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SUMMARY RECORD OF THE 61st MEETING

Chairman: Mr. HAMER (Netherlands)

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The meeting was called to order at 3.40 p.m.

AGENDA ITEM 101: ALTERNATIVE APPROACHES AND WAYS AND MEANS WITHIN THE UNITED NATIONS SYSTEM FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS: REPORTS OF THE SECRETARY-GENERAL (continued) (A/C.3/41/L.4 and Corr.1, L.5, L.34, L.42/Rev.1, L.58/Rev.1, L.59/Rev.1, L.60/Rev.1, L.62/Rev.1, L.63/Rev.1, L.64/Rev.1)

AGENDA ITEM 12: REPORT OF THE ECONOMIC AND SOCIAL COUNCIL (continued) (A/C.3/41/L.18/Rev.1, L.49, L.57/Rev.1, L.76, L.77, L.78, L.83, L.84, L.86, L.87, L.91, L.92, L.93, L.94, L.95, L.96, L.97/Rev.1, L.98/Rev.1, L.99 and L.100/Rev.1)

Draft resolution A/C.3/41/L.42/Rev.1

1. The CHAIRMAN said that, under rule 116 of the rules of procedure, the motion made by the United States at the 60th meeting not to take action on the amendments in document A/C.3/41/L.59/Rev.1 would be put to the vote.

2. A recorded vote was taken on the United States motion.

In favour: Australia, Austria, Belgium, Canada, Chad, Chile, Costa Rica, Denmark, Dominican Republic, Ecuador, El Salvador, France, Germany, Federal Republic of, Greece, Guatemala, Honduras, Iceland, Ireland, Israel, Italy, Japan, Luxembourg, Morocco, Netherlands, New Zealand, Norway, Philippines, Portugal, Samoa, Singapore, Spain, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America.

Against: Afghanistan, Algeria, Angola, Bulgaria, Burkina Faso, Byelorussian Soviet Socialist Republic, Cuba, Czechoslovakia, Democratic Yemen, Ethiopia, German Democratic Republic, Ghana, Hungary, Lao People's Democratic Republic, Libyan Arab Jamahiriya, Mongolia, Nicaragua, Poland, Romania, Syrian Arab Republic, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Viet Nam.

Abstaining: Argentina, Bahrain, Bangladesh, Bolivia, Botswana, Brazil, Brunei Darussalam, Burundi, Cameroon, Central African Republic, China, Colombia, Comoros, Congo, Cyprus, Djibouti, Egypt, Finland, Gabon, Gambia, Guinea, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kenya, Kuwait, Lesotho, Liberia, Malawi, Malaysia, Maldives, Mali, Mexico, Nepal, Niger, Nigeria, Oman, Panama, Papua New Guinea, Paraguay, Peru, Qatar, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Thailand, Togo, Trinidad and Tobago, Tunisia, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Venezuela, Yemen, Yugoslavia, Zaire, Zambia, Zimbabwe.

3. The United States motion was adopted by 34 votes to 23, with 68 abstentions.

4. Mr. ROSENSTOCK (United States of America) moved that no action should be taken on the amendments in document A/C.3/41/L.60/Rev.1.

5. Mr. MITREV (Bulgaria) said that he opposed the United States motion because of the merits of the amendments in document A/C.3/41/L.60/Rev.1.

6. Mr. GORAJEWSKI (Poland) supported the representative of Bulgaria.

7. Mr. SCHWANDT (Federal Republic of Germany) supported the United States motion.

8. A recorded vote was taken on the United States motion.

In favour: Australia, Austria, Belgium, Canada, Chad, Chile, Costa Rica, Denmark, Dominican Republic, El Salvador, France, Germany, Federal Republic of, Greece, Guatemala, Honduras, Iceland, Ireland, Israel, Italy, Japan, Luxembourg, Netherlands, New Zealand, Norway, Paraguay, Philippines, Portugal, Singapore, Spain, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America.

Against: Afghanistan, Algeria, Angola, Bulgaria, Burkina Faso, Byelorussian Soviet Socialist Republic, Cuba, Czechoslovakia, Democratic Yemen, Ethiopia, Gambia, German Democratic Republic, Ghana, Hungary, Iran (Islamic Republic of), Lao People's Democratic Republic, Libyan Arab Jamahiriya, Mongolia, Nicaragua, Nigeria, Poland, Romania, Syrian Arab Republic, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Viet Nam.

Abstaining: Argentina, Bahrain, Bangladesh, Bolivia, Botswana, Brazil, Brunei Darussalam, Burundi, Cameroon, Central African Republic, China, Colombia, Comoros, Congo, Cyprus, Djibouti, Ecuador, Egypt, Finland, Gabon, Guinea, Guyana, India, Indonesia, Iraq, Jamaica, Jordan, Kenya, Kuwait, Lebanon, Lesotho, Liberia, Malawi, Malaysia, Maldives, Mali, Mexico, Morocco, Nepal, Niger, Oman, Pakistan, Panama, Papua New Guinea, Peru, Qatar, Rwanda, Saint Vincent and the Grenadines, Saudi Arabia, Senegal, Sierra Leone, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Thailand, Trinidad and Tobago, Tunisia, United Arab Emirates, United Republic of Tanzania, Uruguay, Venezuela, Yemen, Yugoslavia, Zaire, Zambia, Zimbabwe.

9. The United States motion was adopted by 32 votes to 27, with 68 abstentions.

10. Mr. YAKOVLEV (Union of Soviet Socialist Republics) moved that, since there were several amendments proposed to draft resolution A/C.3/41/L.42/Rev.1, consideration of the matter should be deferred until the forty-second session of the General Assembly.

11. Mr. KABORE (Burkina Faso) supported the Soviet motion.

12. Mr. ROSENSTOCK (United States of America) said that the Soviet delegations could not expect to flood the Committee with proposed amendments and then request that they should be deferred. The Committee should be given an opportunity to take a decision on the proposals and he hoped that the procedural ploy attempted by the Soviet Union would not be accepted.

13. Mr. BASALEH (Democratic Yemen) supported the Soviet motion.

14. Mr. TROUVEROY (Belgium) said that his delegation opposed the Soviet motion.

15. A recorded vote was taken on the motion by the Soviet Union.

In favour: Afghanistan, Algeria, Angola, Bulgaria, Burkina Faso, Burundi, Byelorussian Soviet Socialist Republic, China, Colombia, Congo, Cuba, Cyprus, Czechoslovakia, Democratic Yemen, El Salvador, Ethiopia, Gabon, German Democratic Republic, Ghana, Guyana, Haiti, Hungary, India, Indonesia, Iran (Islamic Republic of), Iraq, Lao People's Democratic Republic, Libyan Arab Jamahiriya, Mauritania, Mongolia, Nicaragua, Nigeria, Poland, Romania, Sri Lanka, Suriname, Syrian Arab Republic, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Tanzania, Viet Nam, Yugoslavia, Zimbabwe.

Against: Argentina, Australia, Austria, Bahamas, Bangladesh, Belgium, Brazil, Canada, Chad, Chile, Costa Rica, Côte d'Ivoire, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, France, Germany, Federal Republic of, Greece, Guatemala, Honduras, Iceland, Ireland, Israel, Italy, Japan, Luxembourg, Morocco, Netherlands, New Zealand, Norway, Pakistan, Panama, Paraguay, Philippines, Portugal, Saint Vincent and the Grenadines, Samoa, Sierra Leone, Singapore, Spain, Turkey, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay.

Abstaining: Bahrain, Bolivia, Botswana, Brunei Darussalam, Cameroon, Central African Republic, Comoros, Equatorial Guinea, Fiji, Finland, Gambia, Guinea, Jamaica, Jordan, Kenya, Kuwait, Lebanon, Lesotho, Liberia, Malawi, Malaysia, Maldives, Mali, Mexico, Nepal, Niger, Papua New Guinea, Peru, Qatar, Rwanda, Saudi Arabia, Senegal, Somalia, Sudan, Swaziland, Sweden, Thailand, Togo, Trinidad and Tobago, Tunisia, Venezuela, Yemen, Zaire, Zambia.

16. The motion by the Soviet Union was rejected by 47 votes to 44, with 44 abstentions.

17. Mr. ROSENSTOCK (United States of America) moved that no action should be taken on the amendments in document A/C.3/41/L.62/Rev.1.

18. A recorded vote was taken on the United States motion.

In favour: Australia, Austria, Belgium, Canada, Chile, Costa Rica, Denmark, Dominican Republic, El Salvador, France, Germany, Federal Republic of, Greece, Guatemala, Haiti, Honduras, Iceland, Ireland, Israel, Italy, Japan, Luxembourg, Mauritania, Netherlands, New Zealand, Norway, Philippines, Portugal, Saint Vincent and the Grenadines, Samoa, Singapore, Spain, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America.

Against: Afghanistan, Algeria, Angola, Bulgaria, Burkina Faso, Byelorussian Soviet Socialist Republic, Cuba, Czechoslovakia, Democratic Yemen, Ethiopia, German Democratic Republic, Ghana, Hungary, Lao People's Democratic Republic, Libyan Arab Jamahiriya, Mongolia, Nicaragua, Poland, Romania, Syrian Arab Republic, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Viet Nam.

Abstaining: Argentina, Bahrain, Bangladesh, Bolivia, Botswana, Brazil, Brunei Darussalam, Burundi, Cameroon, Central African Republic, China, Colombia, Comoros, Congo, Côte d'Ivoire, Cyprus, Djibouti, Ecuador, Egypt, Equatorial Guinea, Fiji, Finland, Gabon, Gambia, Guinea, Guyana, India, Indonesia, Iraq, Jamaica, Jordan, Kenya, Kuwait, Lebanon, Lesotho, Malawi, Malaysia, Maldives, Mali, Mexico, Morocco, Nepal, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Qatar, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Somalia, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Thailand, Togo, Trinidad and Tobago, Tunisia, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Venezuela, Yemen, Yugoslavia, Zaire, Zambia, Zimbabwe.

19. The United States motion was adopted by 34 votes to 23, with 75 abstentions.

20. Mr. ROSENSTOCK (United States of America) moved that no action should be taken on the amendments in document A/C.3/41/L.63/Rev.1.

21. A recorded vote was taken on the United States motion.

In favour: Australia, Austria, Belgium, Canada, Chile, Costa Rica, Denmark, Djibouti, Dominican Republic, El Salvador, France, Germany, Federal Republic of, Greece, Guatemala, Honduras, Iceland, Ireland, Israel, Italy, Japan, Luxembourg, Netherlands, New Zealand, Norway, Philippines, Portugal, Singapore, Spain, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America.

Against: Afghanistan, Algeria, Angola, Argentina, Bulgaria, Burkina Faso, Byelorussian Soviet Socialist Republic, China, Colombia, Cuba, Czechoslovakia, Democratic Yemen, Ecuador, Ethiopia, Gambia,

German Democratic Republic, Ghana, Hungary, Iran (Islamic Republic of), Lao People's Democratic Republic, Libyan Arab Jamahiriya, Mauritania, Mongolia, Nicaragua, Poland, Romania, Syrian Arab Republic, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Viet Nam.

Abstaining: Bahrain, Bangladesh, Bolivia, Botswana, Brazil, Brunei Darussalam, Burundi, Cameroon, Central African Republic, Chad, Comoros, Congo, Côte d'Ivoire, Cyprus, Egypt, Equatorial Guinea, Fiji, Finland, Gabon, Guinea, Guyana, Haiti, India, Indonesia, Iraq, Jamaica, Jordan, Kenya, Kuwait, Lebanon, Lesotho, Malawi, Malaysia, Maldives, Mali, Mexico, Morocco, Nepal, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Qatar, Rwanda, Saint Vincent and the Grenadines, Saudi Arabia, Senegal, Sierra Leone, Somalia, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Thailand, Togo, Trinidad and Tobago, Tunisia, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Venezuela, Yemen, Yugoslavia, Zaire, Zambia, Zimbabwe.

22. The United States motion was adopted by 31 votes to 30, with 72 abstentions.

23. Mr. ROSENSTOCK (United States of America) moved that no action should be taken on the amendments in document A/C.3/41/L.64/Rev.1.

24. A recorded vote was taken on the United States motion.

In favour: Australia, Austria, Belgium, Canada, Chile, Costa Rica, Denmark, Dominican Republic, El Salvador, France, Germany, Federal Republic of, Greece, Guatemala, Honduras, Iceland, Ireland, Israel, Italy, Japan, Luxembourg, Netherlands, New Zealand, Norway, Paraguay, Philippines, Portugal, Saint Vincent and the Grenadines, Samoa, Singapore, Spain, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America.

Against: Afghanistan, Algeria, Angola, Bulgaria, Burkina Faso, Byelorussian Soviet Socialist Republic, Cuba, Czechoslovakia, Democratic Yemen, Ethiopia, German Democratic Republic, Ghana, Hungary, Iran (Islamic Republic of), Lao People's Democratic Republic, Libyan Arab Jamahiriya, Mongolia, Nicaragua, Poland, Romania, Syrian Arab Republic, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Viet Nam.

Abstaining: Argentina, Bahrain, Bangladesh, Bolivia, Botswana, Brazil, Brunei Darussalam, Burundi, Cameroon, Central African Republic, Chad, China, Colombia, Comoros, Congo, Côte d'Ivoire, Cyprus, Djibouti, Ecuador, Egypt, Equatorial Guinea, Fiji, Finland, Gabon, Gambia, Guinea, Guyana, India, Indonesia, Iraq, Jamaica, Jordan, Kenya, Kuwait, Lebanon, Lesotho, Liberia, Malawi, Malaysia, Maldives, Mali, Mexico, Morocco, Nepal, Niger, Nigeria, Oman, Pakistan,

Panama, Papua New Guinea, Peru, Qatar, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Somalia, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Thailand, Togo, Trinidad and Tobago, Tunisia, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Venezuela, Yemen, Yugoslavia, Zaire, Zambia, Zimbabwe.

25. The United States motion was adopted by 33 votes to 24, with 76 abstentions.

26. Mr. OGURTSOV (Byelorussian Soviet Socialist Republic) said that the tactics employed by the United States delegation were negative and clearly showed that it had not taken the views of other delegations into consideration. While some amendments had been accepted, those of his delegation and others had been rejected. His delegation could not, therefore, accept draft resolution A/C.3/41/L.42/Rev.1 as it stood and, accordingly, would not participate in the vote.

27. Mrs. KUMI (Ghana) said that each country or society had the right to decide on the social system it would adopt. Accordingly, the invitation made to the regional commissions in paragraph 4 was unnecessary. Paragraph 5, too, was uncalled for: if the United Nations was to foster co-operation between countries with different social systems, that paragraph would cause dissension.

28. Mr. LINDHOLM (Sweden) proposed that the third line in paragraph 5(b) should begin with the words "In ensuring the full and free participation ...".

29. Mr. ROSENSTOCK (United States of America) accepted the Swedish proposal.

30. Ms. YOUNG (United Kingdom) said that earlier it had been agreed that the fourth line of the fourth preambular paragraph would begin with the words "benefit and upon international law ...".

31. A recorded vote was taken on draft resolution A/C.3/41/L.42/Rev.1, as orally revised.

In favour: Argentina, Australia, Austria, Bahamas, Bangladesh, Barbados, Belgium, Bolivia, Botswana, Brazil, Brunei Darussalam, Canada, Cape Verde, Chad, Chile, Colombia, Comoros, Costa Rica, Côte d'Ivoire, Cyprus, Democratic Kampuchea, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Fiji, Finland, France, Gabon, Germany, Federal Republic of, Greece, Guatemala, Guinea, Guinea-Bissau, Honduras, Iceland, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kenya, Lebanon, Lesotho, Liberia, Luxembourg, Malaysia, Mali, Mexico, Morocco, Netherlands, New Zealand, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Portugal, Rwanda, Saint Vincent and the Grenadines, Samoa, Senegal, Sierra Leone, Singapore, Somalia, Spain, Sudan, Swaziland, Sweden, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Venezuela, Zaire.

Against: None.

Abstaining: Afghanistan, Algeria, Angola, Bahrain, Bulgaria, Burkina Faso, Burundi, Cameroon, Central African Republic, China, Congo, Cuba, Czechoslovakia, Democratic Yemen, German Democratic Republic, Guyana, Hungary, India, Indonesia, Iran (Islamic Republic of), Iraq, Kuwait, Lao People's Democratic Republic, Libyan Arab Jamahiriya, Malawi, Mauritania, Mongolia, Nepal, Nicaragua, Papua New Guinea, Poland, Qatar, Romania, Saudi Arabia, Sri Lanka, Suriname, Syrian Arab Republic, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, Viet Nam, Yemen, Yugoslavia, Zambia, Zimbabwe.

32. Draft resolution A/C.3/41/L.42/Rev.1, as orally revised, was adopted by 88 votes to none, with 46 abstentions.

Draft resolution A/C.3/41/L.93

33. Mr. GHAREKHAN (India) said that his delegation was concerned that needless controversy might arise if draft resolution A/C.3/41/L.93 were put to the vote. He therefore moved that no action should be taken on the draft resolution, under rule 116 of the rules of procedure. He urged the adoption of his motion by consensus, and reserved the right to take the floor again with regard to draft resolutions A/C.3/41/L.97/Rev.1 and L.98/Rev.1 to raise a similar procedural question.

34. Mr. VRAALSEN (Norway) and Miss BYRNE (United States of America), speaking in favour of India's motion, said that their delegations understood that a similar procedural motion would be made for draft resolutions A/C.3/41/L.97/Rev.1 and L.98/Rev.1. They hoped that such motions, when made, would be adopted by consensus.

35. Mr. CABALLEROS (Cuba) said that, since the draft resolution had introduced an issue which had nothing to do with human rights, in the framework of a quarter-century of hostility against Cuba, his delegation would not insist that a vote should be taken.

36. The CHAIRMAN said that, if he heard no objection, he would take it that the Committee wished to adopt India's motion without a vote.

37. It was so decided.

38. Mr. GHAREKHAN (India), supported by Mr. VRAALSEN (Norway), moved that no action should be taken on draft resolutions A/C.3/41/L.97/Rev.1 and L.98/Rev.1, under rule 116 of the rules of procedure.

39. The CHAIRMAN said that, if he heard no objection, he would take it that the Committee wished to adopt India's motion without a vote.

40. It was so decided.

41. Mrs. ALVAREZ (France) said it was her delegation's understanding that there was no relationship between the two draft resolutions in question, and that the motions adopted reflected the agreement of the sponsors of the two draft resolutions not to put them to a vote.

42. The CHAIRMAN said that France's understanding was correct.

Documents A/C.3/41/L.4, L.5 and L.34

43. Ms. ILIĆ (Yugoslavia), referring to the draft declaration on the right to development (A/C.3/41/L.4), said that consultations on the proposed amendments in document A/C.3/41/L.34 had reached a successful conclusion. It had been agreed that, in the seventh preambular paragraph, the following words should be added after the words "to exercise": "subject to the relevant provisions of both International Covenants on Human Rights". The same phrase should also be added to article 1, paragraph 2, after the words "which includes". The amendments in document A/C.3/41/L.34 would therefore be withdrawn. Moreover, India would be added to the list of sponsors, and Nigeria would be deleted.

44. With regard to Pakistan's proposed amendment (A/C.3/41/L.5), she feared that its adoption would cause negative reactions from one group of countries and would affect the delicate balance achieved in the draft declaration. She appealed to Pakistan not to insist that a vote should be taken on its amendment.

45. Mr. AKRAM (Pakistan) said that, although the draft declaration omitted certain concepts concerning development which had been stressed by the Group of 77 and the non-aligned countries, in particular the concept of equity in international economic relations, his delegation would be prepared to go along with it as a basis for future work if it could obtain the consensus of the Committee.

46. The CHAIRMAN said that a recorded vote had been requested.

47. Mr. AKRAM (Pakistan) said that, in that case, he would call for a separate vote on Pakistan's amendment in document A/C.3/41/L.5, but as a draft decision, with the following changes: the words "The General Assembly declares that" would be inserted at the beginning, deleting the words "Article 4". Paragraph 1 would read the same, with the addition of the end of the words "in accordance with the Declaration and the Programme of Action on the Establishment of a New International Economic Order, the International Development Strategy for the Third United Nations Development Decade and the Charter of Economic Rights and Duties of States." The second paragraph would remain the same.

48. The CHAIRMAN suggested that the Committee should take up Pakistan's proposal.

49. Ms. ILIĆ (Yugoslavia) said that it would be normal to consider the adoption of document A/C.3/41/L.4 before considering document A/C.3/41/L.5.

50. Mr. LINDHOLM (Sweden) suggested that the opinion of the Legal Counsel should be sought as to whether a draft amendment could be transformed into a draft decision.

51. Mr. THORSTEINSSON (Iceland) said that if the amendment in document A/C.3/41/L.5 were separated from the draft declaration, it would come within the competence of the Second Committee and would therefore be out of order.

52. Mrs. ALVAREZ (France) said that her delegation also had difficulty with the idea of transforming the draft amendment into a proposal.

53. Mr. AKRAM (Pakistan) said that his delegation had been merely trying to offer a way out of the impasse. If Iceland and France had difficulties with the proposal, they were free to vote against it. Moreover, he felt that it would not be of help to the Committee to entertain legal opinions on the matter.

54. Mr. JESUS (Cape Verde) said that it was not in accordance with United Nations practice to have a document which began with the words "The General Assembly declares", and consisted of only paragraphs.

55. The CHAIRMAN said that the Committee would take up draft resolution A/C.3/41/L.4 first and postpone further comments on document A/C.3/41/L.5 until later in the meeting.

56. Mr. MOHAMMED (Iraq), speaking in explanation of vote before the vote on the draft declaration (A/C.3/41/L.4), said Iraq considered that the right of peoples to exercise full sovereignty over their natural wealth was inalienable and absolute, and not dependent on any other principle of international law or international conventions. Although it would vote in favour of the draft declaration, Iraq had reservations on the Yugoslav amendments, which might be construed as prejudicial to that right.

57. A recorded vote was taken on the draft declaration in documents A/C.3/41/L.4 and Corr.1.

In favour: Afghanistan, Algeria, Angola, Argentina, Australia, Austria, Bahamas, Bahrain, Bangladesh, Barbados, Belgium, Benin, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Canada, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Comoros, Congo, Côte d'Ivoire, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Ethiopia, Fiji France, Gabon, Gambia, German Democratic Republic, Ghana, Greece, Guatemala, Guinea, Guinea-Bissau, Guyana, Honduras, Hungary, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mexico, Mongolia, Morocco, Mozambique, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Romania,

Rwanda, Saint Vincent and the Grenadines, Samoa, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia, Zimbabwe.

Against: United States of America.

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

58. The draft declaration in documents A/C.3/41/L.4 and Corr.1, as orally revised, was adopted by 133 votes to 1, with 9 abstentions.

59. A recorded vote was taken on draft decision A/C.3/41/L.5.

In favour: Afghanistan, Algeria, Angola, Argentina, Bahrain, Bangladesh, Benin, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Central African Republic, Chad, Chile, China, Colombia, Comoros, Congo, Côte d'Ivoire, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Ethiopia, Fiji, Gabon, Gambia, German Democratic Republic, Ghana, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, India, Indonesia, Iran (Islamic Republic of), Iraq, 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, New Zealand, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Qatar, Romania, Rwanda, Saint Vincent and the Grenadines, Samoa, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia, Zimbabwe.

Against: Belgium, Canada, France, Germany, Federal Republic of, Italy, Japan, Luxembourg, Netherlands, Portugal, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Australia, Austria, Bahamas, Barbados, Denmark, Finland, Greece, Iceland, Ireland, Israel, Malawi, Norway, Spain, Sweden.

60. Draft decision A/C.3/41/L.5, as orally revised, was adopted by 118 votes to 11, with 14 abstentions.

Draft resolution A/C.3/41/L.77

61. Ms. KAMAL (Secretary of the Committee) announced that Uganda had become a sponsor of the draft resolution.

62. Mr. ATTEWELL (Canada) read out three revisions on behalf of the sponsors. In the Annex, paragraph 2 (c), a reference to Nairobi should be inserted after the reference to Geneva and Vienna. In paragraph 3, the phrase "initiate within existing resources" should be replaced by the phrase "consider including in his budget proposals for the biennium 1988-1989". In paragraph 7, the phrase "hold a special commemorative meeting" should be replaced by the phrase "devote one plenary meeting during its forty-third session".

63. The last two revisions had been suggested by the Fifth Committee to avoid any financial implications for either the current or the coming biennium.

64. Ms. KAMAL (Secretary of the Committee) announced that Denmark, Ecuador, the Philippines and Samoa had now become sponsors of the draft resolution.

65. Draft resolution A/C.3/41/L.77, as orally revised, was adopted without a vote.

Draft resolution A/C.3/41/L.79

66. The CHAIRMAN reminded the Committee that draft resolution A/C.3/41/L.79 had financial implications, which were stated in document A/C.3/41/L.84. A recorded vote on the draft resolution had been requested.

67. Ms. KAMAL (Secretary of the Committee) corrected a drafting error in document A/C.3/41/L.84, and announced that Mauritania and the Philippines had become sponsors of the draft resolution.

68. Mr. MONTAÑO (Mexico) said that he deeply regretted that a vote had for the first time been requested on the draft resolution regarding migrant workers, traditionally adopted by consensus. While he was aware of reservations regarding its financial implications, he recalled that only a few days earlier, the Committee had postponed a decision on rationalization of work that would have involved saving a much greater sum of money.

69. Mrs. ALVAREZ (France), speaking in explanation of vote before the vote, said that France would vote in favour of the draft resolution but reserved its right to reconsider its position in the Fifth Committee when the financial implications were taken up.

70. Mr. TROUVEROY (Belgium) said that his delegation's concern over the financial implications would cause it to abstain on the draft resolution and also to reserve the position it would take in the Fifth Committee.

71. Mrs. WARZAZI (Morocco) said that the concerns now being voiced over the financial implications of the important draft resolution on migrant workers were all the more amazing in that the same delegations had only the previous week opposed a draft resolution that would have saved $400,000.

72. A recorded vote was taken on draft resolution A/C.3/41/L.79.

In favour: Afghanistan, Algeria, Angola, Argentina, Australia, Austria, Bahamas, Bahrain, Bangladesh, Barbados, Benin, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Ethiopia, Fiji, Finland, France, Gabon, Gambia, German Democratic Republic, Greece, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kenya, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mexico, Mongolia, Morocco, Mozambique, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Romania, Rwanda, Saint Vincent and the Grenadines, Samoa, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia, Zimbabwe.

Against: United States of America.

Abstaining: Belgium, Canada, Germany, Federal Republic of, United Kingdom of Great Britain and Northern Ireland.

73. Draft resolution A/C.3/41/L.79 was adopted by 138 votes to 1, with 4 abstentions.

Draft decision A/C.3/41/L.83

74. The CHAIRMAN observed that the draft decision had no programme-budget implications.

75. Mrs. NDUKU BOOTO (Zaire) read out a minor drafting correction and announced that Samoa had become a sponsor.

76. Draft decision A/C.3/41/L.83, as orally corrected, was adopted without a vote.

Draft resolution A/C.3/41/L.92

77. Mrs. RODRIGUEZ PEREZ (Cuba) said that the sponsors had revised draft resolution A/C.3/41/L.92. The following new paragraph should be inserted as the fifth preambular paragraph:

> "Aware that freedom of expression, religion and association, and the ensuring of the equality of rights and opportunities for all citizens on an equal footing in respect of employment, health, education, culture, rest and social security, in particular, also contribute to the improvement of social life,".

78. Paragraph 1 should be redrafted to read:

> "Acknowledges that the progress achieved is still inadequate and that greater progress is necessary in the world social situation despite the efforts made, and that efforts towards this end should be continued;"

79. Paragraph 2 should be redrafted to read:

> "Confirms the need to ensure the well-being of all persons and the enjoyment of all the other basic human rights, particularly freedom of expression, worship and association, and the ensuring of the equality of rights and opportunities on an equal footing for all the people in respect of employment, health, education, culture, rest and social security;".

80. In paragraph 4, the words "and free use of time" should be added after the words "recreational activities"; and paragraph 5 should be deleted altogether.

81. In response to a suggestion by Mr. VALDEZ (Peru), she said the sponsors agreed that the word "citizens" should be replaced throughout by the broader term "the people".

82. Miss BYRNE (United States of America) announced that the United States was joining the sponsors of the draft resolution.

83. Mrs. RODRIGUEZ PEREZ (Cuba) said that it was a pleasure to agree with the United States on a social question. All the amendments she had just read out had been submitted by the United States, and since they contained elements that were in the Cuban Constitution as well, Cuba had readily accepted them.

84. Draft resolution A/C.3/41/L.92, as orally revised, was adopted without a vote.

Draft resolution A/C.3/41/L.94

85. The CHAIRMAN announced that Mongolia had become a sponsor. He had been informed that the draft resolution had no budgetary implications.

86. Draft resolution A/C.3/41/L.94 was adopted without a vote.

Draft resolution A/C.3/41/L.95

87. The CHAIRMAN said that the draft resolution had no budgetary implications.

88. Ms. KAMAL (Secretary of the Committee) said that in paragraph 2, the word "satisfaction" should be replaced by the word "interest".

89. She announced that France had become a sponsor of the draft resolution.

90. Miss YOUNG (United Kingdom) said that her delegation was also a sponsor of the draft resolution.

91. Mr. DOWEK (Israel), speaking in explanation of vote before the vote, said that his delegation had intended to request a separate vote on the sixth preambular paragraph and would have voted against the inclusion of that paragraph in the draft resolution. However, it would not do so, because of the importance of the subject and out of respect for the sponsors, whose good will and integrity were unquestionable. Moreover, in introducing the draft resolution, the Belgian representative had clearly specified that the preparation and implementation of regional arrangements was the primary responsibility of the States concerned. His delegation therefore believed that the sponsors did not necessarily identify themselves with the documents mentioned in the sixth preambular paragraph and that no value judgement was meant with respect to the regional instruments in question. It was therefore prepared to join in the consensus.

92. Draft resolution A/C.3/41/L.95, as orally corrected, was adopted without a vote.

Draft resolution A/C.3/41/L.100/Rev.1

93. The CHAIRMAN said that the draft resolution had no budgetary implications.

94. Mr. LEBAKINE (Ukrainian Soviet Socialist Republic), introducing the draft resolution, said that as a result of consultations with interested delegations, the sponsors had reached an agreement to meet the difficulties which some had had with regard to the text, in particular paragraph 4. The following changes had therefore been made. In paragraph 1, the word "develop" should be replaced by the words "base their activities to protect and promote human rights, including the development of". In the second line of paragraph 1, the words "of human rights based" should be deleted. Furthermore, at the end of the paragraph the following text should be added after the word "instruments": "and to refrain from activities which are inconsistent with this international legal framework".

(Mr. Lebakine, Ukrainian SSR)

95. In paragraph 3, the word "peoples" should be deleted.

96. Paragraph 4 should be deleted and the following paragraphs renumbered accordingly.

97. In the opinion of the sponsors, the revised resolution should not give rise to any difficulty for delegations.

98. Mr. QUINN (Australia) expressed appreciation to the sponsors for making changes to accommodate the concerns of his delegation and others. The discussions had been based on the understanding that draft resolution A/C.3/41/L.91 would not be acted on during the current year. His delegation could therefore accept the text on that understanding.

99. Mr. LEBAKINE (Ukrainian Soviet Socialist Republic) said that he understood the concern of the Australian delegation. The Committee would in due course come to the draft in question and would then resolve the issue as agreed.

100. A recorded vote was taken on draft resolution A/C.3/41/L.100/Rev.1, as orally revised.

In favour: Afghanistan, Algeria, Angola, Argentina, Australia, Austria, Bahamas, Bahrain, Bangladesh, Barbados, Belgium, Benin, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Canada, Cape Verde, Central African Republic, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Ethiopia, Fiji, Finland, France, Gabon, Gambia, German Democratic Republic, Germany, Federal Republic of, Ghana, Greece, Guatemala, Guinea, Guinea-Bissau, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mexico, Mongolia, Morocco, Mozambique, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Romania, Rwanda, Saint Vincent and the Grenadines, Samoa, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia, Zimbabwe.

Against: None.

Abstaining: United States of America.

101. Draft resolution A/C.3/41/L.100/Rev.1, as orally revised, was adopted by 141 votes to none, with 1 abstention.

Draft resolution A/C.3/41/L.57/Rev.2

102. Mr. LUPINACCI (Uruguay), introducing the revised draft resolution, said that the sponsors had held consultations with other delegations in order to arrive at a text that met their concerns. They had therefore made the following revisions.

103. In the second preambular paragraph, they had deleted the reference to the various General Assembly resolutions, except for resolution 40/140.

104. In the third preambular paragraph, they had taken note of previous resolutions of the Commission on Human Rights and referred in particular to its latest resolution.

105. With regard to operative paragraph 2, they had added a clause at the end which did not alter the substance of the existing text.

106. The sponsors hoped that the revised draft resolution could be adopted without a vote.

107. Mr. LINDHOLM (Sweden) said that, by agreement with the sponsors of the draft resolution, the proposers of the amendments in document A/C.3/41/L.96 were withdrawing their text. They hoped that it would be possible to adopt draft resolution A/C.3/41/L.57/Rev.2 without a vote.

108. Mr. MONTAÑO (Mexico) thanked those delegations which had submitted amendments for their recognition of the efforts being made by the Government of Guatemala to ensure the enjoyment of human rights and fundamental freedoms in that country.

109. At the request of the representative of the USSR, a recorded vote was taken on draft resolution A/C.3/41/L.57/Rev.2.

In favour: Afghanistan, Algeria, Angola, Argentina, Australia, Austria, Bahamas, Bahrain, Bangladesh, Barbados, Belgium, Botswana, Brazil, Bulgaria, Burkina Faso, Byelorussian Soviet Socialist Republic, Cameroon, Canada, Cape Verde, Central African Republic, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Denmark, Djibouti, Dominican Republic, El Salvador, Equatorial Guinea, Ethiopia, Fiji, Finland, France, Gambia, German Democratic Republic, Germany, Federal Republic of, Ghana, Greece, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iraq, Ireland, Israel, Italy, Jamaica, Japan, Kenya,

Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Luxembourg, Madagascar, Malawi, Malaysia, Mali, Mauritania, Mexico, Mongolia, Morocco, Mozambique, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Rwanda, Saint Vincent and the Grenadines, Samoa, Saudi Arabia, Senegal, Sierra Leone, Spain, Sudan, Suriname, Swaziland, Sweden, Syrian Arab Republic, Togo, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Venezuela, Viet Nam, Yugoslavia, Zambia, Zimbabwe.

Against: None.

Abstaining: Brunei Darussalam, Burma, Burundi, Ecuador, Egypt, Gabon, Jordan, Maldives, Nepal, Oman, Romania, Singapore, Somalia, Sri Lanka, Thailand, Trinidad and Tobago, Yemen, Zaire.

110. Draft resolution A/C.3/41/L.57/Rev.2 was adopted by 122 votes to none, with 18 abstentions.

Draft resolutions A/C.3/41/L.18/Rev.1 and L.49

111. The CHAIRMAN said that draft resolution A/C.3/41/L.18/Rev.1 had no budgetary implications, and that Denmark, Greece, the Netherlands and Norway had become sponsors.

112. Mr. VALDEZ (Peru), speaking on behalf of the sponsors of draft resolution A/C.3/41/L.18/Rev.1, said that, following consultations with some delegations, they had agreed to make the following changes.

113. In paragraph 4, the words "for the duration of the armed conflict" should be deleted.

114. In paragraph 13, the following text should be added after the words "Human Rights": "and requests the competent bodies of the United Nations system to provide any advice and assistance which the Government of El Salvador may require to achieve the highest levels in the promotion and protection of human rights and fundamental freedoms".

115. In paragraphs 7 and 8, the words "insurgent forces" should be replaced by the words "opposing force".

116. The sponsors hoped that with those revisions the delegation of Costa Rica would withdraw draft resolution A/C.3/41/L.49, so that the Committee could give as much support as possible to the Government of El Salvador.

117. Mrs. CASTRO de BARISH (Costa Rica) said that her delegation was pleased with the happy conclusion of the negotiations. Since the sponsors of draft resolution A/C.3/41/L.18/Rev.1 had accepted some of her delegation's amendments, it had decided to withdraw draft resolution A/C.3/41/L.49, although it had to sacrifice some important points, such as the reference in the 12th preambular paragraph of its text to the forcible recruitment of young persons.

118. At the request of the representative of the USSR, a recorded vote was taken on draft resolution A/C.3/41/L.18/Rev.1, as orally revised.

In favour: Afghanistan, Algeria, Angola, Argentina, Australia, Austria, Bahrain, Barbados, Belgium, Benin, Botswana, Brazil, Bulgaria, Burkina Faso, Byelorussian Soviet Socialist Republic, Cameroon, Canada, Cape Verde, Colombia, Congo, Costa Rica, Cuba, Cyprus, Czechoslovakia, Democratic Yemen, Denmark, Dominican Republic, Egypt, Equatorial Guinea, Ethiopia, Fiji, Finland, Gambia, German Democratic Republic, Germany, Federal Republic of, Ghana, Greece, Guatemala, Guinea, Guinea-Bissau, Guyana, Honduras, Hungary, Iceland, India, Iraq, Ireland, Israel, Italy, Jamaica, Japan, Kenya, Kuwait, Lao People's Democratic Republic, Lesotho, Luxembourg, Madagascar, Malawi, Mali, Mauritania, Mexico, Mongolia, Morocco, Mozambique, Netherlands, New Zealand, Nicaragua, Norway, Panama, Papua New Guinea, Peru, Philippines, Portugal, Qatar, Rwanda, Samoa, Saudi Arabia, Senegal, Spain, Sudan, Swaziland, Sweden, Syrian Arab Republic, Togo, Tunisia, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Venezuela, Viet Nam, Yugoslavia, Zambia, Zimbabwe.

Against: None.

Abstaining: Bahamas, Bangladesh, Brunei Darussalam, Burma, Burundi, Central African Republic, Chad, China, Comoros, Côte d'Ivoire, Ecuador, Gabon, Indonesia, Jordan, Lebanon, Liberia, Malaysia, Maldives, Nepal, Niger, Nigeria, Oman, Pakistan, Paraguay, Poland, Romania, Saint Vincent and the Grenadines, Sierra Leone, Singapore, Somalia, Sri Lanka, Suriname, Thailand, Trinidad and Tobago, Turkey, Yemen, Zaire.

119. Draft resolution A/C.3/41/L.18/Rev.1, as orally revised, was adopted by 98 votes to none, with 37 abstentions.*

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* See para. 120 below.

120. Mrs. ALVAREZ (France) said that her delegation had voted in favour but had not seen its vote recorded. It therefore wished to have its vote recorded and the results of the vote corrected accordingly.

Draft resolution A/C.3/41/L.76

121. The CHAIRMAN said that the draft resolution had no budgetary implications.

122. Mr. YAKOVLEV (Union of Soviet Socialist Republics) said that to make clear his Government's position with regard to the question of Afghanistan he wished to refer to the statement made by Mr. Gorbachev, General Secretary of the Central Committee of the Communist Party of the Soviet Union, on 20 November 1986. Mr. Gorbachev had said that the USSR did not intend to have any bases or to search for raw materials in Afghanistan and that it had responded to the Afghan Government's call for help some time earlier. It had sent troops to Afghanistan on a temporary basis at the request of that Government and did not intend to stay there for ever. The Soviet Government favoured a political settlement: it considered that the action being taken under United Nations auspices constituted genuine progress and could lead to a political settlement if Pakistan and the United States favoured such a solution. He had gone on to say that, whenever there were signs of progress towards a settlement, those two countries immediately took measures to thwart them. Nevertheless, the Soviet Government thought that the day was not far off when a political settlement would be reached, which would mean simultaneously the withdrawal of Soviet troops.

123. The Soviet delegation considered that the draft resolution submitted by some Western delegations was unbalanced and would impede a political settlement. It therefore called on responsible delegations to vote against the draft resolution.

124. Mr. AKRAM (Pakistan), replying to the USSR representative, said that the Soviet troops had not responded to any call from the Government of Afghanistan for assistance, because that Government had been removed by Soviet troops and replaced by another.

125. As to who favoured political settlement, he said that the report of the Special Rapporteur on the question of human rights in Afghanistan was particularly relevant because it revealed that during the past year the military campaign of repression by foreign troops had intensified and that the bombing of villages had escalated. Furthermore, violations of his country's borders had increased in number. All that did not signify a desire for a political settlement. On the contrary, it appeared to signify a desire for a military solution.

126. Pakistan called for an early withdrawal of foreign troops from Afghanistan. That was consonant with the call by the General Assembly and constituted his Government's position in the relevant negotiations. Pakistan was still awaiting an answer from the other side to that call. When that came, there would be a settlement, and his delegation hoped that the day was not far off.

127. Ms. BROŠŇÁKOVÁ (Czechoslovakia), speaking also on behalf of the delegations of Bulgaria, the Byelorussian SSR, the German Democratic Republic, Hungary, Poland and the Ukrainian SSR, said that draft resolution A/C.3/41/L.76 was based, as had been the case the previous year, on a politically motivated assessment of developments in the Democratic Republic of Afghanistan.

128. The entire text reflected the arguments contained in the report of the Special Rapporteur, who had described the state of affairs in the country on the basis of information obtained through counter-revolutionary sources. Neither that report nor the text of the draft resolution contained the slightest reference to the extensive democratic changes that had already been made or were under way with a view to ensuring fully the social, economic, political and civil rights of the Afghan people. The true purpose of the draft was not to express concern about respect for human rights in Afghanistan but to reverse the developments in that country, which had chosen the path of independent development. The text thus ran counter to the basic principles of international co-operation in human rights.

129. For those reasons, the above-mentioned delegations would vote against the draft resolution.

130. Mr. ZARIF (Afghanistan) said that both the report on the human-rights situation in Afghanistan (A/C.3/41/778) and the draft resolution under consideration were composed of cheap lies and unfounded allegations. Afghanistan had been unfairly singled out for examination of its human-rights situation; consideration thereof by the Committee had unveiled the political malice behind apparent human-rights concerns and was in gross violation of the rules of procedure of the Economic and Social Council and its subsidiary organs. The arbitrary selection of the Special Rapporteur was in breach of the Committee's practice of ensuring prior consultations. The anti-socialist and anti-progressive views of the Special Rapporteur left grave doubts as to his moral authority to draw up an unbiased report. The report was almost entirely based on the allegations of the mercenary ringleaders and their followers, through interpreters provided by them. It was, furthermore, full of categorical statements, leaving no room for future rectifications. By blaming the national democratic revolution and ensuing reforms for the alleged human-rights violations in the country, the report revealed itself to be politically motivated and as such was unacceptable.

131. Draft resolution A/C.3/41/L.76 sought the consent of the General Assembly to the form and substance of the report; the language used was intended to suggest that there was no doubt about the authenticity of the allegations. The hostility and political bias of the sponsors was further proven by the failure to call the Government of the Democratic Republic of Afghanistan by its proper name, referring to it as the "authorities in Afghanistan", contrary to official usage.

132. The adoption of the draft resolution would lead to the proliferation of similar actions against other small, independent and non-aligned countries. Lending legitimacy to such misuse of the United Nations for political ends would undermine the principle of non-intervention in the internal affairs of Member States and set a very dangerous precedent for future discussions on the promotion

(Mr. Zarif, Afghanistan)

of genuine human rights. Any delegations with reasonable doubts that the report and the draft resolution did not reflect the true human-rights situation in Afghanistan were urged not to associate themselves with an exercise which was far from reflecting genuine human-rights concerns. Human, moral and political responsibilities called for the adoption of a fair position on draft resolution A/C.3/41/L.76.

133. A recorded vote was taken on draft resolution A/C.3/41/L.76.

In favour: Albania, Argentina, Australia, Austria, Bahrain, Bangladesh, Barbados, Belgium, Botswana, Brazil, Brunei Darussalam, Canada, Chad, Chile, China, Colombia, Costa Rica, Côte d'Ivoire, Democratic Kampuchea, Denmark, Djibouti, Dominican Republic, Egypt, El Salvador, Equatorial Guinea, Fiji, France, Gabon, Gambia, Germany, Federal Republic of, Greece, Guatemala, Honduras, Iceland, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kenya, Lesotho, Luxembourg, Malaysia, Mexico, Morocco, Netherlands, New Zealand, Niger, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Portugal, Qatar, Rwanda, Saint Vincent and the Grenadines, Samoa, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Spain, Sudan, Sweden, Thailand, Togo, Tunisia, Turkey, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela.

Against: Afghanistan, Algeria, Angola, Bulgaria, Burkina Faso, Byelorussian Soviet Socialist Republic, Cuba, Czechoslovakia, Democratic Yemen, Ethiopia, German Democratic Republic, Hungary, India, Lao People's Democratic Republic, Libyan Arab Jamahiriya, Mongolia, Nicaragua, Poland, Romania, Syrian Arab Republic, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Viet Nam.

Abstaining: Bahamas, Benin, Burma, Burundi, Cameroon, Cape Verde, Central African Republic, Comoros, Congo, Cyprus, Ecuador, Finland, Ghana, Guinea, Guinea-Bissau, Guyana, Iraq, Kuwait, Lebanon, Liberia, Malawi, Maldives, Mali, Mauritania, Nepal, Nigeria, Sri Lanka, Suriname, Swaziland, Trinidad and Tobago, Uganda, United Republic of Tanzania, Yugoslavia, Zaire, Zambia, Zimbabwe.

134. Draft resolution A/C.3/41/L.76 was adopted by 79 votes to 23, with 36 abstentions.

Draft resolution A/C.3/41/L.86

135. The CHAIRMAN said that the draft resolution had no programme-budget implications.

136. Ms. KAMAL (Secretary of the Committee) said that Saint Lucia was to be included in the list of sponsors.

137. Mr. AKRAM (Pakistan) expressed serious doubts about the wisdom of the Committee's considering draft resolution A/C.3/41/L.86, since it concerned matters falling within the internal jurisdiction of the Government of the Islamic Republic of Iran. In 1986, in particular, there was no justification for a further resolution on the situation in that country since the Committee had no new information or reports before it. Invoking rule 116 of the rules of procedure, he moved that the Committee should take no action on the draft resolution before it.

138. Mrs. MUKHERJEE (India), and Mr. ABOU-HADID (Syrian Arab Republic), supported the motion by the delegation of Pakistan.

139. Mr. HOPPE (Denmark) and Mrs. CASTRO de BARISH (Costa Rica) opposed that motion.

140. The CHAIRMAN invited the Committee to vote on the Pakistan motion that no action should be taken on draft resolution A/C.3/41/L.86.

141. A recorded vote was taken on the motion by Pakistan.

In favour: Algeria, Angola, Brunei Darussalem, China, Cuba, Democratic Yemen, Ethiopia, Ghana, India, Indonesia, Iran (Islamic Republic of), Lebanon, Libyan Arab Jamahiriya, Malaysia, Mali, Mozambique, Nicaragua, Niger, Pakistan, Romania, Sierra Leone, Somalia, Sri Lanka, Sudan, Syria, Turkey, United Arab Emirates, United Republic of Tanzania, Yemen, Zimbabwe.

Against: Australia, Austria, Bahamas, Belgium, Canada, Cape Verde, Chad, Colombia, Costa Rica, Côte d'Ivoire, Denmark, Dominican Republic, El Salvador, Equatorial Guinea, Fiji, Finland, France, Germany, Federal Republic of, Greece, Guatemala, Haiti, Honduras, Iceland, Iraq, Ireland, Israel, Italy, Jamaica, Jordan, Kenya, Luxembourg, Malawi, Mexico, Morocco, Netherlands, New Zealand, Norway, Panama, Peru, Portugal, Saint Vincent and the Grenadines, Samoa, Spain, Sweden, Togo, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela.

Abstaining: Argentina, Bangladesh, Botswana, Brazil, Bulgaria, Burkina Faso, Burma, Burundi, Cameroon, Comoros, Cyprus, Ecuador, Egypt, Gabon, Japan, Lesotho, Liberia, Mauritania, Nepal, Nigeria, Paraguay, Rwanda, Senegal, Singapore, Suriname, Swaziland, Thailand, Trinidad and Tobago, Uganda, Yugoslavia, Zaire, Zambia.

142. The Pakistan motion was rejected by 48 votes to 30, with 32 abstentions.

143. Mr. McDOWELL (New Zealand) said that his delegation would vote in favour of the draft resolution, but with reservations. The investigation of reported human-rights violations could best be done with the co-operation of the Government concerned. The Iranian authorities had responded to some of the requests for

(Mr. McDowell, New Zealand)

information made by the former Special Representative appointed by the Commission on Human Rights and had indicated a willingness to co-operate further. They had also expressed some concerns, namely that United Nations resolutions should not prejudge the situation in the country before all the facts were known, that the investigation should be demonstrably impartial and that account should be taken of the preference of the Iranian authorities for the appointment of a Special Representative with a knowledge of Islamic jurisprudence and international human-rights law. New Zealand had some sympathy for the Iranian position, since it was not evident that Iranian concerns had been taken fully into account. His delegation was disappointed at the failure to secure the co-operation of the Islamic Republic of Iran and would therefore have preferred to see a procedural resolution, since that might best have facilitated subsequent agreement.

144. There was an obligation to see that United Nations machinery was not employed in a discriminatory way and that it worked effectively. New Zealand accordingly urged the Commission on Human Rights to review the matter at its next session so that the Iranian authorities might be assured that the Commission was acting with impartiality and understanding and that judgement would be withheld until the facts were established.

145. Mr. MOHAMMED (Iraq), speaking in explanation of vote before the vote, said that his delegation would vote in favour of draft resolution A/C.3/41/L.86, although it had some reservations. The first concerned the rather restrictive wording of the sixth preambular paragraph, since the oppression in the Islamic Republic of Iran was directed against all Iranians, irrespective of their beliefs or creeds. Furthermore, extremely serious violations were being committed in that country under the pretext that the authorities were applying Koranic law. Muslims were in duty bound to prevent that attempt to distort the true meaning of Islam, which taught tolerance and indulgence. The true precepts of Islam were to counter, or at least seek to alleviate, injustice.

146. A recorded vote was taken on draft resolution A/C.3/41/L.86.

In favour: Australia, Austria, Barbados, Belgium, Canada, Cape Verde, Chad, Colombia, Costa Rica, Denmark, Dominican Republic, El Salvador, Equatorial Guinea, Fiji, Finland, France, Germany, Federal Republic of, Greece, Guatemala, Haiti, Honduras, Iceland, Iraq, Ireland, Israel, Italy, Jamaica, Jordan, Kenya, Lesotho, Liberia, Luxembourg, Malawi, Mexico, Netherlands, New Zealand, Norway, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Portugal, Rwanda, Saint Vincent and the Grenadines, Samoa, Spain, Swaziland, Sweden, Togo, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela.

Against: Algeria, Angola, Brunei Darussalam, Cuba, Democratic Yemen, Ethiopia, Ghana, Indonesia, Iran (Islamic Republic of), Kuwait, Lebanon, Libyan Arab Jamahiriya, Malaysia, Nicaragua, Niger, Pakistan, Qatar, Romania, Saudi Arabia, Sierra Leone, Somalia,

Sri Lanka, Sudan, Syrian Arab Republic, United Arab Emirates, United Republic of Tanzania, Yemen.

Abstaining: Argentina, Bahamas, Bahrain, Bangladesh, Benin, Brazil, Bulgaria, Burkina Faso, Burma, Burundi, Cameroon, Central African Republic, Comoros, Côte d'Ivoire, Cyprus, Djibouti, Ecuador, Egypt, Gabon, Guinea-Bissau, India, Japan, Maldives, Mali, Mauritania, Morocco, Nepal, Nigeria, Oman, Poland, Senegal, Singapore, Suriname, Thailand, Trinidad and Tobago, Tunisia, Turkey, Uganda, Yugoslavia, Zaire, Zambia, Zimbabwe.

147. Draft resolution A/C.3/41/L.86 was adopted by 53 votes to 27, with 42 abstentions.

Draft resolution A/C.3/41/L.87

148. The CHAIRMAN said that the draft resolution had no financial implications.

149. Draft resolution A/C.3/41/L.87 was adopted without a vote.

Draft resolution A/C.3/41/L.91

150. The CHAIRMAN informed the Committee that the draft resolution had no programme-budget implications.

151. Mr. LEBAKINE (Ukrainian Soviet Socialist Republic), speaking on behalf of the sponsors, said that, in order to allow time to accommodate the difficulties that some delegations had had with the draft resolution, the sponsors had agreed that discussion of the matter might be deferred. He therefore proposed that discussion of the draft resolution should be deferred until the forty-second session.

152. It was so decided.

Draft resolution A/C.3/41/L.99

153. The CHAIRMAN said that the draft resolution had no financial implications.

154. Mr. MONTAÑO (Mexico), speaking on behalf of the sponsors, requested the suspension of the meeting to allow for final consultations on the draft resolution.

The meeting was suspended at 7.10 p.m. and resumed at 7.45 p.m.

155. Mr. MONTAÑO (Mexico) said that the sponsors, now joined by Australia, Austria and Luxembourg, had done their utmost to produce a text reflecting faithfully the information available for a balanced analysis of the human-rights situation in Chile. On their behalf, he wished to draw attention to the following revisions:

(Mr. Montaño, Mexico)

156. In the first line of the fifth preambular paragraph, the word "pertinent" should be inserted before "resolutions".

157. Paragraph 3 should be replaced by the following:

"Expresses its deep distress at the absence of institutional machinery which protects the unrestricted exercise of civil, political, economic, social and cultural rights, a basic condition for the free expression of the people's will;"

158. Paragraph 6 should be amended to read:

"Again expresses its conviction that a legal and political order based on the expression of the people's will through an electoral process open, on a footing of equality, to all citizens and on free elections, is fundamental for full respect for human rights in Chile as in any other country;"

159. The first part of paragraph 8, from ' presses its deep concern" to "of the Government to" should be replaced by the words "Welcomes with satisfaction".

160. Paragraph 9 (a) should be amended to read:

"Immediately put an end to the state of siege declared in September 1986 and the arbitrary practice of declaring "constitutional states of emergency" under which serious and continuing violations of human rights are committed in the country;"

161. In paragraph 9 (b), the words "authorizing the declaration" should be replaced by "permitting the arbitrary use". Finally, in paragraph 9 (f), the word "disappeared" should be followed by a semicolon and the rest of the sentence deleted.

162. Mr. DAMM (Chile), speaking in explanation of vote before the vote, said that his delegation totally rejected the draft resolution, which was incompatible with the report of the Special Rapporteur (A/41/719) and exceeded the competence of the Third Committee. The cosmetic revisions had in no way altered the substance of the draft resolution, which did not reflect the co-operation extended to the Special Rapporteur by his Government. Moreover, the draft contained no mention of the progress which the Special Rapporteur indicated had been achieved in the area of human rights, and passed over in silence the disruptive effect of terrorism on the institutional process in Chile. Terrorism had been recognized by the Special Rapporteur as the most serious problem in Chile and the failure of the draft resolution to reflect that was both inexcusable and cowardly. The draft resolution contained elements which constituted intervention in the internal affairs of his country and was therefore totally unacceptable.

163. Mr. PASTOR (Honduras), speaking in explanation of vote before the vote, said that he generally shared the views just expressed by the representative of Chile. He regretted the lack of objectivity of the draft resolution which, by its failure to take due note of the Special Rapporteur's report, had cast doubt on the work of a prestigious international official. Of particular concern was its failure to mention the problem of terrorism in Chile. Such an attitude would only encourage further terrorism in Latin America. His delegation would abstain in the vote.

164. A recorded vote was taken on draft resolution A/C.3/L.99, as orally revised.

In favour: Afghanistan, Albania, Algeria, Angola, Argentina, Australia, Austria, Barbados, Belgium, Benin, Botswana, Bulgaria, Burkina Faso, Burundi, Byelorussian Soviet Socialist Republic, Canada, Congo, Costa Rica, Cuba, Cyprus, Czechoslovakia, Democratic Yemen, Denmark, El Salvador, Ethiopia, Finland, France, Gambia, German Democratic Republic, Germany, Federal Republic of, Ghana, Greece, Guinea, Guinea-Bissau, Guyana, Hungary, Iceland, India, Ireland, Italy, Jamaica, Kenya, Kuwait, Lao People's Democratic Republic, Lesotho, Libyan Arab Jamahiriya, Luxembourg, Madagascar, Maldives, Mali, Mauritania, Mexico, Mongolia, Mozambique, Netherlands, New Zealand, Nicaragua, Norway, Peru, Poland, Portugal, Qatar, Romania, Rwanda, Samoa, Senegal, Spain, Sri Lanka, Swaziland, Sweden, Togo, Tunisia, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yugoslavia, Zambia, Zimbabwe.

Against: Chile, Indonesia, Lebanon, Paraguay, United States of America.

Abstaining: Bahamas, Bahrain, Bangladesh, Brazil, Brunei Darussalam, Burma, Cameroon, Central African Republic, Chad, China, Colombia, Comoros, Côte d'Ivoire, Democratic Kampuchea, Dominican Republic, Ecuador, Egypt, Equatorial Guinea, Fiji, Gabon, Guatemala, Honduras, Iraq, Israel, Japan, Jordan, Liberia, Malawi, Malaysia, Morocco, Nepal, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Saudi Arabia, Singapore, Somalia, Sudan, Thailand, Trinidad and Tobago, Turkey, Yemen, Zaire.

165. Draft resolution A/C.3/41/L.99, as orally revised, was adopted by 84 votes to 5, with 46 abstentions.

Explanations of vote

166. Mrs. CASTRO de BARISH (Costa Rica) said that her delegation had voted in favour of the draft resolution on the situation of human rights and fundamental freedoms in Chile (A/C.3/41/L.99) because it felt that, notwithstanding the progress achieved, attention should be focused on the grave violations of human rights still taking place in Chile.

(Mrs. Castro de Barish, Costa Rica)

167. Her delegation, however, had certain reservations about the draft. It did not adequately reflect the report of the Special Rapporteur (A/41/719) and failed to acknowledge the co-operation which he had received from the Government of Chile. The language used in paragraph 9 was excessive. Paragraph 9 (k) omitted reference to civil and political rights, which were as important as economic, social and cultural rights. Moreover, although in various resolutions the United Nations had strongly condemned terrorism, the draft resolution omitted any mention of the problem of terrorism in Chile.

168. She hoped that the Chilean people would be able to forge a consensus on how to bring about democratic changes in their society.

169. Mr. VILLAGRA DELGADO (Argentina) said that his delegation had voted in favour of draft resolution A/C.3/41/L.42/Rev.1 on property ownership, because respect for private property was an essential element of the legal and economic systems of Argentina. His delegation would, however, interpret the fourth preambular paragraph of the draft resolution in accordance with the International Covenants on Human Rights and the Charter of Economic Rights and Duties of States.

170. Mr. DIRAR (the Sudan) said that, while his delegation had voted in favour of draft resolution A/C.3/41/L.42/Rev.1, its position should not be regarded as detracting from its support for communal ownership of property or as belittling the role of the State and Government in national planning.

171. Mr. QUINN (Australia) said that his delegation had voted in favour of the declaration on the right to development annexed to draft resolution A/C.3/41/L.4 because it shared the view that the United Nations human-rights bodies had hitherto failed to give adequate attention to the economic, social and cultural rights proclaimed in the International Covenant and because it recognized the sustained effort made by a number of delegations to produce a satisfactory text. While having some difficulties with elements of the declaration, Australia supported its broad thrust, including the emphasis it placed on the individual as the central subject of development.

172. It had abstained in the vote on draft resolution A/C.3/41/L.5/Rev.1 because it considered that the subject was more appropriate to the Second Committee.

173. It had voted in favour of draft resolution A/C.3/41/L.86 although, in its view, the text failed to cover some important matters mentioned in the Special Representative's report; in particular, the lack of any reference to the adverse effect on the civilian population of El Salvador of the insurgents' attacks on the country's economic infrastructure was to be regretted. His delegation welcomed the oral revisions made by the sponsors and Costa Rica's consequent withdrawal of its amendments in document A/C.3/41/L.49.

174. Australia had joined the consensus on draft resolution A/C.3/41/L.83 but wished to express its firm conviction that, special rapporteurs and representatives and other drafters of reports on human rights should seek to keep their reports as succinct as possible.

(Mr. Quinn, Australia)

175. It had also joined the consensus on draft resolution A/C.3/41/L.92 because the text in itself was unobjectionable and was in line with Australia's commitment to the promotion of economic, social and cultural rights. However, his delegation regretted that such a text had been put forward, since it would have no practical impact on United Nations work in the field of human rights and exemplified the proliferation of draft resolutions in the Third Committee at the current session.

176. Mr. LINDHOLM (Sweden), speaking on behalf of the sponsors of the amendments to draft resolution A/C.3/41/L.57 contained in document A/C.3/41/L.96 and eventually withdrawn, expressed regret that the revised draft resolution (A/C.3/41/L.57/Rev.2) had not been adopted without a vote. It was likewise regrettable that the dialogue between the sponsors of the draft resolution and those of the amendments to the original version had not come about at a much earlier stage, since the final result might then have reflected more adequately the situation of human rights and fundamental freedoms in Guatemala. According to reliable, independent reports, human-rights violations in that country, including politically related killings and involuntary disappearances, continued to take place despite the efforts to control them being made by the new constitutional Government of Guatemala. In expressing support for those efforts, he also stressed the hope of the sponsors of the amendments that a constructive dialogue between interested delegations would take place well in advance of the Committee's consideration of the topic at the next session.

177. Mr. TELLE (France) said that his delegation's vote in favour of draft resolution A/C.3/41/L.4 and the declaration on the right to development annexed thereto was a consequence of the decision of the sponsors to revise the text along the lines of the amendments submitted by Netherlands and France in document A/C.3/41/L.34. His delegation wished to put it on record that it understood references in the declaration to the right of peoples to full sovereignty over all their natural wealth and resources to be governed by article 1, paragraph 2, of the International Covenant on Civil and Political Rights.

178. France had voted against draft resolution A/C.3/41/L.100/Rev.1 because it objected to an amendment to a draft resolution being transformed into a solemn declaration by the General Assembly and because it did not consider that the subject fell within the competence of the Third Committee.

179. Mr. van den BERG (Netherlands) said that in its position on documents A/C.3/41/L.4 and L.5 his delegation had been guided by the same considerations as those just placed on record by the French representative.

180. Mr. SCHWANDT (Federal Republic of Germany) said that his delegation had abstained on draft resolution A/C.3/41/L.4 because it considered that the matter of a declaration on the right to development had been brought before the General Assembly prematurely. The Federal Republic's sustained contribution to work on the subject being done in various United Nations bodies had been based on the view that the right to development as a comprehensive human-rights concept could be vested only in individual human beings. The declaration as adopted by majority vote

(Mr. Schwandt, Federal Republic of Germany)

failed to relate the material content of that right to the individual, thus depriving it of any human-rights substance. It was to be feared that the concept of individual human rights as embodied in the relevant United Nations documents would, in the long run, be eroded as a result.

181. With regard to the desirability of a new international economic order touched upon in the declaration and in document A/C.3/41/L.5, he referred to the explanation of vote given by the representative of the members of the European Economic Community on General Assembly resolutions 3201 (S-VI) and 3202 (S-VI). The Federal Republic of Germany had always been a major donor in development assistance and was prepared to recognize that it had a political responsibility for promoting the development of the developing countries. It could not, however, accept an international-law obligation to that effect or a prejudgement of the right to development by matters clearly unrelated to human rights.

182. His delegation had voted in favour of draft resolution A/C.3/41/L.99 although, in its opinion, the draft failed to reflect adequately the positive elements of the Special Rapporteur's report. The Chilean Government should be called upon even more strongly to implement the Special Rapporteur's detailed recommendations, more particularly by initiating a process of democratization and engaging in a dialogue with the democratic opposition.

183. Mr. ABUSHAALA (Libyan Arab Jamahiriya) said that his delegation had voted against the draft resolutions on the situation of human rights in Afghanistan (A/C.3/41/L.76) and in the Islamic Republic of Iran (A/C.3/41/L.86) because their sponsors were responsible for the massacre of the Palestinian people, the decimation of the Namibian people, the bombing of residential areas of Tripoli and Benghazi, and the oppression of blacks and American Indians within their own borders.

184. Ms. KING-ROUSSEAU (Trinidad and Tobago) said that her delegation's abstention on draft resolutions A/C.3/41/L.18/Rev.1, L.57/Rev.2, L.76, L.86 and L.99 in no way detracted from her Government's strict adherence to the rights enshrined in the Charter and in other United Nations human-rights instruments. Trinidad and Tobago continued to deplore violations of human rights anywhere and in any form. It felt, however, that the United Nations had a responsibility to address human-rights violations impartially and to refrain from politicizing the issue.

185. Mr. VALDEZ (Peru) said that, in voting in favour of draft resolution A/C.3/41/L.99, his delegation had followed the principle of supporting all efforts aimed at the observance of human rights anywhere in the world. However, the draft contained elements which went beyond the human-rights situation in Chile and which, for that reason, could be regarded as attempts to interfere in that country's domestic affairs. Furthermore, by failing to take into account certain positive aspects of the Special Rapporteur's report, the draft resolution might actually have the effect of discouraging the Chilean Government's efforts towards improvement. He therefore wished to place on record his delegation's reservations as regards paragraphs 3, 8, 9 (c) and 9 (k) of the draft resolution.

186. Mrs. ITO (Japan) said that, notwithstanding its great appreciation of the efforts made by all parties, and especially Yugoslavia, to reach a consensus on the draft resolution in document L.4, as orally amended, her delegation still had difficulties with the draft declaration on the right to development. It had therefore been obliged to abstain. Human rights were rights of individuals and, as such, had to be protected from possible arbitrary action by the State. In her delegation's view, the right to development did not fall into that category. Indeed, there was a risk that the State might invoke the right to development in order to legitimize the violation of the human rights of its citizens. International co-operation under the Charter, especially Article 56, was the result of voluntary acts by sovereign States. It had nothing to do with the inalienable human rights of individuals. For those reasons, her delegation could not accept the wording of articles 1.2, 2.2, 3.3, 4.1, 5, 8.1, 9.2 and 10 of the declaration. It would have been pleased if further efforts to accommodate its views had been made and hoped that, despite the adoption of the draft resolution, the relevant working group within the Commission on Human Rights would continue to give them careful consideration.

187. Mr. STROHAL (Austria) said that the adoption of the declaration on the right to development in document L.4 would undoubtedly be seen as a significant step in the evolution of the international development debate. However, the draft resolution had been introduced under an agenda item related to the effective enjoyment of human rights and fundamental freedoms. The question therefore arose as to how the declaration would contribute to the cause of human rights. A clear distinction should be drawn between the concept of the rights of peoples and that of human rights and fundamental freedoms. Any addition to the body of existing rights of peoples would have to take place within the appropriate framework of international law. Accordingly, his delegation had reservations with regard to those parts of the declaration which referred to the human rights of peoples. Such references reflected a fundamental contradiction which the declaration itself failed to clarify.

188. Austria had abstained on the draft decision contained in document L.5 because that draft had been introduced and orally revised only that afternoon. It did not seem appropriate to take a decision at such short notice on an issue of considerable importance which, moreover, had been under consideration for several years in the Second Committee. Austria had supported the decision to take no action on draft resolution L.42/Rev.1 and hoped that its subject-matter would receive in-depth consideration in the Commission on Human Rights. Lastly, his delegation had joined the consensus on draft resolution L.92, without, however, being convinced of its practical merits.

189. Mrs. COLL (Ireland) said that the right to development deserved a place in the human rights system of the United Nations. She had therefore voted in favour of the draft resolution in document L.4. Although adoption by consensus would have been preferable, Ireland was satisfied with the outcome. For three successive years in the Commission on Human Rights Ireland had felt obliged to abstain on the procedural resolution governing the work of the group of governmental experts on the right to development. It had done so because that resolution affirmed the

(Mrs. Coll, Ireland)

right to development to be an inalienable human right. Her delegation continued to find that assertion unconvincing in the text as adopted. It also had reservations with regard to the unspecific use in the text of references to the human rights of peoples. It nevertheless considered the text as a whole to be a finely tuned expression of the legitimate aspirations of all peoples and individuals to development in the most comprehensive sense. It hoped that the declaration would help to strengthen human rights at the international level.

190. Miss BYRNE (United States of America) said, unlike the Universal Declaration of Human Rights, the declaration on the right to development just adopted by the Committee was imprecise and confusing. Development, which the declaration defined as the constant improvement of the well-being of the entire population, was not assured by governmental promises but by performance. References to the human rights of peoples were inconsistent with the proper concept of human rights as rights of the individual. Her delegation took exception to the connections drawn between disarmament and development and disagreed with the view that development was to be principally achieved by transfers of resources from the developed to the developing world. Lastly, it was to be feared that the declaration on the right to development would tend to dilute and confuse the existing human rights agenda of the United Nations, already filled to overflowing with issues posed by numerous failures to respect the Universal Declaration of Human Rights. For all those reasons, her delegation had been unable to join consensus on the declaration in document L.4.

191. It had also voted against draft resolution L.79 because, for financial reasons, it opposed the idea of holding two meetings in 1987 of the Working Group drafting a convention on the rights of migrant workers. The United States remained convinced that the appropriate forum for any substantive discussion of issues relating to migrant workers was the International Labour Organisation. Her delegation expected the conference resource requirements associated with draft resolution L.79 to be absorbed within the existing appropriation for conference services in the 1986-1987 budget.

192. Although the United States Government would normally support cost-cutting measures recommended by the United Nations Secretariat, her delegation had joined the consensus on draft resolution L.83 because it considered that such measures should be applied equitably throughout the United Nations system. It had joined the consensus on draft resolution L.37 although it believed that text to represent yet another effort by the sponsors to deflect criticism of their own human rights records as well as a gross exaggeration of the threat posed by a few misguided individuals.

193. The United States had decided not to oppose the Committee's decision to take no action on draft resolution L.93. However, it remained deeply concerned at the very serious human rights violations taking place in Cuba and intended to pursue the issue in every appropriate forum. It had joined the consensus on draft resolution L.95 that action should not be interpreted as endorsement of the contents of various regional human rights instruments.

(Miss Byrne, United States)

194. The United States had voted against draft resolution L.99 because it was only remotely related to the Special Rapporteur's report. It failed to take into account the positive steps taken by the Chilean Government or to refer to actions taken by certain opponents of the Government which had damaged the process of transition to democracy. That was true in particular, of the attempted murder of President Pinochet by terrorists armed by outside Powers. Unlike the text on Chile submitted by the United States delegation at the last session of the Commission on Human Rights, the resolution just adopted was not balanced and relied on rhetoric rather than reality. Lastly, the United States had abstained on draft resolution L.100/Rev.1 because it deprecated vague formulations concerning economic, social and cultural realities in a human rights context and believed that the human rights agenda should be reserved primarily for the promotion and protection of individual human rights.

195. Miss YOUNG (United Kingdom) said that it was regrettable that the Committee had been forced to vote on the important subject of the right to development, rather than adopting the draft declaration by consensus. Nevertheless, because of the difficulties it had with the text of draft resolution A/C.3/41/L.4, her delegation had had to abstain in the vote. It did not accept the cause and effect relationship implied between violations of human rights and development (preambular para. 9). The fact that certain territories were not self-governing was not in itself an obstacle to the full realization of the human rights of the people of those territories, provided that those people were free to exercise their right of self-determination.

196. Her delegation did not agree that human rights were indivisible and interdependent (preambular para. 10 and art. 6) although certain rights were interrelated, and the enjoyment of some could contribute to the enjoyment of others. The formulations in preambular paragraphs 11 and 12 were unsatisfactory; paragraph 12, and also article 7, provided an oversimplified view of the complex relationship between disarmament, security and development. Moreover, her delegation did not accept a link between the promotion and protection of human rights and the establishment of a new international economic order. It had difficulty with the reference to the right to development as an "inalienable human right" (preambular para. 16 and art. 1) when that right was not satisfactorily defined in the text, or sufficiently clearly related to the individual human person, who was the only beneficiary of human rights under the Charter and the International Covenants.

197. It could not accept the reference to a human right of peoples (arts. 1 and 5) or the implication in article 5 that States should act to eliminate only massive and flagrant violations of human rights. Her Government, as one of the largest donors of development assistance, agreed that States should take steps to promote development, including that of the developing countries, but could not agree that that should become an obligation under international law. The concept of popular participation (art. 8) was still under consideration by the Commission on Human Rights, her delegation understood the concept to mean "democratic participation".

(Miss Young, United Kingdom)

198. Her delegation associated itself with the comments made on draft resolution A/C.3/41/L.5 by the representative of the Federal Republic of Germany regarding the desirability of a new international economic order and the Charter of Economic Rights and Duties of States. Her Government had voted against that Charter and its position was unchanged. It was regrettable that issues that were not within the competence of the Committee should have been presented in the draft resolution.

199. Her delegation had abstained in the vote on resolution A/C.3/41/L.79; it had reservations about the usefulness of the work done by the Working Group on the Drafting of an International Convention on the Protection of the Rights of All Migrant Workers and Their Families and was concerned at the idea of breaching the General Assembly's rule, set forth in resolution 31/140, that United Nations bodies should meet at their respective established headquarters. When the Organization faced a serious financial crisis, the budgetary implications of proposals must be carefully considered; the net resources required to implement the resolution were excessive and the Secretariat should absorb them to the greatest extent possible within existing appropriations.

200. Her delegation had voted in favour of draft resolution A/C.3/41/L.99 because of its concern about the human rights situation in Chile and the poor record of the Chilean Government on human rights. Her Government welcomed the Chilean Government's continued co-operation with the Special Rapporteur, and the limited measures it had taken since March 1986, such as the establishment of an advisory commission on human rights. Nevertheless, it was regrettable that the draft resolution contained no reference to the increase in terrorist violence in Chile, failed to underline the urgent need for a resumption of open political dialogue, and prejudged the decision of the Commission on Human Rights regarding the mandate of the Special Rapporteur. The human rights situation in Chile should be treated in the same way as other country situations on which the Committee had adopted resolutions.

201. Mr. ATTEWELL (Canada) said that Canada's approach to draft resolution A/C.3/41/L.4 was guided by two basic principles: only individuals or groups of individuals could have human rights, and States could only have obligations with respect to the human rights of their citizens, and true development required improvement in the realization of all human rights. His delegation could recognize the right to development as an inalienable human right in the sense of the effective implementation and enjoyment of all internationally recognized human rights. The draft resolution represented the best achievable text on a question on which there would never be complete unanimity of views. His Government had reservations on certain aspects of the text, which should be brought in line with the principles of the Charter, the Universal Declaration of Human Rights and the International Covenants, but had joined in the adoption of the draft declaration.

202. His delegation had voted against draft resolution A/C.3/41/L.5 on the grounds that its contents were extraneous to any document addressing human rights issues. While the draft might reflect legitimate concerns, they would be better addressed in another forum. The manner in which a proposed amendment to an existing resolution had been converted into a declaration hardly reflected the seriousness

(Mr. Attewell, Canada)

with which the issues should be addressed. As to draft resolution A/C.3/41/L.18/Rev.1, his Government wished both to recognize the improvements in the human rights situation in El Salvador, and to encourage the Government of El Salvador to continue in its commitment to human rights, with the objective of the total elimination of abuses. It strongly supported the process of dialogue towards achieving national reconciliation. It regarded the 1984 elections in El Salvador as valid and representative of the popular will, and therefore did not view the two sides as being equal in legitimacy.

203. His delegation had voted in favour of draft resolution A/C.3/41/L.39 in order to underline its concern about the human rights situation in Chile; his Government especially deplored the growing spiral of violence which appeared to be leading to a further polarization of Chilean society. Unfortunately, the resolution did not appeal to both Government and opposition forces to refrain from the use of violence.

204. Mr. FRÜHLING (Sweden), speaking on behalf of the Nordic countries, said that those countries reserved the right to explain their vote on draft resolution A/C.3/41/L.4, as amended, at the plenary session. Their acceptance of draft resolution A/C.3/41/L.87 did not mean that they were prepared to allow unconstitutional restrictions on the freedom of opinion, expression or the press. Totalitarian ideologies constituted a threat to democratic societies and their institutions, but measures to be taken against such ideologies must comply with national constitutions. The Nordic countries had not acceded to the last two conventions mentioned in paragraph 5.

205. His own delegation had voted in favour of draft resolution A/C.3/41/L.100/Rev.1, although it had reservations regarding certain elements of the text. The concept "international co-operation in the field of human rights" was ambiguous and could be interpreted in a manner contrary to the interests of promoting and protecting the human rights of individuals. While it was essential to prevent "mass and flagrant violations of human rights", it was also important to prevent other violations of human rights. His delegation believed that human rights could not meaningfully refer to anything but the relationship between the State and the individual.

206. Mr. RIETJENS (Belgium) said that his delegation had voted in favour of draft resolution A/C.3/41/L.4 and against draft resolution A/C.3/41/L.5, as orally amended, for the same reasons as the French delegation.

207. Mr. MUGUME (Uganda) said that his delegation had abstained in the vote on draft resolution A/C.3/41/L.43/Rev.1. It had also abstained on most of the procedural motions associated with the amendments. The draft resolution and the various amendments contained useful proposals, but Uganda's abstention had been prompted by its frustration at the political polarization in the Committee. It hoped that in future such polarization would not be allowed to overshadow the Committee's fundamental concerns.

208. Mrs. RODRIGUEZ PEREZ (Cuba) said that her delegation would have accepted a consensus decision on draft resolutions A/C.3/41/L.97 and L.98. It was convinced of the objectivity of what was said in them about human rights violations committed in the United States, which it had denounced in various international forums. Her delegation had not negotiated with the United States delegation about withdrawing its draft resolutions. It was confident in the prestige and respect enjoyed by Cuba in the international community. Cuba had never negotiated on its principles or forfeited its dignity and sovereignty. All Cuba's activities were aimed at respecting the basic human rights of its own people and other peoples of the world. Those ideas made Cuba invulnerable to the attacks and manoeuvres of the United Staes. It was prepared to continue the struggle if the United States so wished in the confidence of its own moral strength.

209. Mr. SENE (Senegal) said that Senegal, as one of the initiators of the idea of the right to development, welcomed the adoption of draft resolution A/C.3/41/L.4.

210. With regard to draft resolutions A/C.3/41/L.93, L.97 and L.98, his delegation noted that in respect of human rights violations in States, rules and procedures existed for the consideration of such situations in the Commission on Human Rights and the Economic and Social Council. The degree of seriousness of violations should be taken into account in considering the approach to be taken to individual cases. The Committee must be careful not to infringe upon the prerogatives of the Commission on Human Rights.

211. The apointment of special rapporteurs or special representatives of the Commission on Human Rights was a recent innovation; it would be unwise to try to use that instrument without ensuring full guarantees of objectivity, verifiable information, and protection from all political or other pressure.

212. Ms. KAMAL (Secretary of the Committee) informed the Committee of the programme-budget implications of the proposals before it. Draft resolution A/C.3/41/L.11 would give rise to costs of $US 147,800, including $US 19,700 for conference servicing. Draft resolution A/C.3/41/L.12 would give rise to costs of $US 152,300. Draft resolution A/C.3/41/L.25 would give rise to costs of $US 273,200, all for conference servicing; and draft resolution A/C.3/41/L.79 would give rise to costs of $US 534,700, all for conference servicing. The programme-budget implications of the decisions adopted by the Committee therefore amounted to $US 1,108,000, of which $US 827,600 was for conference-servicing costs.

213. The CHAIRMAN said that perhaps the Committee's most significant achievement had been the adoption of the declaration on the right to development. He hoped that the United Nations would be able to maintain the consensus that was so crucial for its effective implementation.

214. There had been a general realization at the session that in times of financial restraint, some fairly drastic economies were needed in the verbal output of the Organization, and that they could be made while maintaining the quality of work. It should be possible to continue the process of rationalization. The problem of trimming down the agenda through biennialization or otherwise reducing the number

(The Chairman)

of proposals considered must be resolved. The Committee had considered a record number of proposals despite its shortened session. Its agenda was still far too heavy, and that undermined efficiency; the Committee would have to agree that only items requiring immediate attention should be considered annually, and agree on matters that could be dealt with on an incidental basis; it was not necessary to use every resolution as a basis for annual repetition or new agenda items or reports.

215. It was very unfortunate that consideration of agenda item 12 always took place at the very end of the Committee's session; a number of very important draft resolutions were submitted under the item, such as those on country situations, which deserved more careful consideration. At its next session, the Committee should consider the possibility of taking up item 12 earlier in the session; he hoped that the Secretariat would make available the reports required for the consideration of that item at an earlier date.

216. After an exchange of courtesies, the CHAIRMAN declared that the Committee had completed its work.

The meeting rose at 10.25 p.m.