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SECOND (SOCIAL) COMMITTEE

SUMMARY RECORD OF THE 22nd MEETING

Held at Headquarters, New York,
on Tuesday, 29 April 1980, at 3 p.m.

Chairman: Mr. KOSTOV (Bulgaria)

later: Mr. NORDENFELT (Sweden)

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Human rights questions (continued)

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The meeting was called to order at 3.15 p.m.

HUMAN RIGHTS QUESTIONS (continued) (E/1980/13 and Corr.1, E/1980/25, E/1980/9 and Corr.1 and Add.1 and 2, E/CN.5/558, chap. VII, E/1980/C.2/L.8 and L.9, E/1980/NGO/1)

1. Mr. SHAMMA (Jordan) said that every individual, group and nation had the right to exercise its human rights. His country's policy was opposed to racism, racial discrimination, apartheid and zionism. It would do its utmost to combat them anywhere in the world.
2. His country had no diplomatic or other relations with the racist régime in South Africa, and condemned the policy of racism followed by that régime. It would continue to support, the heroic struggle of the South African people to liberate their homeland from the racist régime and its collaborators, in particular, the Zionist régime in occupied Palestine.
3. His country also supported the struggle of the people of Namibia, led by SWAPO, to attain independence. He saluted the people of Zimbabwe, who had regained their independence and provided the world with an example of sacrifice for the sake of self-determination and national independence.
4. Jordan was said to be a poor country in terms of resources, yet it was one of the few countries which considered the human element to be the most valuable of all national resources. His Government gave its people all the freedom it needed in the political, economic and social spheres to develop itself and to build and construct a humane society based on free economic, social and political development.
5. For many years women in his country had had the right to vote in national elections and to hold public office. There were, at present, four women representatives in the National Legislative Assembly and a woman had recently been appointed as a member of the Cabinet for the first time. Moreover, the King had recently issued a decree revising municipal laws to enable women to vote and be elected to the councils of municipalities throughout the country.
6. His Government's concern for human rights was not limited to Jordan. It extended to the violations of human rights in Palestine and other occupied Arab territories where the Zionist authorities were inflicting cruel and inhuman treatment on the Palestinian people. The racist ideology of zionism, based on religious, political and economic discrimination was the motivation for the cruel war being waged against the Arab inhabitants.
7. In 1948 the majority of Palestinian Arabs had been driven from their homes and made refugees in the name of zionism, which recognized only the Jewish religion and regarded Jews anywhere as members of a single nation. The Law of Return promulgated by the Zionist Government entitled Jews anywhere in the world to come to the Palestinians' homeland and constitute an international, racist, zionist ghetto. Zionist racism, having driven the Palestinians from their homeland, was

(Mr. Shamma, Jordan)

bent on depriving them of their right to education, political representation, social and economic development, and above all, self-determination.

8. The Zionist racist régime in Palestine employed many methods, including the expropriation of Arab land in the occupied territories, in Jerusalem, in the West Bank and in the Gaza Strip, in order to establish Jewish settlements. The régime had also expropriated water and other natural resources, and Zionist aircraft had recently sprayed agricultural areas surrounding Hebron with poisonous solutions that had destroyed vegetation, thus striking at the area's livelihood.

9. Zionist newspapers had recently carried reports of a statement by the director of Zionist prisons in Palestine which maintained that prison buildings in Israel were the worst in the world and that conditions for the inmates were deteriorating.

10. The Zionist authorities in the West Bank had recently closed the Department of Agricultural Assistance and Scientific Research, together with all the agricultural nurseries in the area and had dismissed all the officers of the West Bank Forestry Department. They had also closed down various experimental agricultural stations and banned agricultural research.

11. Such were the violations practised openly by those who paid lip service to human rights but did nothing to uphold them. The Zionists had denied United Nations commissions permission to enter the occupied territories and report on human rights violations. It was high time for the United Nations to take steps, as provided in the Charter, to stop the aggression of the Zionist racist régime in Palestine against the Palestinian and other Arab peoples.

12. Mrs. HATEGA (Observer for Uganda) said that the report of the thirty-sixth session of the Commission on Human Rights had handled the issues discussed at that session very convincingly and objectively. The broad consensus achieved on most of the Commission's resolutions was indicative of a change of attitude by many delegations towards human rights. She hoped that in future nations would attempt to look at human rights problems from a humanitarian, rather than a political or ideological, viewpoint.

13. Most Governments attempted to further their political ambitions at the expense of individual human rights, an attitude which had contributed to the trampling of human rights in many parts of the world. That same attitude had led Governments to draft laws to protect themselves against the very people they were expected to defend.

14. Her delegation had been gratified by the adoption at the twenty-eighth session of the Commission on the Status of Women of a resolution recommending the establishment of an ad hoc group of experts to study procedures for dealing with communications relating to the status of women. She trusted that similar resolutions would be put forward dealing with other sectors of society.

(Mrs. Hatega, Observer, Uganda)

15. She was pleased that the report of the thirty-sixth session of the Commission on Human Rights had expressed a view shared by the Ugandan Government that the right of individuals, not just Governments, to speak out on human rights issues should be upheld.
16. Her delegation unreservedly supported the draft resolutions adopted by the Commission on disappeared and missing persons, religious intolerance, and torture and other forms of abuse, notwithstanding the hesitation shown by some States and their frequent allusions to interference in the internal affairs of States. It was incumbent upon third world developing countries, in particular, to stop hiding behind that pretext which had always sustained Governments in their systematic and persistent violation of human rights and to refuse to be used as decoys for other Powers, which gave lip service to human rights while pursuing their narrow self-interest.
17. It was time that third world developing countries were left alone to settle their affairs as independent sovereign Member States of the United Nations. Given a chance, third world countries could live up to the Organization's expectations. The world community should look at human rights issues with objectivity and maturity for they constituted one of the major problems facing the United Nations.
18. All peace-loving nations had rejoiced at the attainment of independence by Zimbabwe. Her delegation was grateful to the Government of the United Kingdom for having facilitated and conducted free and fair elections. She hoped that the newly independent nation of Zimbabwe would be allowed to take its rightful place in the community of nations without being subjected to unwarranted external pressure.
19. With reference to the resolution on missing and disappeared persons, she said that her delegation was satisfied with the idea of establishing a working group of experts to look into the matter. However, one year was perhaps too short a time for the group to complete its work, which should encompass both past and present cases of missing and disappeared persons. The expert appointed by the Commission on Human Rights to investigate cases in Uganda under the previous régime had not yet been able to complete his task. However, the Commission and the Council could rest assured that her Government would assist the Commission in its endeavour to unearth the truth about past events in Uganda.
20. Her delegation was very sceptical about the information that Governments would provide to the Commission's group of experts. Obviously, they would only reveal information which they felt would not be damaging to their interests. She therefore hoped that such Governments would at least allow private organizations and individuals within their borders to assist the Commission's group of experts in its undertaking.
21. Her delegation fully supported the establishment of a working group to consider human rights issues. The working group should be free to carry out its functions without pressure from Governments. Moreover, the Commission on Human Rights should urgently seek ways and means of deterring repeated violations.

(Mrs. Hatega, Observer, Uganda)

22. Finally, she trusted that the Council would endorse all the proposals emanating from the thirty-sixth session of the Commission on Human Rights.

23. Mr. Nordenfelt (Sweden) took the Chair.

24. Mr. NIKULIN (Observer for the Byelorussian Soviet Socialist Republic) said that the Charter of the United Nations established, as one of the main purposes of the Organization, international co-operation aimed inter alia at encouraging respect for the human rights and fundamental freedom of all, regardless of race, sex, language or religion. The Charter furthermore stipulated that the goals of the Organization were to be achieved in the context of strict observance of the basic principles of contemporary international law, including the principles of sovereign equality and non-interference in the internal affairs of States. Those principles were derived not only from generally recognized norms of contemporary international law but also from the realities of contemporary international life, characterized mainly by the coexistence of States with different and opposing socio-economic systems.

25. His country, like other peace-loving States, called for strict observance of the principles of the Charter and for increased efforts on the part of the United Nations bodies to combat the massive and flagrant violations of human rights resulting from the imperialist policies of colonialism and neo-colonialism, racial discrimination and apartheid, aggression, exploitation and the persecution of dependent peoples. Such violations posed a clear threat to international peace and the security.

26. In that connexion, his delegation had welcomed the victory of the people of Zimbabwe following its long, selfless struggle for independence, a struggle supported by peace-loving States and peoples, including the socialist countries.

27. The establishment of a broad legal basis for international co-operation in the human rights field was an important achievement of the United Nations. Adherence to human rights instruments which had received widespread international recognition was, in the view of his delegation, a clear indication of the intention of States to give effect to human rights and freedoms. His country was an active party to those agreements and fully supported such activities of the United Nations. However, the effectiveness of United Nations activities in the human rights field depended, as in other areas, primarily on the general international situation.

28. The Commission on Human Rights had continued at its thirty-sixth session to play a useful role in developing international co-operation in the human rights field. Its contribution could be greater, however, if it did not have to overcome the opposition of certain countries which in practice opposed the development of international co-operation based on the equal rights of all States. The Western States had, as before, tried to make use of human rights questions to camouflage their interference in the internal affairs of other States, sabotage détente and revert to the practice of the cold war. At the most recent session of the Commission, those States had again tried to use the Commission to conceal their

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(Mr. Nikulin, Observer,
Byelorussian SSR)

aggressive actions in various regions of the world, including the Persian Gulf, the Middle East and South-East Asia. His delegation strongly condemned such provocations, in particular the efforts to involve the Commission, in violation of its mandate and the provisions of the Charter, in the so-called "Afghanistan question" and the so-called "Kampuchean question".

29. Nevertheless, the Commission had managed to make a positive contribution to the struggle against massive and flagrant violations of human rights, in particular those committed by the South African régime, the imperialist monopolies and their Western supporters in southern Africa, by the Israeli authorities in the occupied Arab territories and by the junta in Chile. In all of those areas massive and flagrant violations continued to occur despite numerous appeals and decisions by the United Nations and international community.

30. In view of the passionate statement made by the representative of the Federal Republic of Germany concerning the human rights situation in various countries, he felt it important to point out that in a number of Western countries, in particular the Federal Republic of Germany, Fascist and neo-Fascist organizations continued to operate openly despite repeated condemnation of the ideology and practice of fascism by the United Nations and demands that all organizations of that type should be banned. His country, whose people had paid so heavily for the victory over fascism, called for urgent measures to combat the growth of fascism in any form.

31. Byelorussia continued to endorse efforts to guarantee human rights and to develop international co-operation on the basis of equality and supported all United Nations efforts to that end in accordance with the Charter.

32. Ms. FANTHORPE (Observer for New Zealand) said that her delegation, as co-sponsor of General Assembly resolution 32/130 on alternative ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms, had followed with interest the over-all analysis begun under its provisions. She was pleased to note that the recommendations for increasing the membership of the Commission on Human Rights to 43 members had not proved divisive.

33. Her delegation felt that the Commission's work had been especially worth while in certain areas. Resolution 20 (XXXVI) on the question of missing and disappeared persons represented a positive attempt to respond to widespread international concern at the persistence of that tragic phenomenon. In particular, the establishment of a five-member working group should make it possible for specific reported cases to be handled relatively quickly. Nevertheless, one year might not be a long enough period for the working group to complete its work.

34. She supported the view that cases of massive disappearances of persons represented aggression by the State against its own citizens. In such cases, it was mandatory for the United Nations to take action to fulfil the terms of the Charter. She urged the Governments involved to co-operate with the working group in its efforts to resolve that particularly sensitive problem.

(Ms. Fawthorpe, Observer,
New Zealand)

35. The seven resolutions (resolutions 22-28 (XXXVI)) adopted under item 9, alternative approaches, reflected a stimulating discussion. She was pleased that the Commission had supported the request of the last General Assembly that the Division of Human Rights be redesignated a centre, with adequate resources to enable it to carry out the work delegated to it by the Assembly and the Commission. The Division had accomplished a great deal with its limited resources, but the changing nature of its programme necessitated an increased budget. The liaison office in New York should also be strengthened.
36. Draft resolution III before the Council dealt with an area - the development of public information activities - in which practical measures could go a long way towards realizing, the human rights embodied in the Charter. She was pleased that, in recognition of their valuable contribution to the promotion of human rights, non-governmental organizations had also been invited to comment on the implementation of that resolution. She also welcomed the decision in resolution 28 (XXXVI) to continue work on the over-all analysis of methods for the promotion of human rights.
37. The Commission had also made noteworthy advances in its work on drafting standards relating to torture, religious intolerance and the rights of the child. She trusted that the working groups established in accordance with the Commission's recommendations and resolutions would have sufficient time and resources allocated to them to enable them to complete the important work on those questions.
38. Her delegation also attached considerable importance to the Secretary-General's second report on capital punishment (E/1980/9). She regretted that more countries had not replied to the questionnaire, particularly since the exercise was only conducted once every five years. She further regretted that in some countries more crimes had been made punishable by the death sentence. Her delegation would continue to support activities in the United Nations aimed at progressively restricting the number of offences for which the death penalty could be imposed, with a view to the eventual abolition of capital punishment.
39. Mr. NYAMEKYE (Ghana), introducing the draft resolution contained in document E/1980/C.2/L.8, said that Finland and Sweden had joined the original sponsors.
40. The question of violations of trade union rights in South Africa had been considered by the Ad Hoc Working Group of Experts on southern Africa. At the time of the adoption of resolution 1979/39, his delegation had pointed out that those reforms which had taken place in South Africa were cosmetic and strictly in response to the demands of a modern economy. Attempts to reform South African labour laws were not aimed at improving the situation of the African worker.
41. Referring to the draft resolution (E/1980/C.2/L.8), he said that paragraph 3 was significant in providing the Working Group with an opportunity to increase the scope of its consultations. If South Africa heeded the demands contained in the draft resolution, the situation of African workers would certainly improve.

(Mr. Nymaekye, Ghana)

42. He was confident that the draft resolution would be adopted by consensus.

43. Mr. JÖUÅHL (Sweden), introducing the draft decision on capital punishment contained in document E/1980/C.2/L.9, expressed the hope that it would be adopted by consensus.

44. The CHAIRMAN invited the Committee to proceed with the adoption of the draft resolutions and decisions contained in chapter I of the report of the Commission on Human Rights (E/1980/13). He suggested that, in accordance with established practice, the Committee should vote on the draft resolutions and decisions one by one.

45. It was so decided.

Draft resolution I

46. Mr. AL-KAISI (Iraq) proposed that, in the last line of paragraph 4, the words "all forms of" should be added before the words "racism and racial discrimination".

47. Mr. CARDWELL (United States of America) stated for the record that his delegation was not participating in the vote on draft resolution I.

48. Draft resolution I, as amended, was adopted without a vote.

Draft resolution II

49. Draft resolution II was adopted without a vote.

Draft resolution III

50. Mr. O'DONOVAN (Ireland) said that, while his delegation supported the provisions of draft resolution III, it also felt that adequate resources should be made available for existing services dealing with human rights and for their improvement. He proposed that the following new paragraph should be inserted between paragraphs 5 and 6 and the paragraphs renumbered accordingly:

"Requests the Secretary-General to ensure in the interim that adequate resources are available to permit the prompt preparation and distribution of the existing publications of the services of the Secretariat concerned with human rights."

51. He drew attention to the fact that no additional resources were being requested.

52. Mr. BYKOV (Union of Soviet Socialist Republics) proposed that, for the sake of clarity, the word "prompt", which was particularly vague, should be replaced by the word "speedy" and that the last line should be amended to read "distribution of the existing United Nations publications concerned with human rights."

53. Replying to questions from Ms. RICHTER (Argentina) and Mr. BYKOV (Union of Soviet Socialist Republics), Mr. VAN BOVEN (Director, Division of Human Rights) described the United Nations publications programme in the field of human rights and the different types of publications issued. He noted that the amendment proposed by the representative of Ireland did not entail additional expenditure but rather emphasized the need to make available adequate resources for the existing publications programme. The only administrative implication of the proposal would be that the Division of Human Rights should inform the United Nations Publications Board that such a decision had been taken by the Council. He pointed out that a distinction should be made between the publications of the Department of Public Information, which were generally directed towards the public at large, and those of the Division of Human Rights, which were intended for research and academic purposes.

54. The CHAIRMAN said that, if he heard no objection, he would take it that the Committee wished to adopt the amendment proposed by the representative of Ireland, together with the subamendment proposed by the representative of the Soviet Union.

55. It was so decided.

56. Draft resolution III, as amended, was adopted without a vote.

Draft resolution IV

57. Draft resolution IV was adopted without a vote.

Draft resolution V

58. Mr. O'DONOVAN (Ireland) said that his delegation would be happy to endorse draft resolution V. He merely wished to remind members that two other working groups of the Commission on Human Rights were already engaged in the elaboration of international conventions, one on discrimination based on religion or belief and one on minorities. In order to accommodate those two working groups, his delegation was submitting an amendment to draft decision 18. The amendment would not affect draft resolution V.

59. The Committee had before it one draft resolution and two draft decisions of the Commission on Human Rights which dealt with the question of time available to the Commission at its next session. Draft resolution V authorized a meeting of an open-ended working group to complete the work on a draft convention against torture; draft decision 16 authorized a one week session of an open-ended working group to facilitate the completion of the work on a draft convention on the rights of the child, and draft decision 18 authorized three hours of additional meeting services per day during the Commission's thirty-seventh session. He merely wished to draw the attention of members to the relationship between the draft resolution and the draft decisions in order that they might bear it in mind when adopting them.

60. Since the Council would be explicitly providing pre-sessional time for two working groups, his delegation felt that adequate arrangements should be made for

(Mr. O'Donovan, Ireland)

the other working groups, namely those dealing with the draft declaration on discrimination based on religion or belief and the draft declaration on minorities. Apparently, the Commission on Human Rights had omitted at its last session to make explicit provision for those two working groups. The Commission might decide to use the extra meeting hours provided for in draft decision 18 for other purposes, but his delegation wished to stress that the two working groups not specifically mentioned should not be ignored and should have sufficient time to fulfil their mandates.

61. The CHAIRMAN, noting that the amendment to draft decision 18 did not in any way affect draft resolution V, said that if he heard no objection, he would take it that members agreed to adopt draft resolution V without a vote.

62. Draft resolution V was adopted without a vote.

Draft decisions 1-3

63. Draft decisions 1-3 were adopted without a vote.

Draft decision 4

64. Mr. HATELJAK (Yugoslavia) said there seemed to be an error in the text reproduced in the report of the Commission. In the fourth line, the word "economic" should be inserted after the word "international" so that the phrase would read "a study on the new international economic order".

65. The CHAIRMAN said that, if he heard no objection, he would take it that members agreed to adopt draft decision 4, as corrected by the delegation of Yugoslavia.

66. Draft decision 4 was adopted without a vote.

Draft decisions 5 and 6

67. Draft decisions 5 and 6 were adopted without a vote.

Draft decision 7

68. The CHAIRMAN said that a request had been made for a recorded vote on draft decision 7.

69. Mr. ERRAZURIZ (Chile), speaking in explanation of vote before the vote, said that at the last few meetings, most delegations had spoken against selective and discriminatory treatment in dealing with human rights questions. His delegation had for a long time been drawing attention to the serious problems caused by selective treatment. It agreed with the representative of France that there was a contradiction between the universal character of human rights principles and the selective and discriminatory manner in which they had been applied.

(Mr. Errazuriz, Chile)

70. Resolution 21 (XXXVI) of the Commission on Human Rights singled out Chile in a selective and arbitrary manner and violated the principle of the legal equality of States; his delegation had therefore voted against that resolution. Draft decision 7 maintained that discrimination for purely political reasons, and his delegation would therefore vote against it.

71. Furthermore, the insistence with which such discriminatory procedures had been applied made it impossible for the Government of Chile to co-operate with regard to routine and generally applied procedures. It took that position because it realized that ad hoc bodies were now dealing with routine matters.

72. The institutional, economic, social and political progress made by Chile had been recognized by many international organizations and many reputable publications throughout the world. It had been mentioned by most delegations in the General Assembly, as well as in the Commission on Human Rights, UNESCO, the ILO and other organizations. The delegations which refused to recognize it represented countries whose concern for human rights was governed by purely political considerations and only applied to certain States. Those countries did not hesitate to violate such basic principles as sovereignty, independence, territorial integrity, legal equality, self-determination, mutual respect and non-use of force when it served their hegemonic purposes to do so.

73. A recorded vote was taken on draft decision 7.

In favour: Algeria, Australia, Belgium, Bulgaria, Central African Republic, Cyprus, Finland, France, German Democratic Republic, Federal Republic of Germany, Ghana, Hungary, India, Iraq, Ireland, Japan, Libyan Arab Jamahiriya, Mexico, Pakistan, Romania, Senegal, Spain, Sweden, Turkey, Union of Soviet Socialist Republics, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Venezuela, Yugoslavia, Zambia.

Against: Argentina, Brazil, Chile.

Abstaining: Bahamas, China, Dominican Republic, Jordan, Lesotho, Morocco, Nigeria, Zaire.

74. Draft decision 7 was adopted by 32 votes to 3, with 8 abstentions.

75. Mr. FAURIS (France), speaking in explanation of vote, said that his delegation had voted in favour of the decision contained in resolution 21 (XXXVI) of the Commission on Human Rights; it had therefore not wished to vote against draft decision 7. However, he wished to stress that the Special Rapporteur on the situation of human rights in Chile should not have a permanent mandate. His delegation might reconsider its position on the basis of the human rights situation in Chile during the coming year.

76. Mr. MBAZOA (Central African Republic) said that if he had been present during the vote, he would have abstained on draft decision 7.

Draft decision 8

77. Draft decision 8 was adopted without a vote.

Draft decision 9

78. Mr. EDIS (United Kingdom) said that his delegation wished to request a recorded vote on draft decision 9 because it could not accept the premise implicit in the draft decision that all contacts with South Africa were negative. It should be noted that some countries which were most vehement in condemning such contacts nevertheless maintained such contacts themselves.

79. At the request of the United Kingdom representative, a recorded vote was taken on draft decision 9.

In favour: Algeria, Argentina, Bahamas, Brazil, Bulgaria, Chile, China, Cyprus, Dominican Republic, German Democratic Republic, Ghana, Hungary, India, Iraq, Jordan, Lesotho, Libyan Arab Jamahiriya, Malta, Mexico, Morocco, Nigeria, Pakistan, Romania, Senegal, Spain, Trinidad and Tobago, Turkey, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Tanzania, Venezuela, Yugoslavia, Zaire, Zambia.

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

Abstaining: Australia, Central African Republic, Finland, Ireland, Italy, Japan, Sweden.

80. Draft decision 9 was adopted by 34 votes to 5, with 7 abstentions.

81. Mr. CARDWELL (United States of America) speaking in explanation of vote, said that his delegation had voted against the draft decision because it embodied ideas which his delegation could not support, such as the idea of the economic boycott. The list referred to in the draft decision was biased and excluded certain nations which, if the principle of equality were really applied, should be included.

82. Mr. JERE (Malawi) said that if he had been present during the vote, he would have voted in favour of the draft decision.

Draft decision 10

83. Mr. BYKOV (Union of Soviet Socialist Republics) said that resolution 22 (XXXVI) of the Commission on Human Rights had been adopted on 28 February without a vote, after extensive consultations in which his delegation had participated. The text of draft decision 10 seemed to be different from the resolution to which it referred. He asked the Secretariat to provide clarification on that matter.

84. His delegation felt there was no need for draft decision 10, since the General Assembly and the Commission on Human Rights had already adopted resolutions on the question. He suggested that all interested delegations should hold consultations with a view to determining whether draft decision 10 was necessary and, if so, in what form it should be drafted.

85. The CHAIRMAN said that the correct version of draft decision 10 appeared in document E/1980/L3/Corr.1. Since resolution 22 (XXXVI) had been adopted without a vote by the Commission on Human Rights, he suggested that members might wish to adopt the draft decision without a vote.

86. Mr. VAN BOVEN (Director, Division of Human Rights) said that the Commission on Human Rights had adopted a number of resolutions or draft resolutions which had constitutional, financial or administrative implications which had to be brought to the attention of the Council. Commission resolution 22 (XXXVI) had been adopted without a vote at the Commission's 1,560th meeting on 28 February 1980. Owing to the constitutional or administrative implications of the resolution, the Commission had also decided to include a draft decision in the submission for action by the Council.

87. The draft report of the Commission on Human Rights, contained in document E/CN.4/L.1506/Add.6, on page 6 of the English version, provided the background of draft decision 10. If further clarification was needed, it should be given by a representative of the Commission on Human Rights, perhaps the Rapporteur. Under the rules of procedure, the Rapporteur's mandate terminated at the end of the session. However, the representative who had served as Rapporteur at the thirty-sixth session of the Commission was present and might be willing to provide further clarification.

88. Mr. BYKOV (Union of Soviet Socialist Republics) said that the purpose of draft decision 10 was still not clear to his delegation. His delegation did not see why the Economic and Social Council should be making a request to the Secretary-General. Moreover, Commission resolution 22 (XXXVI), which had been adopted following careful consultations, contained a number of elements in both the operative part and the preamble that should be taken into account by the Secretary-General but were not reflected in the draft decision. He suggested that, pending further consultations, consideration of draft decision 10 should be deferred.

89. Mr. NYAMEKYE (Ghana) said that the statement made by the Director of the Division of Human Rights provided an adequate explanation of the circumstances that had led to the present text of draft decision 10. Moreover, the concerns expressed by the delegation of the Soviet Union in the course of negotiations at Geneva had been properly taken into account. He therefore wished to appeal to the representative of the Soviet Union to support the consensus on draft decision 10. The reference in the draft decision to Commission resolution 22 (XXXVI) should be sufficient to cover any elements not specified in the text. The competent authorities would take the whole of Commission resolution 22 (XXXVI) into account when they took action on the question of services of the Secretariat concerned with human rights.

90. Miss CAO-PINNA (Italy) proposed that the second line of draft decision 10 should be amended so that it read: "... resolution 22 (XXXVI), joins in the request to the Secretary-General ...".
91. Mr. BYKOV (Union of Soviet Socialist Republics) said that the amendment to draft decision 10 proposed by the representative of Italy was useful, even though he was still not convinced that it was necessary to adopt such a decision. He suggested that draft decision 10 should be further amended so that the last line read: "... so as to enable it to discharge its functions, on the understanding that the terms of the above-mentioned resolution will be taken into account ...".
92. Ms. RICHTER (Argentina) said that her delegation had not opposed the consensus on Commission resolution 22 (XXXVI) because the Commission had simply endorsed a resolution that had already been adopted by the General Assembly. Her delegation had abstained in the relevant vote in the General Assembly. If the amendment proposed by the representative of Italy was adopted, her delegation would have to abstain once again.
93. Mr. CARDWELL (United States of America), supported by the representatives of the Federal Republic of Germany and Ghana, said that Commission resolution 22 (XXXVI) was adequately reflected in the text of draft decision 10 as it stood.
94. Mr. BYKOV (Union of Soviet Socialist Republics) said that the Committee should endeavour to find wording that was fully in keeping with the spirit and letter of Commission resolution 22 (XXXVI) and took the views of all delegations into account. His delegation was not putting forward a formal amendment; it was merely expressing its views regarding alternative formulations for the draft decision before the Committee. If consultations were held, it would be possible to adopt the draft decision without a vote.
95. Miss CAO-PINNA (Italy) said that her delegation saw no real need to reformulate draft decision 10 and it therefore withdrew the amendment it had put forward as a compromise. She hoped that the Committee would adopt the draft decision without a vote.
96. Mr. VOLLERS (Federal Republic of Germany) appealed to the representative of the Soviet Union to support the consensus on draft decision 10.

The meeting was suspended at 6.10 p.m. and resumed at 6.15 p.m.

97. Mr. SHERIFIS (Cyprus) said that during the brief suspension of the meeting, he had held consultations with the Chairman, the USSR representative and others in connexion with a text which he hoped would meet with the general approval of the Committee. The suggested text of draft decision 10 would read:

"The Economic and Social Council endorses the request by the Commission on Human Rights, as contained in its resolution 22 (XXXVI), that the Secretary-General consider, if he deems it appropriate, the redesignation of the

(Mr. Sherifis, Cyprus)

Division of Human Rights into a Centre for Human Rights, and ensure that adequate financial and other resources are allocated to the sector in the Secretariat concerned with human rights so as to enable it to discharge its functions."

98. Mr. VOLKERS (Federal Republic of Germany) said that his delegation would prefer to see the paragraph begin with the words: "The Economic and Social Council, noting Commission on Human Rights resolution 22 (XXXVI), endorses the request to the Secretary-General to consider ...".
99. Mr. BYKOV (Union of Soviet Socialist Republics) said that the Cypriot proposal stood an excellent chance of being adopted without a vote.
100. Mr. MATELJAK (Yugoslavia) appealed to the representative of the Federal Republic of Germany to withdraw his proposal.
101. Mr. SHERIFIS (Cyprus), apologizing for not having had the opportunity to consult the delegation of the Federal Republic of Germany in the short time available, made it clear that the text was not a joint proposal by the USSR and Cypriot delegations. It had emanated from the Cypriot delegation alone. He appealed to the representative of the Federal Republic of Germany to accept the compromise proposal in a spirit of accommodation and understanding.
102. Mr. VOLLERS (Federal Republic of Germany) said that although it was not exactly what he would consider a compromise formula, he would not object to the Cypriot proposal.
103. The CHAIRMAN said that if there were no objections, he would take it that the Committee wished to adopt draft decision 10, as amended by the representative of Cyprus.
104. Draft decision 10, as amended, was adopted without a vote.

Draft decision 11

105. Draft decision 11 was adopted by 41 votes to 1, with 3 abstentions.
106. Mr. CARDWELL (United States of America), speaking in explanation of vote, said that his delegation maintained its opposition to the reinstatement of summary records because of the decision taken by the Economic and Social Council in 1979 to discontinue summary records for a two-year trial period. The United States was concerned about the budgetary implications of the reinstatement, which would undercut the value of the experiment. The Council decision had been endorsed by the General Assembly and should at least have been referred to the Assembly before being reversed.
107. Mr. SHERIFIS (Cyprus) said that his delegation's vote in favour of draft decision 11 was consistent with its opposition to the decision to discontinue summary records for the functional commissions of the Council. It had argued that

(Mr. Sherifis, Cyprus)

the Commission on Human Rights should have continued to receive summary records, and maintained its belief in the cardinal importance of that Commission.

Draft decisions 12 and 13

108. Draft decisions 12 and 13 were adopted without a vote.

Draft decision 14

109. Mr. BYKOV (Union of Soviet Socialist Republics) said that for reasons stated in the Commission on Human Rights, his delegation had voted against Commission resolution 29 (XXXVI) because it did not reflect the realities of the situation.

110. Mrs. ZHANG (China) said that her delegation supported draft decision 14. It was important to note that any consideration of the situation of human rights in Democratic Kampuchea should begin with a consideration of the large-scale violations of human rights caused by the Vietnamese occupation and aggression.

111. At the request of the representative of the United Kingdom a recorded vote was taken on draft decision 14.

In favour: Australia, Bahamas, Belgium, Central African Republic, Chile, China, Finland, France, Federal Republic of Germany, Ghana, Ireland, Italy, Japan, Malawi, Morocco, Nigeria, Pakistan, Senegal, Spain, Sweden, Trinidad and Tobago, Turkey, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Venezuela, Zaire, Zambia.

Against: Bulgaria, German Democratic Republic, Hungary, India, Union of Soviet Socialist Republics.

Abstaining: Algeria, Argentina, Brazil, Dominican Republic, Iraq, Jordan, Mexico, Yugoslavia.

112. Draft decision 14 was adopted by 29 votes to 5, with 8 abstentions.

113. Mr. MATELJAK (Yugoslavia), speaking in explanation of vote, said that for the reasons given in the Commission on Human Rights, his delegation had abstained in the vote on draft decision 14.

Draft decisions 15, 16 and 17

114. Draft decisions 15, 16 and 17 were adopted without a vote.

Draft decision 18

115. The CHAIRMAN recalled that the representative of Ireland had proposed that the text should be amended to read:

(The Chairman.)

"... during the Commission's thirty-seventh session, on the understanding that such additional meeting services will permit all the existing working groups on international instruments of human rights to receive sufficient time for their deliberations, taking into account the pre-sessional arrangements already provided by the Council for two of the working groups".

116. Mr. BYKOV (Union of Soviet Socialist Republics) suggested the addition of the words "and other matters" after the words "international instruments of human rights". The text should also specify in what resolution and in what decision the Council had already provided for pre-sessional arrangements for two of the working groups. The final part of the sentence should therefore read: "... two of the working groups, in its resolution _____ and decision _____".

117. Mr. O'DONOVAN (Ireland) accepted both suggestions.

118. The CHAIRMAN said that if there were no objections, he would take it that the Committee wished to adopt draft decision 18, as amended by the representatives of Ireland and the Union of Soviet Socialist Republics.

119. Draft decision 18, as amended, was adopted without a vote.

Draft decision 19

120. Mr. HASNAOUI (Morocco), assessing the report of the Commission on Human Rights on its thirty-sixth session, said that his delegation had already referred to the resolution directed against Morocco which had been adopted by the Commission. The conflict in Western Sahara was a conflict between Algeria and Morocco. At issue was not decolonization or violations of human rights, but the territorial integrity and unity of Morocco.

121. Mrs. SEMICHI (Algeria), speaking on a point of order, said that the representative of Morocco was raising the issue in the wrong forum. Inasmuch as the resolution had been adopted by the Commission on Human Rights, his statement was irrelevant and out of order.

122. Mr. HASNAOUI (Morocco) said that inasmuch as the Commission on Human Rights had seen fit to discuss the question of Western Sahara, he could not understand why the Economic and Social Council could not take a decision on that question. The Commission could be requested to examine the question in greater depth at its thirty-seventh session. The Office of the United Nations High Commissioner for Refugees had already withdrawn aid to the so-called refugees.

123. The CHAIRMAN said that if there were no objections, he would take it that the Committee wished to adopt draft decision 19 taking note of the report of the Commission on Human Rights on its thirty-sixth session.

124. Draft decision 19 was adopted without a vote.

125. Mr. GAGLIARDI (Brazil), speaking in explanation of vote, said that his delegation had joined in the consensus on resolution 20 (XXXVI) of the Commission on Human Rights and in the Committee's adoption of draft decision 6. Nevertheless, it continued to believe that the Commission on Human Rights should concentrate on convincing Governments of the need to establish and strengthen internal legal procedures to deal with the problem of disappeared persons and to prepare guidelines for internal legislation in that field. The most effective solution to the problem lay within the domestic jurisdiction of States. The Commission on Human Rights should seek real solutions to the problems affecting the world community instead of adopting resolutions with little practical effect.

126. His delegation had joined in the consensus on draft decision 10 even though it believed that it was unnecessary to change the title of the Division of Human Rights.

127. Mr. HASNAOUI (Morocco), speaking on a point of order, said that the Chairman had decided, without consulting the Committee, that a vote had been taken on draft decision 19. He contested the decision and requested the Chairman to ask the Committee whether or not it was ready to adopt the report of the Commission on Human Rights.

128. The CHAIRMAN said that he had heard no objection to adoption of draft decision 19. He therefore ruled that draft decision 19 had been adopted; if the representative of Morocco wished to contest that ruling, he would put it to the vote under rule 43 of the rules of procedure.

129. Mr. VOLLERS (Federal Republic of Germany), speaking on a point of order, said that it was clear that by adopting draft decision 19, the Committee was merely taking note of the report of the Commission on Human Rights. There was no question of adopting the report. The views expressed by members of the Committee would be reflected in the summary record.

130. Mr. MBODJ (Senegal), speaking on a point of order, said that even though the Committee was merely taking note of the report of the Commission on Human Rights, any delegation was at liberty to express views on the content of the report. In a spirit of co-operation, the Committee should allow the representative of Morocco to comment on a problem of particular concern to him.

131. The CHAIRMAN said that the representative of Morocco was free to make an explanation of vote.

132. Mr. HASNAOUI (Morocco), speaking on a point of order, said that the Committee had not voted on the draft decision, since there appeared to have been a misunderstanding he requested a vote on the draft decision. If it was adopted, he would like an explanation of the expression "takes note of".

133. The CHAIRMAN said that, if no delegation requested a vote on his ruling, it would stand.

134. The expression "takes note of" merely indicated that the Committee had seen the report in question and did not imply that it had taken a position on its contents.

135. Mr. HASNAOUI (Morocco), speaking in explanation of vote, said that for the reasons he had explained at a previous meeting, Morocco felt that it was not concerned by resolution 4 (XXXVI) of the Commission on Human Rights. Morocco was the target of armed external aggression and attempts to destabilize the situation in the Maghreb, and it was defending its territorial integrity and its national and international independence. Thousands of Moroccans were detained at Timdouf, and the Algerian authorities had refused to allow the United Nations High Commissioner for Refugees to draw up a census of the alleged refugees and to supervise the resettlement of the true inhabitants of the former Spanish Sahara, in accordance with their wishes. Thus, with all its respect for the Commission on Human Rights, his delegation felt that it had been wronged. Some countries had voted for resolution 4 (XXXVI) through lack of knowledge about the facts, lack of information or for partisan or ideological motives. Nevertheless, Morocco would not yield an inch of its territory and its sovereignty was not negotiable. The problem of the Western Sahara should not be taken lightly.

136. Mr. VERKERCKE (Belgium) said that his delegation had abstained in the vote on draft decision 11 because although arguments could be advanced for the reinstatement of summary records for the bodies concerned, there were insufficient grounds for reviewing Economic and Social Council resolution 1979/69, which had been endorsed by the General Assembly in its resolution 34/50. His delegation felt that the trial period for the abolition of summary records should have been allowed to run its course. It hoped that the decision would not set a precedent for other subsidiary bodies which were affected by Economic and Social Council resolution 1979/69.

137. Mr. BYKOV (Union of Soviet Socialist Republics), commenting on draft decision 6, confirmed the position explained by his delegation at the time of the adoption of resolution 20 (XXXVI) of the Commission on Human Rights and its views on the methods and conditions of work and duration of the mandate of the Working Group.

138. With regard to draft decision 10, his delegation continued to believe that the redesignation of the Division of Human Rights was unnecessary and unjustified and that resolution 22 (XXXVI) of the Commission on Human Rights should in no way prejudice the Secretary-General's decision on the matter; the Secretary-General should take into account the view of his delegation, which had opposed the redesignation of the Division and suggested that it should become part of the Centre for Social Development and Humanitarian Affairs, since the questions with which it dealt with were very general and included questions of human rights.

139. In connexion with draft decision 12, his delegation once again confirmed its position on Economic and Social Council resolution 1503 (XLVIII) and the procedure outlined therein.

140. His delegation understood that the adoption of draft decision 18 did not mean that the Committee would be obliged to use the additional time and that it should

(Mr. Bykov, USSR)

use its discretion in deciding how much additional time it needed. The Committee and the Secretariat should make every effort to improve the effectiveness of their work while remaining within the normal meetings schedule.

141. Mr. GURAKAN (Turkey) said that his delegation had participated in the consensus on draft decision 6 because it appreciated the concern of the international community about the human rights of persons who had been or were being subjected to imprisonment, detention and maltreatment in various parts of the world as well as the questions relating to enforced or involuntary disappearances of persons. Nevertheless, since those issues involved a wide range of complex problems, it would have been preferable to undertake adequate preparatory work and intensive consultations before establishing a working group. His delegation hoped that the Working Group would carry out its task in an objective and impartial manner and would bar attempts to politicize the humanitarian issues with which it would be dealing. It hoped that the Working Group would operate with the consent of the parties concerned and would adopt its decisions by consensus.

142. Mr. O'DONOVAN (Ireland) said that his delegation had joined in the adoption of draft decision 10, as amended, since it believed that there was full justification for giving the Division of Human Rights an appropriate title. There were organizations in the United Nations system with comparable responsibilities and similar or smaller staff structures which were already called centres, such as the Centre against Apartheid and the Centre for Social Development and Humanitarian Affairs. The elevation of the Division of Human Rights to the rank of a centre did not involve any financial implications or any increase in staff. The Division more than fulfilled the criteria for organizational nomenclature proposed by the Secretary-General in document A/C.5/32/17 and endorsed by the General Assembly in its resolution 32/204. His delegation therefore urged the Secretary-General to fulfil the request of the General Assembly and the Commission on Human Rights.

143. Mr. EDIS (United Kingdom) said that his delegation associated itself with the statement made by the representative of Ireland.

144. Mr. SHERIFIS (Cyprus) reiterated the great significance which his delegation attached to draft decision 6, and the high hopes that many of his compatriots placed in the deliberations of the Working Group.

145. Mrs. SEMICHI (Algeria), speaking in exercise of the right of reply, said that her delegation appreciated the Chairman's efforts to restore order to the discussions. It noted that the Moroccan delegation had shown contempt for the member States of the Commission on Human Rights by alleging that they had voted lightly on a matter as serious as the question of Western Sahara. Those States had had a full and sovereign opportunity to express their views at the time of the adoption of resolution 4 (XXXVI), under item 9 of the agenda of the Commission on Human Rights. The resolution had been adopted as a result of lengthy consultations.

146. The question of Western Sahara was a colonial problem and only Morocco persisted in disregarding its true dimensions and in attempting to present it as a

(Mrs. Semichi, Algeria)

bilateral problem between Algeria and Morocco. Moreover, the Moroccan representative was raising the issue in the wrong forum; he was free to express his country's position in the General Assembly, at the next OAU Summit or at the thirty-seventh session of the Commission on Human Rights.

147. Mr. HASNAOUI (Morocco), speaking in exercise of the right of reply, said that the Algerian delegation was in the habit of falsifying remarks, just as Algeria was in the habit of falsifying history. He had expressed great respect for the Commission on Human Rights but had explained that the problem of Western Sahara was very complex and that some delegations had voted on the resolution of the Commission on Human Rights without full knowledge of the facts.

148. Once again the Algerian delegation had brought up an artificial problem for purely demagogic motives. As he had explained, Morocco had neither conquered nor invaded Western Sahara, as Algeria claimed, but had legally and peacefully recovered possession of part of its territory, with the unanimous agreement of the people concerned. The United Nations had taken note of the Madrid Agreement negotiated with Spain after the Security Council had invited Morocco and Spain to enter into consultations in order to find a peaceful solution to the conflict. Moreover, the International Court of Justice had recognized the rights of Morocco.

149. Algeria had no justification for posing as a champion of human rights since it was violating human rights on a daily basis, particularly in relation to the Moroccans who were being detained in the Tindouf region. It was organizing subversion with the aid of foreign mercenaries and had expelled tens of thousands of peaceful Moroccan peasants. It was using the right of peoples to self-determination as a pretext for seizing a part of Moroccan territory to which it had no claim on the basis of either law or history. Polisario was not a liberation movement; it consisted, as everybody knew, of special units of the Algerian army.

150. It was Algeria which was responsible for the current plight of the Maghreb. It proclaimed its desire to consult the people of the Sahara, and prejudged the results of the consultation process by creating an alleged Saharan Arab Republic. Morocco had only to assert its rights for Algeria suddenly to discover its mission as the liberator of the Sahara, through intermediary of Polisario. For the first time in history an alleged liberation movement had not only taken no part in the struggle against colonization but had revealed its existence only after the elimination of colonialism. Behind the lofty principles it proclaimed, Algeria was trying to establish economic and military hegemony in the Maghreb. The bilateral conflict between Algeria and Morocco was an old dispute; the issue of Western Sahara was being used as a pretext for Algeria to try to reach the Atlantic Ocean and to dominate its neighbours.

The meeting rose at 7.40 p.m.