective aspect.

(Mr. O'Donovan, Ireland)

Fourthly, we believe that the United Nations needs to give greater attention to the question of giving effect to the norms and standards which it has established in the human rights area. Fifthly, it was the belief of my delegation in the Third Committee that the other draft resolution now before us -- draft resolution I, which had the symbol A/C.3/37/L.31/Rev.1 -- concentrated excessively on collective rights at the expense of individual rights and on economic and social rights at the expense of civil and political rights. We believe that in draft resolution II, which had the symbol A/37/C.3/L.41, these different emphases are better balanced, although that draft resolution, as delegations will see, by no means concentrates exclusively on the rights of the individual.

I should also like to say a word about procedure in the Third Committee. I would emphasize that at a very early stage a first version of the draft resolution which is now draft resolution II was circulated informally in the Committee and, indeed, precisely to those delegations which were sponsors of the other draft resolution. Subsequently, amendments based on that draft resolution were presented to the sponsors of the draft resolution which is now draft resolution I. Those amendments were, as I said, based on the draft resolution which we had previously circulated.

The ideas contained in both the amendments and the draft resolution were exhaustively discussed between the various sets of sponsors. No agreement proved possible, however, in the Third Committee on one draft resolution, although it had been the hope of my delegation that it would prove possible.

That is why the Third Committee decided to adopt two draft resolutions of a complementary nature under this item. In so far as the procedure in the Committee itself formally is concerned, I can endorse the views expressed by the representative of Sweden and add that when the Chairman of the Third Committee specifically requested delegations to put forward amendments at the time that was appropriate, those delegations, for reasons of their own, chose not to do so.

Mr. BYKOV (Union of Soviet Socialist Republics) (interpretation from Russian): The Soviet delegation will vote in favour of draft resolution I, for that draft resolution is fully in accordance with the provisions of the Charter of the United Nations and the relevant international instruments relating to human rights and it fully takes account of the underlying basic concepts in regard to

future activities in respect of human rights, as set forth in the well-known General Assembly resolution 32/130.

I should like to recall that that resolution was adopted with the support of delegations from all regional groups and in the absence of any negative votes; only eight delegations abstained in the voting.

Draft resolution I contains a number of basic provisions which are essential to future activities in the area of human rights within the United Nations: it emphasizes the importance of States undertaking specific obligations through accession to, or ratification of, existing international instruments in this field; it reaffirms that international peace and security are essential elements in achieving the full realization of the right to development; and it reiterates the need to accord priority to the search for solutions to mass and flagrant violations of human rights of the peoples and individuals affected by situations such as those mentioned in paragraph 1 (e) of resolution 32/130. This draft resolution thus continues human rights action and develops international co-operation among States, in accordance with resolution 32/130.

The Soviet delegation, at the same time, will, as it did in the Committee, vote against draft resolution II, for the advocates of the draft resolution are trying to wipe out resolution 32/130 and other resolutions that have been adopted in recent years. They are trying to cancel out such fundamental resolutions as 32/130 and the indivisibility and interdependence of human rights. They are trying to cancel out the importance of what has been achieved in economic, social and cultural rights. They are trying to cancel out the most important provision of resolution 32/130, that all human rights and fundamental freedoms of human individuals and peoples are interrelated and indivisible. They are trying to cancel out the provisions of paragraph 1 (e) in resolution 32/130 regarding the need to accord priority to the search for solutions to the mass and flagrant violations of human rights of peoples and individuals affected by situations such as those resulting from apartheid, from all forms of racial discrimination, from colonialism, from foreign domination and occupation, from aggression and threats against national sovereignty, national unity and territorial integrity, as well as from the refusal to recognize the fundamental rights of peoples to self-determination and of every nation to the exercise of full sovereignty over its wealth and natural resources.

Draft resolution II is also designed to cancel out important provisions relating to the New International Economic Order's being an essential element for the effective promotion of human rights and fundamental freedoms and something which should be accorded priority. Allegations that draft resolution II is more balanced are completely unfounded. Rather, to the contrary, the draft resolution exhibits a gap and is completely against resolution 32/130.

Accordingly, the Soviet delegation will vote in favour of draft resolution I, which it fully supports. It categorically opposes draft resolution II and will vote against it. We can only regret that the sponsors of that draft resolution resorted to some rather unusual methods in trying to get that draft resolution through the Third Committee.

Mr. ZUCCONI (Italy): The Italian delegation is of the opinion that the Third Committee, after a long and detailed consideration of the items we are now discussing in the plenary Assembly, came out with two draft resolutions which, taken together, reflect the differing opinions expressed in the debate by all delegations and constitute an excellent basis for future work on this very important topic.

What we discussed in the Third Committee and are again discussing today is the orientation of future activities in the field of human rights by the United Nations system as a whole and, more specifically, by the Commission on Human Rights, which is the competent technical body in this field.

The Italian delegation is convinced that in setting the guidelines for such future activities the General Assembly should leave many options open and should not stress just a few of them, setting others aside. It is not a question of canceling out one option and giving paramount importance to the other. We therefore think that the balanced approach which the Third Committee has suggested by recommending to the General Assembly the two draft resolutions before us should now be preserved.

Hence, the Italian delegation will abstain on draft resolution I and vote in favour of draft resolution II.

Mr. DERESSA (Ethiopia): Draft resolution II entitled "Further promotion and protection of human rights and fundamental freedoms", in document A/37/693, was not properly discussed in the Third Committee due to procedural manoeuvres similar to those that made its consideration in this Assembly today impossible. Even though the draft resolution contains a number of positive elements and could therefore have enjoyed our support, the manner in which its adoption was handled in the Third Committee left no room for efforts aimed at bringing balance to the text now before the Assembly as draft resolution II. Consequently, we were unable to subject draft resolution II to the same kind of rigorous exercise to which draft resolution I in document A/37/693 was subjected, as indeed all resolutions dealing with such important matters should be.

Because of that difficulty, my delegation will be obliged to vote against draft resolution II. It will vote in favour of draft resolution I.

Mrs. CARMENATE PEREZ (Cuba) (interpretation from Spanish): My delegation does not wish to refer to the way in which draft resolutions I and II were dealt with in the Third Committee. We should merely like to say that we hope that next year these draft resolutions will be given much fairer consideration and that all elements will be properly considered, with all the necessary time allotted to that.

Unfortunately, draft resolution II was not considered in depth. Although we recognize that it contains positive elements, for the reasons I have stated we shall be obliged to vote against it.

The PRESIDENT: The Assembly will now proceed to take action on the draft resolutions recommended by the Third Committee in paragraph 17 of document A/37/693.

I put to the vote first draft resolution I.

A recorded vote as been requested.

A recorded vote was taken.In favour:

Afghanistan, Algeria, Angola, Argentina, Bahamas, Bahrain, Bangladesh, Barbados, Benin, Bhutan, Bolivia, Botswana, Brazil, Bulgaria, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Congo, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Fiji, Gabon, Gambia, German Democratic Republic, Ghana, Greece, Grenada, Guatemala, Guinea, Guyana, Honduras, Hungary, India, Indonesia, Iran (Islamic Republic of), Iraq, Ivory Coast, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Peru, Philippines, Poland, Qatar, Romania, Samoa, Sao Tome and Principe, Senegal, Sierra Leone, Singapore, Solomon Islands, Somalia, Sri Lanka, Sudan, Suriname, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Cameroon, United Republic of Tanzania, Upper Volta, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia, Zimbabwe

Against:

United States of America

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

Draft resolution I was adopted by 113 votes to 1, with 26 abstentions (resolution 37/199).

The PRESIDENT: The Assembly will now proceed to vote on draft resolution II.

A recorded vote has been requested.

A recorded vote was taken.

In favour: Australia, Austria, Bahamas, Barbados, Belgium, Botswana, Burma, Burundi, Canada, Central African Republic, Chad, Chile, Colombia, Costa Rica, Cyprus, Democratic Kampuchea, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Fiji, Finland, France, Gabon, Gambia, Germany, Federal Republic of, Ghana, Greece, Guatemala, Honduras, Iceland, Ireland, Israel, Italy, Ivory Coast, Jamaica, Japan, Kenya, Lebanon, Lesotho, Liberia, Luxembourg, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Morocco, Nepal, Netherlands, New Zealand, Norway, Papua New Guinea, Paraguay, Peru, Portugal, Samoa, Senegal, Singapore, Solomon Islands, Somalia, Spain, Sudan, Suriname, Sweden, Thailand, Togo, Trinidad and Tobago, Tunisia,

Turkey, United Kingdom of Great Britain and Northern Ireland, United Republic of Cameroon, United Republic of Tanzania, United States of America, Upper Volta, Uruguay, Venezuela

Against: Afghanistan, Algeria, Angola, Argentina, Benin, Bolivia, Bulgaria, Byelorussian Soviet Socialist Republic, Cape Verde, Congo, Cuba, Czechoslovakia, Democratic Yemen, Ethiopia, German Democratic Republic, Guyana, Hungary, India, Indonesia, Iran (Islamic Republic of), Lao People's Democratic Republic, Libyan Arab Jamahiriya, Madagascar, Mongolia, Mozambique, Nicaragua, Pakistan, Panama, Poland, Romania, Sao Tome and Principe, Syrian Arab Republic, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Viet Nam, Yugoslavia, Zambia, Zimbabwe

Abstaining: Bahrain, Bangladesh, Bhutan, Brazil, China, Guinea, Iraq, Jordan, Malawi, Niger, Nigeria, Oman, Philippines, Qatar, Saudi Arabia, Sierra Leone, Sri Lanka, United Arab Emirates, Yemen, Zaire

Draft resolution II was adopted by 81 votes to 38, with 20 abstentions (resolution 37/200).*

The PRESIDENT: I invite the Assembly to turn its attention to paragraph 18 of the report of the Third Committee in document A/37/693. The Third Committee recommends the adoption of the draft decision entitled, "Services of the Secretariat concerned with human rights". May I take it that the General Assembly wishes to adopt this draft decision?

The draft decision was adopted.

* Subsequently, the delegation of Zambia advised the Secretariat that it had intended to vote in favour.

The PRESIDENT: I shall call now on those representatives who wish to explain their vote after the voting.

Mr. ALMOSLECHNER (Austria): With regard to draft resolutions I and II in document A/37/693, my delegation would like to state that it views General Assembly resolution 32/130 as the cornerstone of action in the field of alternative ways and means for improving the effective implementation of human rights and fundamental freedoms. From that we understand will develop a comprehensive framework for the implementation of both civil and political and economic, social and cultural rights.

In respect of the question of the right to development, this subject is at present under discussion by a working group of the Commission on Human Rights, and we are awaiting the results of those deliberations. Therefore, my delegation abstained in the voting on draft resolution I.

With regard to the protection of individual human rights, my country not only strongly condemns mass and flagrant violations of human rights wherever they occur, but is most seriously concerned about any kind of human rights violations. Therefore, any limitations or conditions in regard to the protection of human rights are unacceptable to us. This very basic principle determined our attitude to draft resolution II, which we fully support.

Mr. SOERIAATMADJA (Indonesia): My delegation abstained in the voting in the Third Committee on draft resolution A/C.3/37/L.41, because we had serious difficulties with various parts of the draft resolution and we did not have the opportunity to propose any amendment in the discussion in the Third Committee. That attitude was predicated on the understanding that my delegation would still have an opportunity to propose an amendment which would be considered in the plenary General Assembly. Since the General Assembly decided otherwise, my delegation felt compelled to vote against the draft resolution.

Mr. ASANTE (Ghana): The Ghana delegation voted in favour of draft resolutions I and II. We did so because we consider that the two draft resolutions complement each other.

(Mr. Asante, Ghana)

My delegation believes that the combined effect of the two drafts is beneficial, and we entertain the fond hope that genuine efforts will be made, especially within the Commission on Human Rights, to fuse the two broad disciplines of the concept of human rights as a whole.

The PRESIDENT: The Assembly has concluded its consideration of agenda item 94.

The Assembly will now turn its attention to the report of the Third Committee on agenda item 95, entitled "New international humanitarian order". That report is contained in document A/37/746.

We shall take a decision on the draft resolution recommended by the Third Committee in paragraph 7 of its report.

The Third Committee adopted that draft resolution without a vote. May I take it that the Assembly also wishes to adopt it?

The draft resolution was adopted (resolution 37/201).

The PRESIDENT: We have now concluded our consideration of agenda item 95 and of all the reports of the Third Committee submitted to the General Assembly.

AGENDA ITEM 16 (continued)

ELECTIONS TO FILL VACANCIES IN SUBSIDIARY ORGANS AND OTHER ELECTIONS:

(g) ELECTION OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES: REPORT OF THE SECRETARY-GENERAL (A/37/769)

The PRESIDENT: I invite the Assembly to turn its attention to document A/37/769, containing a note by the Secretary-General relating to the election of the United Nations High Commissioner for Refugees.

In his note the Secretary-General proposes that the term of office of Mr. Poul Hartling as United Nations High Commissioner for Refugees be extended for a three-year term beginning on 1 January 1983 and ending on 31 December 1985.

(The President)

May I take it that the General Assembly approves that proposal?
It was so decided.

The PRESIDENT: I call on the representative of Sudan, who wishes to make a brief statement.

Mr. ELFAKI (Sudan): It gives me special pleasure to extend, on behalf of the delegation of the Democratic Republic of Sudan, our felicitations to Mr. Poul Hartling upon his election as United Nations High Commissioner for Refugees for a further period of three years. We pledge our full support and co-operation to the High Commissioner and his Office in carrying out his important humanitarian responsibility, entrusted to him by the statute and relevant General Assembly resolutions.

We wish to take this opportunity to express our profound thanks and appreciation to the member States of the Organization of African Unity, the Organization of the Islamic Conference and the Arab League and to all friendly countries in Asia, Europe and Latin America for their valuable support of the Sudanese candidate for the post of High Commissioner for Refugees, Dafala Haj Yousef Medani. The overwhelming support is a recognition of the central role and heavy burden that has been undertaken by the countries of asylum on behalf of the international community for many decades and of the fact that they have a role to play in the management of this important Office. It is equally a recognition of the outstanding qualifications of our candidate and a further affirmation and validation of the view that developing countries are able to provide the United Nations with the competent leadership it needs.

In conclusion, we wish to reiterate our full support for and co-operation with the High Commissioner and his Office.

The PRESIDENT: The Assembly has concluded its consideration of agenda item 16 (g).

The meeting rose at 1.20 p.m.