15th meeting

Thursday, 10 May 1979, at 11.10 a.m.

President: Mr. Hugo SCHELTEMA (Netherlands).

E/1979/SR.15

AGENDA ITEM 5

Human rights questions (E/1979/57, E/1979/L.35)

REPORT OF THE SECOND (SOCIAL) COMMITTEE (E/1979/57)

1. The PRESIDENT said that for technical reasons the Spanish text of the report of the Second (Social) Committee (E/1979/57) was not yet available. However, in view of the pressure of business, he hoped that the Council could proceed to take the decisions called for in the report.

2. Mr. XIFRA (Spain) expressed regret that the Spanish text of the report was not available, especially since the Council had before it, under agenda item 1, the text of a draft resolution (E/1979/L.34) which referred to documentation being issued simultaneously in all working languages. However, in response to the President's request—and speaking, of course, only for his own delegation—he was prepared to consider the agenda item, on the understanding that that would not establish a precedent.

3. The PRESIDENT drew attention to the report of the Second (Social) Committee (E/1979/57), which contained the text of draft resolutions I to VII and draft decisions I to XV, and suggested that the Council take action thereon.

Draft resolution I was adopted without a vote (resolution 1979/34).

4. Mr. BYKOV (Union of Soviet Socialist Republics) said that his delegation had been among those which had asked for a vote on draft resolution II in the Second (Social) Committee. However, he would not press for a vote in the Council.

Draft resolutions II to VI were adopted without a vote (resolutions 1979/35 to 1979/39).

5. The PRESIDENT announced that Morocco had indicated the wish to be added to the list of sponsors of draft resolution VII.

Draft resolution VII was adopted by 37 votes to 1, with 11 abstentions (resolution 1979/40).

Draft decision I was adopted without a vote (decision 1979/29).

Draft decision II was adopted by 40 votes to none, with 10 abstentions (decision 1979/30).

Draft decision III was adopted without a vote (decision 1979/31).

Draft decision IV was adopted by 39 votes to 2, with 6 abstentions (decision 1979/32).

Draft decision V was adopted by 37 votes to 4, with 9 abstentions (decision 1979/33).

Draft decision VI was adopted without a vote (decision 1979/34).

Draft decision VII was adopted by 26 votes to 6, with 17 abstentions (decision 1979/35).

6. Mr. EDIS (United Kingdom), introducing his delegation's amendment (E/1979/L.35) to draft decision VIII, said that it was intended to rectify an oversight whereby paragraph 3 of resolution 16 (XXXV) of the Commission on Human Rights had not been brought to the Council's attention; as it stood, draft decision VIII dealt only with the recommendation in paragraph 2 of the resolution. The draft declaration which the Commission had requested the Council to consider had been prepared by the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, Baroness Elles. It dealt with an important matter and, in its treatment of questions such as the protection of non-citizens from arbitrary expulsion and deportation, it had a bearing on the subject of migrant workers, which was of increasing importance in an age when growing numbers of people worked in countries other than their own. He wished to stress that what the amendment sought was merely that the draft declaration should be submitted to the General Assembly for its consideration; there was no question of recommending its adoption at the current stage.

7. Mrs. SIBAL (India) said that her delegation maintained the position it had already expressed in the Commission on Human Rights. The draft declaration did deal with an important subject and, for that reason, her delegation would prefer that it be circulated to Member States for study before it was considered by the Council or the General Assembly. Her delegation would therefore abstain from voting on the draft decision.

8. Mr. BYKOV (Union of Soviet Socialist Republics) said it was regrettable that the United Kingdom amendment had been submitted at so late a stage. Although, in paragraph 3 of its resolution 16 (XXXV), the Commission on Human Rights had requested the Council to consider the text of the draft declaration, the Council had not done so at its current session. He drew attention to paragraph 325 of the Commission's report (E/1979/36), which stated that several speakers had acknowledged the importance of the draft declaration but that, because of the complexity of the issues, some delegations had felt that it would be more appropriate to defer consideration of it to the Commission's thirty-sixth session. It was because the matter required further consideration in the Commission that no mention had been made of it in draft decision VIII. The question was an important one on which the views of Member States should be sought, as suggested by the representative of India.

9. He therefore proposed that, instead of the wording used in the United Kingdom amendment (E/1979/L.35), the following should be added at the end of the draft decision: "also requests the Commission on Human Rights to consider the draft declaration on the subject (E/CN.4/1336) and to submit its recommendations to the Economic and Social Council." His delegation could also agree to any proposal that the draft declaration should be transmitted to Governments for their comments before the matter was considered further in the Commission.

10. Mr. O'DONOVAN (Ireland) supported the United Kingdom amendment. It was clear from paragraph 3 of

resolution 16 (XXXV) of the Commission on Human Rights that the Commission had intended the draft declaration to be submitted to the General Assembly for its consideration. It was unfortunate that that paragraph had not been taken into account in chapter I of the Commission's report. Despite its sympathy for the views expressed by the representative of India, his delegation hoped that the United Kingdom amendment would be adopted.

11. Mr. GAGLIARDI (Brazil) said that, during the discussion in the Commission on Human Rights, his delegation had expressed the view that the matter required further consideration. It had therefore abstained from voting on the text adopted as resolution 16 (XXXV) by the Commission or on draft decision VIII in the Second (Social) Committee, and would similarly abstain on the United Kingdom amendment and on draft decision VIII as a whole if they were put to the vote in the Council.

12. Mr. ZACHMANN (German Democratic Republic) said that, in view of the fact that the Commission on Human Rights had had insufficient time to consider the matter thoroughly, his delegation would support the Soviet amendment.

13. Mr. FAURIS (France) said that his delegation supported the United Kingdom proposal, the adoption of which would not preclude a request to the Secretary-General to seek the views of Governments. The General Assembly, which alone was competent to make such a request, could, if it so desired, refer the text of the draft declaration back to the Commission on Human Rights and the Council for further consideration.

14. Mr. EDIS (United Kingdom) said that, in order to take account of the various comments that had been made, his delegation was prepared to revise its amendment to read:

> "also decides to submit the draft declaration on the subject (E/CN.4/1336) to Member States for their comments and to the Commission on Human Rights at its thirty-sixth session for consideration with the comments received, with a view to transmitting a text to the General Assembly, through the Economic and Social Council, for consideration at its thirty-fifth session".

15. Mr. SHERIFIS (Cyprus) said that his delegation, which had sponsored the text adopted by the Commission on Human Rights as resolution 16 (XXXV), could support the revised United Kingdom amendment.

16. Mr. SAUNDERS (Jamaica) observed that, since the report of the Commission on Human Rights on the subject would have to come before the Council for consideration, it appeared premature to refer to the transmittal of a text to the General Assembly for consideration at its thirty-fifth session; it might be more appropriate to request the Commission to submit its comments to the Council at its first regular session of 1980.

17. Mr. NENEMAN (Poland) said that he, too, had some difficulty with the last part of the revised United Kingdom amendment, since the Council could not be certain that the text of the draft declaration would be ready in time for transmittal to the General Assembly at its thirty-fifth session. He suggested that that part of the amendment, beginning with the words "with a view to", be deleted.

18. Mr. MARVILLE (Barbados) supported the comments made by the representatives of Jamaica and Poland. The Council should not prejudge any decision it might wish to take at a later stage, whether to transmit the draft declaration to the General Assembly or merely to take note of it.

19. Mr. EDIS (United Kingdom) said delegations should not overlook the fact that resolution 16 (XXXV) of the Commission on Human Rights, in which the Council was requested to consider the text of the draft declaration with a view to submitting it to the General Assembly for its consideration, had been supported by an overwhelming majority of the members of the Commission. The fears of some delegations might be allayed if they were to examine the text of the draft declaration. However, his delegation was prepared to replace the last phrase of its revised amendment by the words "with a view to transmitting a report on the subject to the Council at its first regular session of 1980".

The United Kingdom amendment, as orally revised, was adopted without a vote.

20. Mr. GAGLIARDI (Brazil), explaining his delegation's position on draft decision VIII as a whole, said that, although his delegation had accepted the final version of the United Kingdom amendment, it wished to maintain the reservation it had made when it had abstained from voting on the draft decision in the Second (Social) Committee.

Draft decision VIII, as amended, was adopted without a vote (decision 1979/36).

Draft decisions IX to XV were adopted without a vote (decisions 1979/37 to 1979/43).

21. Mr. TYSON (United States of America), speaking in explanation of vote, said that the United States Government could not agree to the study requested in subparagraph (*d*) of the second part of the draft decision V. It would be the first such study in United Nations history, and the United States regarded a decision to study the legitimacy of the Government of any State Member of the United Nations as setting a dangerous precedent which would improperly call into question fundamental norms of international law. In opposing the study, however, its concern was strictly over the international legal implications; the position of the United States Government should in no way be regarded as being inconsistent with a complete condemnation of the system of *apartheid*, on which the Government of South Africa was based.

22. His Government also had difficulty with the recommendation in subparagraph (*a*) of the first part of draft decision V. In its view, efforts to deal with the problems of migrant workers should be centred in the International Labour Organisation (ILO), which had drawn up the appropriate instruments, including conventions, to deal with the rights of migrant workers. It felt that the existing ILO conventions should be adequate and that the call for preparation of another convention was premature.

23. Mr. THAMAE (Lesotho) said that his delegation had voted against draft decision VII, not because it was unaware of the substance of the alleged violations of human rights in Equatorial Guinea but because it was opposed as a matter of principle to suspending the confidential procedures laid down in Council resolution 1503 (XLVIII) and hitherto always adhered to.

24. Mr. NAVARRETE (Mexico) said that the reasons for this delegation's vote on draft decision VII had been stated during the debate in the Second (Social) Committee.

25. Mrs. RESTREPO DE REYES (Colombia) said her delegation would have abstained from voting on draft decision IV if it had been present during the voting. The decision failed to take account of the changes that had

occurred in Chile during the past year. As an example of the improved situation, she referred to the university elections that had been held recently. Another reason for abstaining would have been the fact that resolution 11 (XXXV) of the Commission on Human Rights was selective in its application, since the same approach was not adopted to other countries where the situation was as bad as or worse than it was in Chile.

26. Mr. BYKOV (Union of Soviet Socialist Republics) said that, with regard to draft resolution II, his delegation believed, as it had stated during the discussion in the Second (Social) Committee on the desirability of convening a working group prior to the following session of the Commission on Human Rights, that the topic in question, like the proposed convention on the rights of the child, could be equally well considered in the Commission itself. His delegation had voted against draft decision VII because it considered it totally at variance with the procedures laid down in Council resolution 1503 (XLVIII). With regard to draft decision VIII, as amended, his delegation maintained the reservations it had expressed in the Second (Social) Committee concerning publication of the study prepared by the Special Rapporteur. Lastly, his delegation had made clear its position on draft decision XII both in the Commission on Human Rights and in the Second (Social) Committee.

27. Mr. OZADOVSKY (Ukrainian Soviet Socialist Republic) said that his delegation had not opposed the adoption without a vote of draft resolution IV, concerning the *Yearbook of Human Rights*, on the understanding that the material in the *Yearbook* relating to individual countries would be taken from official government reports and would be approved by the States concerned. As stated in the annex to the draft resolution, part two of the *Yearbook* should reflect the practice of the supervisory bodies established under the international instruments on human rights listed in the preamble and operative paragraph 1 of the draft resolution.

AGENDA ITEM 1

Adoption of the agenda and other organizational matters (*continued*)* (E/1979/L.30, E/1979/L.34)

28. The PRESIDENT drew attention to the draft resolution on the control and limitation of documentation (E/1979/L.34) proposed by the Vice-President, Mr. Navarrete (Mexico), on the basis of informal consultations on draft resolution E/1979/L.30.

29. Mr. NAVARRETE (Mexico) said that the new text reflected a consensus of those who had taken part in the consultations.

30. Mr. DONNELLY (United Kingdom) proposed that, as a matter of form, the first preambular paragraph should be divided into two paragraphs, the second of which would read: "*Aware* of the heavy burden . . .".

31. The PRESIDENT said that, if there was no objection, he would take it that the draft resolution submitted by Sweden (E/1979/L.30) was withdrawn and that the Council was ready to adopt draft resolution E/1979/L.34 with the amendment proposed orally by the representative of the United Kingdom.

Draft resolution E/1979/L.34, as orally amended, was adopted without a vote (resolution 1979/41).

The meeting rose at 12.35 p.m.

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*Resumed from the 12th meeting.