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SECOND (SOCIAL) COMMITTEE

SUMMARY RECORD OF THE 20th MEETING

Held at Headquarters, New York,
on Thursday, 27 April 1978, at 3.30 p.m.

Chairman: Mr. EHSASSI (Iran)

CONTENTS

Human rights questions (continued)

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The meeting was called to order at 3.35 p.m.

HUMAN RIGHTS QUESTIONS (continued) (E/1978/34; E/1978/C.2/L.3-8)

Draft decision 1

1. Mr. MERKEL (Federal Republic of Germany) said he wondered whether it would be possible to add at the end of draft decision 1 of the Commission on Human Rights a sentence stating that the Economic and Social Council endorsed Commission resolution 26 (XXXIV), paragraph 5; the intention of the amendment proposed by the delegation of Argentina would then have been taken into account without destroying the careful balance of the draft text.
2. Miss RICHTER (Argentina) said that her delegation's intention in submitting the amendment was in no way to disturb the balance of the text of the decision; the amendment was aimed simply at ensuring that the Economic and Social Council would not lose its authority. She was willing to accept the suggestion of the delegation of the Federal Republic of Germany but would prefer a different wording, so that the text of the draft decision would be retained and the words "and requests the Secretary-General to bring to the attention of the General Assembly resolution 26 (XXXIV) and the relevant chapter of the Commission's report, in pursuance of General Assembly resolution 32/130" would be added at the end.
3. Miss SHAHKAR (Iran) and Mrs. SIBAL (India) said that their delegations were willing to support the new amendment proposed by the delegation of Argentina.
4. The CHAIRMAN said that, if there was no objection, he would take it that the Committee wished to adopt draft decision 1 with the new amendment submitted orally by Argentina.
5. It was so decided.
6. Mr. AYENI (Nigeria) and Mr. NORDENFELT (Sweden) said that, if draft decision 1 had been put to the vote, their delegations would have abstained.

Draft decision 2

7. Mr. AYENI (Nigeria) said that the reason for draft decision 2 was the difficulties which had arisen with regard to the election of the 26 members of the Sub-Commission on Prevention of Discrimination and Protection of Minorities. In Council resolution 1334 (XLIV), the number of seats to be allocated to States of the African Group and States of the Asian Group was not specified. The assumption had always been that seven seats went to the African Group and five to the Asian Group. However, at the most recent election seven seats had been allocated to the Asian Group and five to the African Group. In the circumstances, his delegation had proposed draft decision 2, which had been adopted unanimously. The Committee should now fill in the blank spaces so as to allocate seven seats to States of the African Group and five to States of the Asian Group.

8. Mr. SOBHY (Observer for Egypt) supported the Nigerian delegation. The suggested subdivision was in keeping with the number of States in each region and with the customary allocation of seats in other bodies.
9. Mr. MOHAMMED (Bangladesh) said that his delegation would like some time to consider the matter.
10. Mr. VALDERRAMA (Philippines) said that he too would prefer to have time to consider the draft decision. He noted that paragraph 339 of the report of the Commission on Human Rights continued to refer to the Afro-Asian group of States, a term which dated back to the 1940s and 1950s, whereas subsequent developments had led to a separation of the two groups, which were distinct and should have different designations.
11. Mr. SANHAN (United Arab Emirates) felt that the regional groups should be allowed to discuss the subdivision of seats.
12. The CHAIRMAN said that, if there was no objection, he would take it that the Committee wished to defer consideration of draft decision 2 until the following meeting.
13. It was so decided.

Draft decision 3

14. The CHAIRMAN said that the financial implications of draft decision 3 appeared in annex III to the report of the Commission on Human Rights. If there was no objection, he would take it that the Committee wished to adopt the draft decision.
15. It was so decided.
16. Mr. MERKEL (Federal Republic of Germany), speaking on behalf of the members of the European Communities, pointed out that part (b) of draft decision 3 was open to reservations, since a decision could not be taken now on the distribution of a document which was not yet completed.

Draft decision 4

17. The CHAIRMAN said that the financial implications of draft decision 4 appeared in annex III to the report of the Commission on Human Rights. If there was no objection, he would take it that the Committee wished to adopt the draft decision.
18. It was so decided.
19. Mr. GAGLIARDI (Brazil) and Miss RICHTER (Argentina) said that, if a vote had been taken, their delegations would have voted against the draft decision.

Draft decision 5

20. The CHAIRMAN said that the financial implications of draft decision 5 appeared in annex III to the report of the Commission on Human Rights.

21. Mr. NORDENFELT (Sweden), supported by Mr. AYENI (Nigeria), said that in General Assembly resolution 32/62, the Commission on Human Rights had been requested to submit a progress report on its work to the General Assembly at its thirty-third session. He therefore considered the amendment proposed by the delegation of Argentina at the 12th meeting of the Committee to be unnecessary.

22. Mr. DE FARIA (Portugal) agreed with the Swedish delegation that the amendment was superfluous. In his opinion, there was little point in adding a sentence to a draft decision which was already very clear.

23. Miss RICHTER (Argentina) said that the purpose of the amendment was to prevent a subsidiary body from reporting directly to the General Assembly, thus bypassing the Economic and Social Council, since it was important to maintain the Council's authority vis-à-vis its subsidiary bodies.

24. Mr. NORDENFELT (Sweden) said that the Argentine amendment would mean changing a General Assembly resolution.

25. Miss RICHTER (Argentina) felt that it was very important not to prejudge the final decision on restructuring, and insisted that her delegation's amendment should be put to the vote.

26. The CHAIRMAN put to the vote the Argentine amendment to draft decision 5.

27. The amendment was adopted by 12 votes to 7, with 18 abstentions.

28. Following a clarification requested by Ms. MARTINEZ (Jamaica), the CHAIRMAN said that, if there was no objection, he would take it that the Committee adopted draft decision 5, as amended.

29. It was so decided.

Draft decision 6

30. The CHAIRMAN said that draft decision 6 had been replaced by draft resolution E/1978/C.2/L.5; accordingly, there was no need to adopt the draft decision.

Draft decision 7

31. The CHAIRMAN said that, if there was no objection, he would take it that the Committee adopted draft decision 7.

32. It was so decided.

Draft decision 8

33. The CHAIRMAN said that, if there was no objection, he would take it that the ~~Committee~~ adopted draft decision 8.

34. It was so decided.

35. Mr. STRÖM (Finland), speaking in explanation of his vote in favour of draft resolution II, said that his delegation's support was yet another expression of the Finnish Government's concern at the human rights situation in Chile and of its recognition of the need for humanitarian assistance to victims of human rights violations and their relatives. Its action was based on the conviction that the observance of human rights was a matter of international concern.

36. The Finnish Government had certain reservations with regard to the establishment of special funds. It suggested that, before the final decision was taken by the General Assembly, the advisability of the resolution in its present form should be reconsidered and it should be clarified whether the fund could function effectively and whether its mandate would not be too limited. It might be better to broaden the mandate, because similar violations of human rights were taking place elsewhere. His Government was not at present in a position to make a decision on a pledge to the proposed fund.

37. Mr. EDIS (United Kingdom) said that his delegation reserved its position of principle with regard to the need for the convention referred to in draft resolution V, and considered that the matter required further study.

38. Mr. BYKOV (Union of Soviet Socialist Republics) said that his delegation had not objected to the adoption of draft resolution I without a vote, on the understanding that the Committee for Programme and Co-ordination would have an opportunity to consider how advisory services in the field of human rights should be financed and that the resolution would be subject to the availability of resources released by the abolition of obsolete programmes, without additional budget appropriations.

39. With regard to draft resolution IV, he wished to point out that the Sub-Commission on Prevention of Discrimination and Protection of Minorities would be considering the question at its next session and that the establishment of a working group would therefore be superfluous.

40. His delegation had doubts with regard to the validity of some of the provisions of draft resolution VI. In its view, allocations to the budget of the human rights programme of the United Nations could be increased only if resources were released through the abolition of other programmes.

41. His delegation reaffirmed the position of principle with regard to draft decision 8 which had been stated by the Soviet representative at the thirty-fourth session of the Commission on Human Rights.

Draft resolution E/1978/C.2/L.3

42. The CHAIRMAN said that, if there was no objection, he would take it that the Committee adopted draft resolution E/1978/C.2/L.3.

43. It was so decided.

44. Mr. GAGLIARDI (Brazil) said that, if the draft resolution had been put to the vote, his delegation would not have participated.

45. Mr. HEINEMANN (Netherlands) said that his delegation had joined the consensus because it was in favour of any attempt to make the system for submitting reports more flexible. However, the periodic character of the system might be lost, since the International Covenant on Economic, Social and Cultural Rights did not provide for the submission of reports on a periodic basis. His delegation therefore hoped that the Human Rights Committee would take into account the effects which the resolution might have.

46. Ms. NATTESON (United States of America) endorsed the statement made by the representative of the Netherlands and expressed the hope that States would continue to submit reports on a voluntary basis.

Draft resolution E/1978/C.2/L.4

47. The CHAIRMAN announced that Rwanda, Togo and Tunisia had become sponsors of the draft resolution.

48. Mr. SIDI ARMED VALL (Mauritania) and Mr. NDIRIBIE (United Republic of Cameroon) announced that they also wished to become sponsors of the draft resolution.

49. Ms. CAO PINNA (Italy) proposed, as a minor amendment to operative paragraph 3, that the words "and other" should be inserted after the word "African", since there had been international solidarity with African trade unionists and measures had been taken against all trade unionists without distinction as to race.

50. Mr. AYENI (Nigeria) said that African trade unionists had been supported by trade unionists of other races, who had been imprisoned with their African colleagues. He saw merit in the proposed amendment and recommended its acceptance to the other sponsors.

51. Mr. KPOTSRA (Togo) and Mr. RAHMTALLA (Sudan), as sponsors of the draft resolution, accepted the Italian amendment.

52. The CHAIRMAN said that, if there was no objection, he would take it that the Committee adopted draft resolution E/1978/C.2/L.4, as amended by Italy.

53. It was so decided.

Draft resolution E/1978/C.2/L.5

54. The CHAIRMAN announced that Cuba and Sweden had become sponsors of the draft resolution, and said that a decision could not be taken on it until a statement of financial implications had been received.

Draft resolution E/1978/C.2/L.6

55. The CHAIRMAN announced that Bangladesh and the Central African Empire had become sponsors of the draft resolution.

56. Miss ST. CLAIRE (Secretary of the Committee) said that adoption of the draft resolution would necessitate a budget appropriation of approximately \$28,000 for the travel expenses of the 11 additional members during the second year of the biennium 1978-1979.

57. Miss RICHTER (Argentina) said she would like an explanation regarding the Secretariat's estimate of \$28,000, since the Commission on Human Rights was composed of Member States and travel expenses were paid by Governments.

58. The CHAIRMAN said that representatives to the Commission on Human Rights were entitled to reimbursement of the travel expenses incurred by their Governments.

59. Miss ST. CLAIRE (Secretary of the Committee) said the General Assembly had decided that the United Nations would pay the economy-class travel expenses of one representative of each country to the functional commissions of the Economic and Social Council when their appointments were confirmed by the Council.

60. Miss SHAHKAR (Iran) and Mr. EDIS (United Kingdom) said that they found it difficult to accept the draft resolution, because the question was already being considered by the Commission on Human Rights under item 11 and would also be considered by the working group to be established under draft decision 1, which the Committee had now adopted. In addition, some of the issues involved were being considered in the context of restructuring. They therefore appealed to the sponsors to withdraw their draft resolution, as it would be premature to adopt it before the results of the deliberations of the Commission on Human Rights were known, and it might create problems for the general review which the Commission was carrying out.

61. Miss ZOURABICHVILI (France) endorsed the view expressed by the representatives of Iran and the United Kingdom. Without taking a position on the substance of the draft resolution, she felt that it was premature in its current form and prejudged the decisions which the Economic and Social Council might take on restructuring. Before making a decision on so important a matter, it would be best to await the completion of the study of possible structural reforms which the Commission on Human Rights had begun.

62. Miss RICHTER (Argentina) said that the sponsors understood, although they did not share, the concern of delegations which felt that adoption of the draft resolution might be premature. Draft decision 1 would not affect the number of

(Miss Richter, Argentina)

delegations which could participate in the work, nor could it change the structural relationship between the Commission on Human Rights and the other subsidiary bodies of the Council. However, in view of the genuine desire of a number of delegations that the decision should be postponed, she asked whether they had a specific proposal as to the time-limit which should be set.

63. Ms. MARTINEZ (Jamaica) said that the question of a specific time-limit was not important, since no one could predict what progress might be made in a year. Her delegation had no objection to the proposal's being submitted at the first regular session in 1979, on the understanding that the Council might at that time decide once again to postpone taking a decision.

64. Mr. ABDALLAH (Tunisia) supported the sponsors of the draft resolution and thanked them for their work on a subject which was of interest to the African Group.

65. Mr. AYENI (Nigeria) endorsed the appeal to the sponsors to withdraw their draft resolution. If they were unable to do so, he proposed that it should be transmitted to the Commission on Human Rights as a working paper. Argentina would then be able to participate in the work of the working group as an observer and would be in a position to influence the decision on the objectives of the draft resolution.

66. Mr. WASILEWSKI (Poland) urged the representative of Argentina not to press for a vote on the draft resolution at the present time.

67. Mr. MERKEL (Federal Republic of Germany) said that his delegation was in favour of the proposal in paragraph 1 of the draft resolution, although it might be easier to take a decision in 1979. With regard to paragraph 2, it would be desirable to clarify what was meant by equitable geographical distribution.

68. Mr. DE FARIA (Portugal), Mr. NORDENFELT (Sweden) and Miss SHAHKAR (Iran) endorsed the appeal for withdrawal of the draft resolution. If the sponsors could not withdraw it, they would support the Nigerian proposal.

69. Miss RICHTER (Argentina) said that, in order to take a decision on the appeal for withdrawal of the proposal, the sponsors would have liked to be given a specific date; otherwise, it would appear that the draft resolution would be left in the hands of the Committee without there being any way of knowing what would become of it in the Commission.

70. The CHAIRMAN said he did not think any member of the Committee was in a position to indicate a date for consideration of the draft resolution or for a decision by the Commission on Human Rights on the rationalization of its work.

71. Mr. AYENI (Nigeria) said that the draft resolution could be sent to the Commission on Human Rights with a request that it should submit a preliminary report to the Council at its first regular session, 1979.

72. Miss RICHTER (Argentina) pointed out that draft resolution E/1978/C.2/L.6 had been submitted to members of the African group for consideration. She suggested the following draft decision: "The Economic and Social Council decides to defer until 1979 consideration of the proposal in document E/1978/C.2/L.6 on the enlargement of the Commission on Human Rights in accordance with the principle of equitable geographical distribution and in consultation with the regional groups". In response to the comment made by the delegation of the Federal Republic of Germany, she explained that the phrase "in consultation with the regional groups" had been included because the principle of equitable geographical distribution gave rise to difficulties.
73. Ms. MARTINEZ (Jamaica) objected to the inclusion in the draft decision proposed by the delegation of Argentina of the criteria for the enlargement of the Commission on Human Rights.
74. Miss RICHTER (Argentina) pointed out that the reference to which the delegation of Jamaica was objecting had been included to indicate the content of the proposal, consideration of which it was planned to defer.
75. Mr. NORDENFELT (Sweden) suggested that the Council should decide to defer consideration of draft resolution E/1978/C.2/L.6 until its first regular session, 1979, so that the Commission on Human Rights could comment on it under item 11 of its agenda.
76. Mr. DE FARIA (Portugal) said that, although many delegations were willing to consider the proposal contained in the draft resolution at the appropriate time, to do so immediately would be highly premature. The Commission on Human Rights would, of course, have to make its comments known. His delegation supported the Swedish proposal with regard to the decision that the Committee should adopt.
77. Miss SHAHKAR (Iran) agreed with the delegations of Sweden and Portugal and said that, if the Commission on Human Rights studied the draft resolution at its next session, the Economic and Social Council would be able to consider it the following year.
78. Mr. MOHAMMED (Bangladesh) proposed the following draft decision: "The Economic and Social Council decides to defer consideration of the proposal in document E/1978/C.2/L.6 until 1979".
79. Mr. RAHANTALLA (Sudan) supported that proposal.
80. Mr. VALDERRAMA (Philippines) expressed surprise at the stir that had been caused by the proposal to enlarge the Commission on Human Rights, and said that his delegation found the Bangladesh proposal acceptable.
81. Mrs. SEMICHI (Algeria) said that her delegation would have no problem in supporting the Argentine proposal. The principle of equitable geographical distribution was certainly a matter of concern to the members of the African group.
82. Miss RICHTER (Argentina) requested that the Bangladesh proposal be put to the vote.

83. Mr. NDIRMBIE (United Republic of Cameroon) called upon the representative of Sweden not to insist on his proposal, so that the Bangladesh proposal could be adopted.

84. Mr. NORDENFELT (Sweden) said he would not insist on a vote being taken on his proposal; he thought that it would be possible to adopt the Bangladesh proposal by consensus.

85. The CHAIRMAN said that, if there were no objections, he would take it that the Committee wished to adopt the Bangladesh proposal.

86. It was so decided.

Draft resolution E/1978/C.2/L.7

87. The CHAIRMAN announced that Algeria had joined the list of sponsors of the draft resolution and said that, if there were no objections, he would take it that the Committee wished to adopt the draft resolution.

88. It was so decided.

Draft resolution E/1978/C.2/L.8

89. The CHAIRMAN announced that Mauritania, Nigeria, the Sudan, Tunisia and the United Arab Emirates had joined the list of sponsors of the draft resolution.

90. Mr. MERKEL (Federal Republic of Germany), speaking on behalf of the members of the European Communities represented in the Economic and Social Council, said that they would abstain in the vote because they were not able to support some of the resolutions of the Commission on Human Rights on the subject and certainly not the title of the item, which was reflected in the two operative paragraphs. However, they wished to underline their humanitarian concern on that subject and expressed the hope that the Commission on Human Rights would in future take appropriate measures for the protection of human rights in that area and throughout the world.

91. Mr. KPOTSRA (Togo), speaking in explanation of vote before the vote, said that at the sixty-second session of the Council, his delegation had voted in favour of a similar resolution and, logically, the draft resolution before the Committee would also be worthy of its support, unless, of course, the situation with regard to the human rights in the occupied territories, including Palestine, had improved appreciably. There was nothing, however, to indicate that that was the case. As a result, his delegation supported draft resolution E/1978/C.2/L.8 because, as his country's Minister for Foreign Affairs and Co-operation had stated at the thirty-second session of the General Assembly, there remained an absolute need to ensure justice by making the application of human rights general and by bringing about the liberation of all those who had been born free but were everywhere in chains.

92. At the request of the representative of Iraq, a vote was taken by roll-call on draft resolution E/1978/C.2/L.8.

93. The United Republic of Tanzania, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Algeria, Argentina, Bangladesh, Brazil, China, Colombia, Cuba, Greece, Hungary, India, Iran, Iraq, Jamaica, Mauritania, Mexico, Nigeria, Philippines, Poland, Portugal, Romania, Rwanda, Sudan, Syrian Arab Republic, Togo, Trinidad and Tobago, Tunisia, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Cameroon, Venezuela, Yugoslavia.

Against: United States of America.

Abstaining: Austria, Finland, France, Germany, Federal Republic of, Italy, Japan, Netherlands, New Zealand, Sweden, United Kingdom of Great Britain and Northern Ireland.

94. Draft resolution E/1978/C.2/L.6 was adopted by 33 votes to 1, with 10 abstentions.

95. Mr. DE LA PEDRAZA Y MUÑOZ (Mexico) said that his delegation's vote in favour of the draft resolution was a reflection of the general concern of the Government of Mexico about the question of human rights, irrespective of where violations of those rights occurred. However, his delegation wished to state its explicit reservation with respect to the inclusion of the word "Palestine" in the text of the resolution. That word could not be interpreted as affecting recognition of the territorial integrity and political independence of all the countries of the area.

96. Mr. DE FARIA (Portugal) said that it had always been the firm view of the Portuguese Government that it was the duty of the Commission on Human Rights to concern itself with situations involving violations of human rights, wherever and whenever they occurred. His delegation had accordingly voted in favour of Council resolution 2085 (LXII) and of the draft resolution before the Committee. The wording of that draft could, however, give rise to a number of divergent interpretations and his delegation stressed that the positive vote it had just cast could in no way be construed as implying total agreement with the wording of every paragraph of the draft or every resolution adopted by the Commission on Human Rights during its thirty-fourth session, nor with the precise title of the item under which the Commission had discussed the question of the violation of human rights in the occupied territories.

97. Ms. MARTINEZ (Jamaica) said that her delegation had supported Council resolution 2085 (LXII) and had voted in favour of draft resolution E/1978/C.2/L.8 on the understanding that human rights and their violation were matters of concern to the international community as a whole. Since it was not a member of the Commission on Human Rights, her delegation had had no opportunity to state its views with respect to the title of the item. It wished to place on record that it did not regard the resolution as calling into question the existence or territorial integrity of any State in the Middle East.

98. Miss RICHTER (Argentina) said that her delegation's vote in favour of the draft resolution did not represent the adoption of any position with regard to the territorial integrity of any States Members of the United Nations.

The meeting rose at 6.05 p.m.