

# 15th meeting

Friday, 27 May 1983, at 3.30 p.m.

President: Mr. Sérgio CORREA DA COSTA (Brazil)

(E/1983/SR.15)

*In the absence of the President, Mr. Elhassan (Sudan), Vice-President, took the Chair.*

## AGENDA ITEM 4

### Implementation of the International Covenant on Economic, Social and Cultural Rights (concluded) (E/1983/41, E/1983/L.28/Rev.1, E/1983/L.30)

1. The PRESIDENT invited the Council to continue its consideration of the report of the Sessional Working Group of Governmental Experts on the Implementation of the International Covenant on Economic, Social and Cultural Rights (E/1983/41). In paragraph 27 of the report, the Working Group recommended for adoption by the Council two draft decisions: I, on the provisional agenda of the Working Group for 1984, and II, concerning the Composition of the Bureau of the Working Group for 1984. If there was no objection, he would take it that the Council wished to adopt draft decisions I and II contained in the report.

*Draft decisions I and II were adopted (decisions 1983/133 and 1983/134).*

2. The PRESIDENT invited the Council to resume its consideration of draft resolution E/1983/L.28/Rev.1, on the implementation of the International Covenant on Economic, Social and Cultural Rights.<sup>1</sup>

3. Ms. KUROKOCHI (Japan), resuming her introduction of the draft resolution (E/1983/L.28/Rev.1), said that the sponsors had decided to revise paragraph 4 by deleting the entire clause from the words "so that" to the end of the paragraph.

4. She reviewed the various paragraphs of the draft resolution, observing that the fact that consideration of the reports of States parties was becoming more thorough, as noted in the fifth preambular paragraph, was a most welcome development. Just as important, in the view of the sponsors, were any recommendations of a general nature that the Working Group of Governmental Experts might wish to make after considering the country reports; its possible recommendations were discussed in paragraph 24 of its report (E/1983/41), and when the Council considered that report it should give them all equal attention.

5. Regarding paragraph 3, it seemed only fair that States parties which were unable to submit their reports as required by Council resolution 1988 (LX) of 11 May 1976 be asked to indicate when they would be submitted so that the work of the Working Group

would not be seriously inconvenienced. Paragraph 4 stressed the importance of compliance with the guidelines established by the Secretary-General concerning the form and content of reports, and the last preambular paragraph was meant to be taken as a suggestion to States parties to limit their reports to a reasonable length. Paragraph 5 related to the timing of the submission of reports, and paragraph 7 to the timing of the issuance of the summary records of the proceedings of the Working Group. Those summary records were to have been made available to the Council at the same time as the reports of the Group, but in 1983 that had not been done, with the result that many who were not members of the group had had difficulty understanding the report, with its many references to the summary records.

6. As compared with the reports of the Human Rights Committee, those of the Working Group did not report in detail on the matters discussed. It had been argued that, since the Covenant of which the application was being considered and the International Covenant on Civil and Political Rights<sup>1</sup> were equal in importance, the reports of the two implementing bodies should be equally thorough, and paragraph 6 addressed that concern by asking the Group to consider including in its report summaries of its consideration of each country report. Similarly, paragraph 8 sought to ensure that the important work of the Working Group would be publicized as widely as the work of the Human Rights Committee, and paragraph 9 sought to ensure that the Group's work should be accorded consideration equal to that accorded the work of the Human Rights Committee by making the report of the former available to the General Assembly when it considered the item entitled "International Covenants on Human Rights".

7. Mr. SEVAN (Secretary of the Council) said that he was most anxious to respond to comments made by some delegations, reflected in the draft resolution just introduced, regarding the performance of the Secretariat in issuing summary records of the proceedings of the Working Group of Governmental Experts. He wished to state categorically that in 1983 the Secretariat had fully implemented paragraph (e) of Council resolution 1982/33 of 6 May 1982, which required the Secretariat to provide those summary records in time for the Council's consideration of the Group's report. In fact, all 24 summary records of the Group had been issued in all working languages of the Council two days prior to that time.

8. It was also misleading to draw a parallel between the Human Rights Committee and the Working Group of Experts. The Economic and Social Council was the body entrusted with functions under the International

<sup>1</sup>For the text of the Covenant, see General Assembly resolution 2200 A (XXI) of 16 December 1966, annex.

Covenant on Economic, Social and Cultural Rights, and the Council itself had decided that it should be assisted by a group of experts. Therefore, if any report was to be submitted to the General Assembly it should be a report of the Council. Moreover, article 21 of the Covenant expressly gave the Council that right. The whole question should probably be reviewed by the Council when it reviewed the Group's terms of reference in 1985.

9. Regarding the length of reports from States parties, each Government was, of course, the arbiter in that regard. There was a limit, however, to the rapidity with which the Secretariat could issue documentation for the Working Group of Experts along with documentation for any other meetings being held in any given month. For example, a 500-page report from a State party could not possibly be issued in six languages in proper time, and the Working Group could not divorce its expectations regarding its documentation from the requirements of the Council's overall workload. In 1983, the volume of the Group's documentation had almost equalled that of the documentation for all the other Council bodies.

10. When a Council body was provided with summary records, its reports were not supposed to include summaries of its proceedings. The draft resolution before the Council, however, was requesting the inclusion of such summaries, and there had even been requests that the summary records should be annexed to the reports of the Working Group of Experts. Those who made such requests should bear in mind that the summary records were issued in three working languages of the Council only and that their proposals would therefore have financial implications. Before taking any decision on the format of the report of the Working Group, the Council should perhaps seriously consider the timing of the Group's meetings.

11. Replying to a question from the representative of Canada regarding paragraph 4 (a) of document E/1983/L.30, containing the financial implications of draft resolution E/1983/L.28/Rev.1, he confirmed that the estimated figure of \$11,000 for travel and subsistence costs for each meeting of the Working Group was an error and that the figure should refer to each session of the Group.

12. Mrs. KUROKOCHI (Japan) said she wished to clarify the intentions of the sponsors of draft resolution E/1983/L.28/Rev.1. Paragraph 6 merely requested the Working Group of Experts to consider including in its report brief summaries of its proceedings, and that consequently there were as yet no financial implications involved. Similarly, paragraph 7 regarding the prompt issuance of summary records virtually repeated the terms of Council resolution 1982/33 and therefore involved no additional financial implications. The request in paragraph 8 for the issuance of press releases on the proceedings of the Working Group could, in the sponsors' view, be accommodated within existing resources, and they hoped that the Secretariat could absorb that small extra cost.

13. Mr. DYRLUND (Denmark) observed that there was a slight discrepancy between paragraph 6 of the draft resolution (E/1983/L.28/Rev.1) and paragraph 4 (a) of the statement of its financial implications (E/1983/L.30). The latter referred to summaries of the country reports themselves, while the former referred to summaries of the consideration of the country reports by the Working Group of Experts. The sponsors' intention had been to have certain highlights of

the Group's discussions included in its reports, and document E/1983/L.30 should be brought into line with the text of the draft resolution.

14. Mr. SEVAN (Secretary of the Council) observed that in any case the financial estimate in paragraph 4 (a) of document E/1983/L.30 remained valid.

15. He was still not sure, however, of the purpose of paragraph 9 of the draft resolution itself: did it imply that the report of the Working Group of Experts should simply be made available to any interested delegate to the General Assembly, as was normally the case, or that it should be formally submitted to the General Assembly? The basic document before the Assembly on the item was still the relevant chapter of the report of the Council, and it would be inadvisable to have two reports before the General Assembly, especially when efforts were being made to streamline documentation. What would happen in the event that the Council did not endorse the recommendations of the Working Group? Moreover, the Group could not be put on a par with the Human Rights Committee, and it would not be proper procedure to submit the report of the Working Group or any other subsidiary body separately to the General Assembly.

16. Ms. KUROKOCHI (Japan) said that the sponsors of the draft resolution wished to have the report of the Working Group of Experts made available to the General Assembly without having it made an official General Assembly document.

17. Mr. WALKATE (Netherlands) said that, as a sponsor of the draft resolution, he sympathized with the Secretary's concerns. The two positions could easily be reconciled, however: any delegate to the General Assembly wishing to obtain the documentation relevant to the agenda item entitled "International Covenants on Human Rights" would obtain both the Human Rights Committee report and the Economic and Social Council report, which would contain a discussion of the report of the Working Group of Experts; furthermore, under that item the annotated agenda of the Assembly should refer delegates to the available report of the Working Group. Such a reference would be particularly important for delegations of States that were not members of the Council.

18. Mr. ORDZHONIKIDZE (Union of Soviet Socialist Republics) said that, as a member of the Working Group of Experts, the Soviet Union was of course interested in wider distribution of its documents. However, the Secretary's arguments regarding the procedural problems and the additional financial implications were valid. Perhaps, therefore, the sponsors of the draft resolution could make the necessary changes to resolve what was essentially a financial issue.

19. Ms. KUROKOCHI (Japan), speaking on behalf of the sponsors, said that they had deleted paragraph 9, on the understanding that the Council's report to the General Assembly would make specific reference to the report of the Sessional Working Group of Governmental Experts on the Implementation of the International Covenant on Economic, Social and Cultural Rights.

20. Mr. SEVAN (Secretary of the Council), replying to a question from Mr. GERSHMAN (United States of America), said that the figures given in paragraph 4 (a) of document E/1983/L.30 indicated what it would cost should the Working Group of Experts decide at its 1984 session to include a summary of its discussions in its report. As matters currently stood, the draft resolu-

tion had no financial implications. With regard to paragraph 4 (c), he said he had been informed by the Department of Public Information that if the next session of the Working Group took place at a time when only five other bodies entitled to press release coverage were meeting, the Department would be able to provide press releases for the Working Group. However, if more than five such bodies were meeting concurrently with the Working Group, the Department of Public Information would need additional resources. Accordingly, it was difficult to say at the current stage whether it would be possible to absorb the additional cost.

21. Mr. GERSHMAN (United States of America) said that his delegation would join in the consensus on the understanding that the draft resolution had no financial implications at the current stage and that the Secretariat would make every effort to avoid such implications in the future.

*Draft resolution E/1983/L.28/Rev.1 as orally revised was adopted (resolution 1983/41).*

22. The PRESIDENT said that the Council had thus concluded its consideration of item 4.

## AGENDA ITEM 10

### Human rights

#### REPORT OF THE SECOND (SOCIAL) COMMITTEE (E/1983/61)

23. The PRESIDENT drew attention to the report of the Second (Social) Committee on agenda item 10. In paragraph 53 of the report, the Second Committee recommended to the Council the adoption of 10 draft resolutions, as follows: I, "Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights"; II, "Report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its thirty-fifth session"; III, "Updating of the study on the question of the prevention and punishment of the crime of genocide"; IV, "Status of the individual and contemporary international law"; V, "Situation of human rights in Equatorial Guinea"; VI, "Summary or arbitrary executions"; VII, "Human rights and scientific and technological developments"; VIII, "Question of the human rights of all persons subjected to any form of detention or imprisonment, in particular torture and other cruel, inhuman or degrading treatment or punishment"; IX, "Question of a convention on the rights of a child"; X, "Measures to improve the situation and ensure the human rights and dignity of all migrant workers and their families".

24. In paragraph 54 of the report, the Second Committee recommended to the Council the adoption of 24 draft decisions, as follows: 1, "Violations of human rights in southern Africa: report of the *Ad Hoc* Working Groups of Experts"; 2, "Violations of human rights in southern Africa: transmittal of Commission on Human Rights resolution 1983/9"; 3, "Adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given

to colonial and racist régimes in southern Africa"; 4, "Implementation of the Programme for the Decade for Action to Combat Racism and Racial Discrimination"; 5, "Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights"; 6, "The new international economic order and the promotion of human rights"; 7, "Question of enforced or involuntary disappearance"; 8, "Report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its thirty-fifth session"; 9, "Updating of the *Report on Slavery*"; 10, "Situation of human rights in El Salvador"; 11, "Situation of human rights in Poland"; 12, "Situation of human rights in Bolivia"; 13, "Situation of human rights in the Islamic Republic of Iran"; 14, "Situation of human rights in Guatemala"; 15, "Question of human rights in Chile"; 16, "Implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief"; 17, "Rights of persons belonging to national, ethnic, religious and linguistic minorities"; 18, "Organization of the work of the session"; 19, "General decision concerning the establishment of a working group of the Commission on Human Rights to examine situations referred to the Commission under Economic and Social Council resolution 1503 (XLVIII) and those situations of which the Commission is seized"; 20, "Report of the Commission on Human Rights"; 21, "Right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation"; 22, "Allegations regarding infringements of trade union rights in South Africa"; 23, "Report of the *Ad Hoc* Working Group of Experts of the Commission on Human Rights on allegations regarding infringements of trade union rights in South Africa"; 24, "Report of the Secretary-General on measures to be taken against Nazi, Fascist and neo-Fascist activities and all other forms of totalitarian ideologies and practices based on racial intolerance, hatred and terror".

25. He invited the Council to vote on the 10 draft resolutions and the 24 draft decisions.

#### DRAFT RESOLUTION I

*Draft resolution I was adopted by 49 votes to 1 with no abstentions (resolution 1983/31).*

26. Mr. BORCHARD (Federal Republic of Germany), speaking in explanation of vote, said that he had voted for draft resolution I but that his Government had reservations regarding the reference in paragraph 1 to the "right to popular participation". Such a right had not yet been established, and therefore that particular formulation was premature and prejudicial.

27. Mr. FURSLAND (United Kingdom) said that his delegation was in favour of both popular participation and making a study of the question, but that it also had reservations regarding any right to popular participation.

#### DRAFT RESOLUTION II

28. The PRESIDENT informed the Council that the Office of Legal Affairs had suggested that in order to bring sub-paragraph (c) of draft resolution II into line with sub-paragraph (a), the former should be revised to read:

"(c) No person may serve as alternate for a mem-

ber except the expert elected as his alternate, pursuant to sub-paragraph (a)."

29. Mrs. ARUNGU-OLENDE (Kenya) asked why it was assumed that the candidate would always be a man.

30. The PRESIDENT agreed that the wording was clearly weighted against women and said that he would leave it to the Secretariat to correct it so that it would be absolutely neutral.

31. In the meantime, he would take it, if there was no objection, that the Council agreed that sub-paragraph (c) should be revised as recommended.

*It was so decided.*

*Draft resolution II, as orally revised, was adopted by 36 votes to 6, with 9 abstentions (resolution 1983/32).*

32. Mr. ORDZHONIKIDZE (Union of Soviet Socialist Republics), speaking in explanation of vote, said that his delegation had voted against draft resolution II because it did not feel that it was proper to deprive States of their right, under rule 13, paragraph 2, of the rules of procedure of the functional commissions of the Economic and Social Council, to nominate experts for election as alternates for members of the Sub-Commission on Prevention of Discrimination and Protection of Minorities.

33. Mr. FURLAND (United Kingdom) expressed his delegation's pleasure, as prime sponsor of draft resolution II, at the fact that the Council had adopted it so convincingly. The resolution would enhance the quality of the Sub-Commission's work, and he thanked all those who had supported it. He understood that the arrangements provided for in the draft resolution would take effect as of the next election of the members of the Sub-Commission, at the 1984 session of the Commission on Human Rights. He welcomed Kenya's suggestion regarding the rewording of the operative paragraph of the draft resolution.

34. Mr. HOUFFANE (Djibouti) said that had he been present during the voting on draft resolutions I and II, he would have voted in favour of both.

#### DRAFT RESOLUTIONS III, IV, V, VI, VII, VIII, IX AND X

*Draft resolutions III, IV, V, VI, VII, VIII, IX and X were adopted without a vote (resolutions 1983/33, 1983/34, 1983/35, 1983/36, 1983/37, 1983/38, 1983/39 and 1983/40).*

35. Mr. BORCHARD (Federal Republic of Germany) said that his delegation had joined the consensus on draft resolution X but had some difficulties with the wording of some parts of the draft. He wished to take the opportunity to announce that his country would in future participate in the work of the Working Group on the Drafting of an International Convention on the Protection of the Rights of All Migrant Workers and their families.

#### DRAFT DECISIONS 1 AND 2

*Draft decisions 1 and 2 were adopted without a vote (decisions 1983/135 and 1983/136).*

#### DRAFT DECISION 3

*Draft decision 3 was adopted by 39 votes to 4, with 10 abstentions (decision 1983/137).*

#### DRAFT DECISION 4

*Draft decision 4 was adopted without a vote (decision 1983/138).*

36. Mr. GERSHMAN (United States of America) said that his delegation dissociated itself from the vote on draft decision 4, in keeping with its established

policy of not participating in decisions concerning the Decade for Action to Combat Racism and Racial Discrimination since the General Assembly's adoption of resolution 3379 (XXX) labelling zionism as a form of racism.

#### DRAFT DECISION 5

*Draft decision 5 was adopted without a vote (decision 1983/139).*

#### DRAFT DECISION 6

*Draft decision 6 was adopted by 50 votes to 1, with 1 abstention (decision 1983/140).*

37. Mr. GERSHMAN (United States of America) said that the proposed study on the right to adequate food as a human right was an idea of questionable merit. It was difficult to see what it would contribute to the solution of the problems of food production and distribution world-wide. In his delegation's view, the resources involved could better have been allocated to FAO or the World Food Programme.

38. Ms. KUROKOCHI (Japan) said that, while her delegation shared the concerns expressed in resolution 1983/16 of 22 February 1983 of the Commission on Human Rights (see E/1983/13 and Corr.1, chap.XXVI) and continued to support efforts under the World Food Programme to improve the food situation, it had doubts as to the value of the proposed study when other bodies were already tackling the problem. It had therefore abstained from voting on the draft decision, both in the Commission on Human Rights and at the current meeting.

#### DRAFT DECISION 7

*Draft decision 7 was adopted without a vote (decision 1983/141).*

39. Mrs. ZACHAROPOULOS (Greece) welcomed the adoption of draft decision 7 without a vote. Her Government attached particular importance to the Working Group on Enforced or Involuntary Disappearances in view of the considerable number of people still missing in Cyprus. About 2,000 families had been seeking information about missing relatives since the invasion of Cyprus in 1974. Humanitarian and international obligations made it essential for each individual case to be investigated. For that, however, the Working Group needed the co-operation of all parties. Such co-operation was not forthcoming from certain countries; that had become apparent in the Second Committee, when one delegation had announced that it was dissociating itself from the General Assembly resolutions on the subject.

#### DRAFT DECISION 8

*Draft decision 8 was adopted without a vote (decision 1983/142).*

#### DRAFT DECISION 9

*Draft decision 9 was adopted by 50 votes to 1 with no abstentions (decision 1983/143).*

40. Mr. GERSHMAN (United States of America) said that his delegation had voted against the draft decision: there was no need to print the report, because it was already available in a readily usable form.

#### DRAFT DECISION 10

41. Mr. CHADERTON-MATOS (Venezuela) said that his delegation would be voting in favour of all draft decisions referring to the human rights situation in various parts of the world. During the thirty-seventh session of the General Assembly, it had decided not to take part in votes concerning human rights, in protest against the politicized and sectarian representation of

Latin America as the only part of the world in which human rights violations took place. The report of the Commission on Human Rights (E/1983/13 and Corr.1) took a broader approach, albeit with some inexcusable omissions. His delegation would vote for draft decision 10 and those which followed, not in the hope of obtaining political gain but in a spirit of justice and equity. Violations of human rights were no more acceptable when they occurred in a neighbouring or allied country than when they were committed by distant or hostile countries. Any violation of human rights was a violation of the Charter of the United Nations, the Universal Declaration of Human Rights and related world-wide and regional agreements. The United Nations had been losing its credibility as defender of human rights as a result of the politicization of its discussions in the framework of global strategic confrontations, which had led to double moral standards in its resolutions. His delegation realized that in some cases there were evident signs of progress, little movement in other cases and, in others again, regrettable backsliding. Its vote was intended as an unequivocal expression of concern for human rights, without implying that his Government considered all cases to be the same or agreed with all the conclusions drawn.

*A recorded vote was taken on draft decision 10.*

*In favour:* Algeria, Austria, Benin, Bulgaria, Burundi, Byelorussian Soviet Socialist Republic, Canada, Congo, Denmark, France, German Democratic Republic, Germany, Federal Republic of, Greece, India, Japan, Kenya, Luxembourg, Mexico, Netherlands, New Zealand, Nicaragua, Norway, Poland, Portugal, Suriname, Swaziland, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, Venezuela.

*Against:* Argentina, Brazil, United States of America.

*Abstaining:* Bangladesh, China, Colombia, Djibouti, Ecuador, Fiji, Lebanon, Liberia, Malaysia, Mali, Pakistan, Peru, Qatar, Saint Lucia, Saudi Arabia, Sierra Leone, Sudan, Thailand, Tunisia.

*Draft decision 10 was adopted by 29 votes to 3, with 19 abstentions (decision 1983/144).*

42. Ms. ZHANG (China) announced that her delegation had abstained from voting on draft decision 10. The Chinese Government and people had been most concerned about developments in El Salvador and throughout Central America, and expressed their deep sympathy and concern for the misfortune of the people of El Salvador. They believed that interference by outside forces was a principal reason for the unrest in Central America, with intervention and interference by the super-Powers being particularly to blame. The only way to bring about peace and stability in Central America was to do away with all foreign intervention and let the people of the region decide for themselves on their domestic affairs and their destiny.

#### DRAFT DECISION 11

*At the request of the representative of Poland, a recorded vote was taken on draft decision 11.*

*In favour:* Austria, Botswana, Canada, Colombia, Denmark, Fiji, France, Germany, Federal Republic of, Greece, Japan, Lebanon, Luxembourg, Mexico, Netherlands, New Zealand, Norway, Portugal, Saint Lucia, Swaziland, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela.

*Against:* Algeria, Argentina, Benin, Bulgaria, Byelorussian Soviet Socialist Republic, China, German

Democratic Republic, India, Nicaragua, Poland, Romania, Union of Soviet Socialist Republics.

*Abstaining:* Bangladesh, Brazil, Burundi, Congo, Ecuador, Liberia, Malaysia, Mali, Pakistan, Peru, Qatar, Saudi Arabia, Sierra Leone, Sudan, Suriname, Thailand, Tunisia, United Republic of Cameroon.

*Draft decision 11 was adopted by 22 votes to 12, with 18 abstentions.*

43. Mr. NATORF (Poland) voiced regret that the Council had adopted draft decision 11 on the "situation of human rights" in Poland. The resolution of the Commission on Human Rights on which the draft decision was based completely distorted the actual situation in Poland and revealed the purely political motivation and hypocrisy of its sponsors. Martial law in Poland had been suspended and almost all the associated restrictions had been lifted, but Commission resolution 1983/30 of 8 March 1983 (see E/1983/13 and Corr.1, chap.XXVI) called upon the Polish Government to repeal "new restrictions" imposed on the Polish people. The resolution, which recognized the right of the Polish people "to pursue its political, social and cultural development, free from outside interference", was itself a striking example of interference in the internal affairs of a sovereign Member State. It had neither legal nor moral justification.

44. In proclaiming martial law in December 1981, the Polish supreme authorities had acted in full accordance with the constitution of the Polish People's Republic and article 4 of the International Covenant on Civil and Political Rights.<sup>1</sup> The other parties to the Covenant had been notified of the proclamation and suspension of martial law, and the measures taken under martial law regulations had been in strict accordance with all the provisions of the Covenant. Accordingly, resolution 1983/30 of the Commission on Human Rights had no legal basis, exceeded the Commission's mandate and violated the principle of non-interference in the internal affairs of States set forth in Article 2, paragraph 7, of the Charter of the United Nations.

45. His Government rejected the resolution, and the decision of the Economic and Social Council based upon it, as illegal, null and void, politically harmful and morally hypocritical. It regretted that the sponsors of the resolution had succeeded in involving the Secretary-General in their unjustified action. Poland would not co-operate in the implementation of the resolution.

46. Mr. GERSHMAN (United States of America) said that recent events in Warsaw, Gdansk and other Polish cities, and the forthcoming visit to Poland of Pope John Paul II, gave new and urgent meaning to draft decision 11, which called for a thorough study of the human rights situation in that country. The violent suppression of the non-violent May Day demonstrations, as well as subsequent acts of violence—including the beating and death of a Solidarity activist's teenage son—made it clear that the crisis brought on by the imposition of martial law in December 1981 remained unresolved. Unable to crush the people or to win their trust, the Polish régime was presiding over an inherently unstable situation. The past 18 months had convincingly shown that a long-term resolution of the crisis could not be achieved through repression.

47. Repression could not make workers produce if they were not motivated to produce. It could not make them join unions that were not free and independent. It could not bestow authority upon a discredited leadership or inspire belief in an empty ideology; nor could

it arrest the decay of an ossified totalitarian system of power. Repression had been unable to destroy the hope represented by Solidarity for the peaceful, non-violent renewal of Polish society. That hope could not be destroyed even by Soviet threats and admonitions against any loosening of internal controls. That aspect of the problem gave special meaning to paragraph 3 of resolution 1983/30 of 8 March 1983 of the Commission on Human Rights.

48. It was only on the basis of the Polish people's right to pursue their political, social and cultural development free from outside interference, and by the termination of the restrictive measures imposed upon the exercise of human rights and fundamental freedoms in Poland, that the Polish crisis would be resolved. His delegation noted the appeal by the Polish church to the Government for an amnesty for political prisoners and full lifting of martial law before the Pope's visit. The visit offered an opportunity to turn away from a sterile policy of repression towards a more promising policy of dialogue and reconciliation. It was regrettable that the Polish authorities had refused to co-operate with the study requested by the Commission on Human Rights and authorized by the Council, for such co-operation would be taken as a sign of willingness to move in the direction of dialogue and reconciliation. The lack of such co-operation, however, should not prevent the Secretary-General and his representative from preparing a clear and comprehensive report on the human rights situation in Poland for presentation to the Commission at its fortieth session.

49. Mr. NATORF (Poland), speaking on a point of order, asked on what grounds the United States representative had been given the floor, since that representative appeared merely to be continuing to interfere in the domestic affairs of Poland.

50. The PRESIDENT said he assumed that the United States representative had been speaking in explanation of his delegations's vote.

51. Mr. ASTAFIEV (Union of Soviet Socialist Republics) said that his delegation had voted against the draft decision. It shared the assessment of the so-called "decision" and corresponding resolution of the Commission on Human Rights given by the representative of Poland. The decision was illegal, irrelevant and at variance with the principles and purposes of the Charter of the United Nations; it had no bearing on the real situation in Poland. The events of the past year had shown that the situation in Poland could be successfully dealt with by the Polish people themselves. He was amazed to hear moralizing about "violations" of human rights in Poland from the representative of a country which, both internally and externally, exemplified the grossest violations of human rights, as demonstrated by its votes on other draft decisions and resolutions just adopted by the Council.

#### DRAFT DECISION 12

*Draft decision 12 was adopted without a vote (decision 1983/146).*

52. Mr. GERSHMAN (United States of America) said that in the Second Committee his delegation had voted against draft decision 12 solely on technical grounds, since it was opposed to the funding of technical assistance from the regular budget. At the same time, his delegation was in favour of the concept of advisory services in human rights and had supported resolution 1983/33 of 8 March 1983 of the Commission on Human Rights relating to the human rights situation in Bolivia. It agreed that the Government of

Bolivia could be assisted by advisory services and any other forms of human rights assistance that it might request. His delegation noted the programme budget implications of resolutions and decisions adopted by the Commission on Human Rights at its thirty-ninth session (E/1983/55), in which the Secretariat indicated that the additional costs of the draft decisions and recommendations could be absorbed. Accordingly, his delegation had voted in favour of draft decision 12 at the present meeting. It nevertheless continued to object to the funding of technical assistance under section 24 of the budget.

#### DRAFT DECISION 13

*At the request of the representative of Pakistan, a recorded vote was taken on draft decision 13.*

*In favour:* Austria, Canada, Denmark, Fiji, France, Germany, Federal Republic of Greece, Japan, Kenya, Luxembourg, Netherlands, New Zealand, Norway, Portugal, Suriname, Swaziland, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela.

*Against:* Algeria, Benin, Pakistan.

*Abstaining:* Argentina, Bangladesh, Brazil, Bulgaria, Burundi, Byelorussian Soviet Socialist Republic, China, Colombia, Congo, Ecuador, German Democratic Republic, India, Liberia, Malaysia, Mali, Mexico, Nicaragua, Peru, Poland, Qatar, Saint Lucia, Saudi Arabia, Sierra Leone, Sudan, Thailand, Tunisia, Union of Soviet Socialist Republics, United Republic of Cameroon.

*Draft decision 13 was adopted by 19 votes to 3, with 28 abstentions (decision 1983/147).*

#### DRAFT DECISION 14

53. Mr. DELPREE-CRESPO (Observer for Guatemala) emphasized the genuine commitment of his Government, which had taken office on 23 March 1982, to improve the human rights situation in his country. The Government had immediately acted to ensure that human rights were upheld and scrupulously observed. Respect for human rights was one of the basic principles enshrined in the Fundamental Statute of Government, which provided broad guarantees not only of civil and political rights, but of economic, social and cultural rights as well. Shortly after taking office, the new Government had invited the Inter-American Commission on Human Rights to visit Guatemala, and the special mission which had been dispatched had received the fullest support of the Government during its stay, from 20 to 26 September 1982. The Government had also expressed its willingness to co-operate with the United Nations Commission on Human Rights. Unfortunately, owing to reasons beyond the control of the Government, the Commission had been unable to appoint a Special Rapporteur for Guatemala until March 1983. The Government looked forward to the forthcoming mission of the newly appointed Special Rapporteur and pledged its full co-operation to him so that he could prepare an impartial report on human rights developments in the country.

54. Nevertheless, resolution 1983/37, adopted by the Commission on Human Rights on 8 March 1983, on the situation in Guatemala, prejudged the outcome of developments with respect to human rights in his country. In addition, some delegations, acting on the basis of false or ill-intentioned information from political organizations or the press, had expressed concern in the Second Committee over supposed viola-

tions of human rights in Guatemala. It would have been more appropriate to await the findings of the Special Rapporteur's investigation. To make accusations against his Government on the basis of information from dubious sources was unworthy of the Council.

55. Injustice and poverty had prevailed in Guatemala for decades, and it would take time to develop programmes and measures to eradicate them. His Government reaffirmed its complete willingness to co-operate with the competent bodies of the United Nations or other organizations dealing with human rights to improve the human rights situation in Guatemala.

*Draft decision 14 was adopted by 31 votes to 1, with 20 abstentions (decision 1983/148).*

DRAFT DECISION 15

56. The PRESIDENT drew attention to an error in the Spanish and French versions of paragraph 33 of the report of the Second (Social) Committee (E/1983/61). The countries which had voted against the draft decision in the Committee were Argentina, Brazil, Pakistan and the United States of America. The appropriate correction would also be made in the Council's report.

*A recorded vote was taken on draft decision 15.*

*In favour:* Algeria, Austria, Benin, Botswana, Bulgaria, Burundi, Byelorussian Soviet Socialist Republic, Canada, Congo, Denmark, France, German Democratic Republic, Germany, Federal Republic of, Greece, India, Japan, Kenya, Liberia, Luxembourg, Mali, Mexico, Netherlands, New Zealand, Nicaragua, Norway, Poland, Portugal, Qatar, Romania, Saint Lucia, Saudi Arabia, Sierra Leone, Sudan, Swaziland, Tunisia, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, Venezuela.

*Against:* Argentina, Brazil, Pakistan, United States of America.

*Abstaining:* Bangladesh, China, Colombia, Ecuador, Fiji, Lebanon, Malaysia, Peru, Suriname, Thailand, United Republic of Cameroon.

*Draft decision 15 was adopted by 38 votes to 4, with 11 abstentions (decision 1983/149).*

57. Mr. ASTAFIEV (Union of Soviet Socialist Republics) said his delegation was pleased at the adoption of draft decision 15, since the human rights situation in Chile was of particular concern. Recent events in that country had shown that the people were indeed suffering under the yoke of a bloody dictatorship imposed by the United States of America. The conduct of the latter country, a self-styled proponent of freedom and free elections, was a true reflection of its hypocrisy and the gap between its deeds and the demagoguery it practised in the area of human rights.

58. Mr. DYRLUND (Denmark) and Mr. ROCHEREAU de la SABLIERE (France) said that their delegations had voted in favour of the draft decision and stressed the importance of appointing a successor to the late Special Rapporteur as soon as possible.

59. Mr. GERSHMAN (United States of America) said that the statement in behalf of human rights made by a representative of a totalitarian State required an explanation of vote by his delegation. His delegation had worked hard in the Commission on Human Rights for a resolution on Chile which would have been a balanced and accurate reflection of the situation in that country and would have provided for equitable and fair procedures aimed at securing the co-

operation of the Government of Chile with the United Nations in investigating the human rights situation there. His delegation had failed in its efforts, and thus had opposed resolution 1983/38 adopted by the Commission on Human Rights on 8 March 1983, and the decision just taken by the Council. It would, of course, continue to work towards the objective it had pursued in the Commission on Human Rights, and wished that the totalitarian State which expressed so much concern over the situation in Chile would be equally concerned over the situation in so many countries where its influence had led to terrible repression.

60. Mr. RUIZ-CABAÑAS (Mexico) said that his delegation welcomed the adoption of draft decision 15 and hoped that the Chairman of the Commission on Human Rights would soon appoint a new Special Rapporteur.

61. Mr. PARGA (Observer for Chile) said that his delegation continued to reject the application of discriminatory and selective procedures to his country. The comments made by the representative of the Soviet Union, a country which was guilty of human rights violations within its own borders and elsewhere, as in Afghanistan and Kampuchea, for example, distorted the true facts and proved that the draft decision was politically motivated.

DRAFT DECISION 16

*Draft decision 16 was adopted by 48 votes to none, with 4 abstentions (decision 1983/150).*

DRAFT DECISION 17

*Draft decision 17 was adopted without a vote (decision 1983/151).*

DRAFT DECISION 18

62. The PRESIDENT suggested that the title of the draft decision should be amended to read "Organization of the work of the fortieth session of the Commission on Human Rights".

*It was so decided.*

*Draft decision 18, as orally amended, was adopted by 46 votes to none, with 7 abstentions (decision 1983/152).*

DRAFT DECISION 19

*Draft decision 19 was adopted without a vote (decision 1983/153).*

63. Mr. GERSHMAN (United States of America) said that his delegation's support for the resolutions and decisions which authorized the continuation of sessional working groups or additional meetings of the Commission on Human Rights was predicated on its understanding that the related conference-servicing costs would be fully absorbed. With regard to all other draft decisions and resolutions, his delegation expected that the Secretary-General would also absorb the related costs within existing resource levels and that there would be no programme growth for the biennium 1984-1985.

DRAFT DECISION 20

64. Mr. LEVIN (Observer for Israel) said that it was evident from the language and content of resolutions 1983/1, 1983/2 and 1983/3 of 15 February 1983 of the Commission on Human Rights that the human rights of the Palestinian Arabs in the areas administered by Israel were not really the main concern of the Arab delegations and their customary fellow-travellers. Their aim was political warfare against Israel. The code of selective morality and the utterly deplorable politicization of human rights were evident in the three resolutions, casting great doubt on the Arab Governments' general interest in those rights.

65. The resolutions of the Commission on Human Rights were based mainly on the reports of the so-called Special Committee to Investigate Israeli Practices, an appendage of the Arab delegations at the United Nations, which devoted its energies to concocting material whose only purpose was to besmirch Israel. Unfortunately, owing to the operation of blocs and alliances which had nothing to do with a concern for human rights, such resolutions were automatically endorsed by the Economic and Social Council. However, an investigation was devoid of value when it was subverted to the ends of political warfare between States. False allegations by a United Nations organ which was supposedly sanctioned by the entire membership served only to weaken the authority of the Organization as a whole. The report of the Special Committee was tendentious, biased and unbalanced and completely ignored the many positive achievements of Israel's administration benefiting the Palestinian people. It ignored the fact that Israel's legal system guaranteed the Palestinian Arabs the same rights as those enjoyed by Israeli citizens. Nothing done by the administrations that had preceded Israel in Judea, Samaria and the Gaza district could begin to compare with all that. The years between 1949 and 1967 had been a sorry record of forced backwardness, studied ignorance of the needs of the population and brutality. The question of human rights was far more poignant in many Arab lands, where parts of the population were being massacred and denied their human rights. The reports of the Special Committee omitted facts which were central to an objective evaluation of the human rights situation in the territories administered by Israel, where, for example, no executions had been carried out, despite the fact that those brought to trial had included individuals responsible for the cold-blooded murder of innocent women and children.

66. His delegation totally and unreservedly rejected the contents and tone of the resolutions of the Commission on Human Rights as an act of political and psychological warfare against Israel. Endorsement of those resolutions by the Council could only serve to undermine the Organization's ability to protect human rights.

*Draft decision 20 was adopted without a vote (decision 1983/154).*

67. Mrs. ZACHAROPOULOS (Greece) said that her delegation welcomed the decision taken by the Council on the report of the Commission on Human Rights on its thirty-ninth session. One of the resolutions adopted by the Commission at that session was of the utmost importance, namely resolution 1983/35 of 8 March 1983, concerning mass exoduses. The Greek Government was seriously concerned over the problem of refugees and displaced persons in all parts of the world, particularly the Greek Cypriots, who had become refugees in their own country as a result of the invasion of Cyprus in 1974. The problem of refugees persisted despite the efforts of the Government of Cyprus and various United Nations organs to find a durable solution to the serious situation. Her delegation was grateful to the Office of the United Nations High Commissioner for Refugees, which since 1974 had been providing substantial assistance to the displaced persons in Cyprus.

68. Mr. BENA (Romania) said that, while his delegation welcomed the adoption of draft decision 20 without a vote, it nevertheless had some reservations regarding certain decisions and resolutions contained in the report of the Commission on Human Rights. The

Commission should include in its reports only accurate information and not baseless allegations aimed at creating political diversions and slandering certain Member States. Some of the decisions adopted by the Commission were not conducive to international co-operation in the field of human rights, which should be governed by the fundamental principles of human law. Only on the basis of those principles could genuine progress be made in the protection of human rights and fundamental freedoms.

#### DRAFT DECISION 21

69. Mr. NATORF (Poland), speaking also on behalf of the delegations of Bulgaria, the Byelorussian Soviet Socialist Republic, the German Democratic Republic and the Soviet Union, said that the decision before the Council did not serve any purpose and diverted attention from the real reason for the tensions along the Thailand-Kampuchea border. It also ignored the fact that armed groups, including those of the Pol Pot régime, were attacking the civilian population. Adoption of the decision would not help to promote a stable peace in the region, and the five delegations would therefore vote against it.

70. Mr. KITTIKHOUN (Observer for the Lao People's Democratic Republic) said that as one of the parties directly concerned, his delegation did not believe that the draft decision would contribute to a solution of the problems of South-East Asia, which should be solved by the two groups of countries in the region, namely the countries of Indo-China and the ASEAN countries, acting in a spirit of good neighbourliness and co-operation and without outside interference. The draft decision did not take duly into account the different points of view of the two sides, was unrealistic and would not help to promote the efforts of the peoples of that region to create conditions for the establishment of peace and co-operation there.

*At the request of the representative of Thailand, a recorded vote was taken on draft decision 21.*

*In favour:* Argentina, Austria, Bangladesh, Botswana, Brazil, Burundi, Canada, China, Colombia, Denmark, Djibouti, Ecuador, Fiji, France, Germany, Federal Republic of, Greece, Japan, Kenya, Lebanon, Liberia, Luxembourg, Malaysia, Netherlands, New Zealand, Norway, Pakistan, Peru, Portugal, Qatar, Saint Lucia, Saudi Arabia, Sierra Leone, Sudan, Suriname, Swaziland, Thailand, Tunisia, United Kingdom of Great Britain and Northern Ireland, United Republic of Cameroon, United States of America, Venezuela.

*Against:* Benin, Bulgaria, Byelorussian Soviet Socialist Republic, Congo, German Democratic Republic, India, Nicaragua, Poland, Union of Soviet Socialist Republics.

*Abstaining:* Algeria, Mali, Mexico.

*Draft decision 21 was adopted by 41 votes to 9, with 3 abstentions (decision 1983/155).*

71. Mr. KOR Bun Heng (Observer for Democratic Kampuchea) expressed gratitude to all delegations that had voted in favour of draft decision 21, which would encourage the people of Kampuchea under the leadership of the coalition Government to pursue their struggle for the complete liberation of their country. The problem in South-East Asia was not one between ASEAN and the countries of Indo-China, as had been claimed. The problem was that of Vietnamese aggression against Kampuchea. The collective wisdom of the United Nations, as reflected in the vote on the draft



decision, was an adequate response to the false allegations and slander repeated by the representatives of Viet Nam and its supporters. It was not by shedding crocodile tears that the Vietnamese régime could erase the crimes it had committed against the people of Kampuchea over the past four years.

72. Mr. NGUYEN LUONG (Observer for Viet Nam) said that resolution 1983/5 of 15 February 1983 of the Commission on Human Rights and draft decision 21 had nothing to do with the human rights situation in Kampuchea. On the contrary, they reflected the political manoeuvres aimed at subjecting the Kampuchean people once again to the violation of their most basic human rights. During four years of brutal dictatorship, the genocide régime of Pol Pot had massacred millions and denied the entire people their right to a normal family life. The devastating consequences of that régime's actions continued to haunt the survivors. The people of Kampuchea were in need of the disinterested support of the international community in defending their human rights, above all, their right to life. The criminals must be punished severely and their master condemned. The rebirth of the Kampuchean people must be supported as a homage to the millions who had perished.

73. The draft decision just adopted used human rights in a transparent attempt to impose once again on the Kampuchean people the régime of the genocide criminals. The so-called governmental coalition that had been referred to was merely the old régime with cosmetic changes.

74. As to the right to self-determination, the Kampuchean people had exercised that right since January 1979 and was determined to defend it. Vietnamese troops were present in Kampuchea in accordance with an agreement between the People's Republic of Kampuchea and the Socialist Republic of Viet Nam, two independent and sovereign States, and those troops would be withdrawn as the expansionist and hegemonist threat to the rebirth, sovereignty, independence and territorial integrity of the People's Republic of Kampuchea lessened.

75. Military operations along a country's frontiers against bands of terrorists and traitors to the nation were a matter falling exclusively within a country's sovereignty. The consistent policy of the Government of the People's Republic of Kampuchea was to avoid human and material losses and to spare the civilian population. The use of civilians by the armed bands of Pol Pot's followers and other reactionaries as cover for their acts of terrorism and sabotage must be condemned. All loss of civilian life in armed conflicts was regrettable, but the responsibility for the loss of life in Kampuchea fell on those who maintained, trained, equipped and gave sanctuary to the armed bands which were carrying out acts of terrorism against the Kampuchean people.

76. With regard to the security of refugees in Thailand along the Thai-Kampuchean border, the Government of the People's Republic of Kampuchea had put forward a series of constructive proposals in a humanitarian spirit. Refugee camps must be dissociated from armed camps, and a demilitarized or security zone should be established as the best guarantee of their security. The repatriation of refugees could be undertaken with the assistance of the national Red Cross Societies concerned, without being made contingent on the reciprocal diplomatic recognition of the two countries.

77. In the light of those considerations, it was clear that the resolution of the Commission on Human Rights and the decision just adopted by the Council reflected political aims unrelated to the defence of human rights in Kampuchea and hence were null and void. The adoption of the resolution and the draft decision constituted blatant interference in the domestic affairs of a sovereign State and, like previous resolutions on the situation in Kampuchea, could only encourage the expansionist and hegemonist policy of Chinese reactionary circles; it would contribute nothing to the establishment of peace, stability and co-operation in the region. His delegation therefore completely rejected the resolution and the draft decision.

78. Mrs. UMANA (Columbia) said that her delegation had intended to vote in favour of draft decision 21.

#### DRAFT DECISIONS 22, 23 AND 24

*Draft decisions 22, 23 and 24 were adopted without a vote (decisions 1983/156, 1983/157 and 1983/158).*

79. The PRESIDENT invited the delegations which wished to exercise their right of reply to do so.

80. Mr. NATORF (Poland) said that the so-called explanation of vote on draft decision 11 given by the United States delegation did not require a reply, since its purpose was self-evident. The United States representative had evoked the forthcoming visit of Pope John Paul II to Poland and relations between Church and State in that country. Those issues were not matters for the United States delegation to comment on, nor were they under discussion in the Council. The United States delegation was attempting to divert attention from the real issues and to interfere once again in Poland's domestic affairs. As everyone knew, the Pope was of Polish origin and he had a thorough knowledge of the Polish situation. The Polish people were quite capable of solving their own problems, provided that no further obstacles were placed in their path, including the increasingly aggressive rhetoric of the United States. The United States representative would apparently like to be more Catholic than the Pope, but that was absolutely ludicrous.

81. Mr. RIACHE (Algeria) said that the representative of the Zionist entity had referred earlier to the attitude of the Arab delegations in the Council. Representing an Arab country, his delegation did not wish to dignify those comments with a reply or to rehearse the innumerable violations of human rights committed by the Zionists in occupied Palestine. It wished only to comment on the conclusion set forth by the representative of the Zionist entity, namely, that it rejected the resolutions endorsed by the Council. That should come as no surprise, since the Zionists had rejected many other resolutions of United Nations bodies, including resolutions of the General Assembly and the Security Council. The very nature of Zionism was irreconcilable with the lofty ideals of the Charter of the United Nations, a fact which had been rightly recognized by the General Assembly in 1975. It had become usual at the meetings of United Nations bodies dealing with the rights of peoples and human rights for the Zionist entity to reiterate its scorn for the United Nations and its decisions, as had been proved once again at the current meeting.

82. Miss SHALHOUB (Observer for Jordan) said that the Arab peoples had learned the lessons of Israeli occupation. Their freedom had been denied, small children were kidnapped, and universities in the West

Bank were closed for most of the year because the students dared to express their opposition to the occupiers. That there had been economic improvements was because Israel had seized the best lands and the Arab farmers had been forced from them to become labourers. That was the real picture of Israel's "civilization" and "democracy".

83. The Arabs had remained silent about their plight in the past, but they would not remain silent forever. They knew who their enemy was, and the truth was out. Jordan's history was well known and required no apologies.

84. Ms. RITTERHOFF (United States of America) said that her delegation chose not to respond in substance to the Polish representative since his remarks had been *ad hominem* and without substance, and did not merit serious consideration. In its explanation of vote on decision 11, her delegation had spoken to the facts, and she was confident that most delegations would respect the facts.

85. Mr. LEVIN (Observer for Israel) noted that the observer for Jordan had not really challenged what he had said about the 19 years of Jordanian occupation in Judea and Samaria. That was not surprising, given the popular Arab saying "what is past is dead". However, the people who lived in those areas remembered very well the oppression, deprivation and brutal military and police authority of the Jordanian régime. In their hasty retreat in June 1967, after starting an unprovoked war against Israel, the Jordanian authorities had left behind a substantial archive documenting the behaviour of their secret services in the area. Between 1948 and 1967, all economic priority had been given to the East Bank, and Jerusalem had been allowed to become a secondary provincial city. School enrollment had been low, and there had been no universities then, while there were currently five. Under Israel's administration, much agricultural development had indeed taken place, and the amount of water used by Arab Palestinian farmers was far greater than under the rule of Jordan. Even the Jordanian Government knew the truth, which could not be hidden by piling resolution on resolution which did not reflect reality.

86. Miss SHALHOU (Observer for Jordan) said that in 1977 her Government had set 1990 as the year in which economic self-reliance could be achieved. However, those plans had to be abandoned because of the wars in the West Bank and the refugees they had created. The West Bank of Palestine had been joined to Jordan in 1951 at the request of the inhabitants. As Arabs, the inhabitants of the West Bank had enjoyed full equality under Jordanian rule. There had been considerable expenditure on the West Bank, and in 1963 construction had begun on a university intended to accommodate the thousands of students attending university outside of Jordan.

87. The situation of Arabs living in Israel was hardly ideal. For example, only one in every hundred was allowed to attend university.

88. Mr. GEWAILY (Qatar) said that the observer for Israel had extolled the virtues and benefits of Israeli occupation. Anyone who could forget the bombing of Beirut, children being attacked by invaders with machine guns in occupied Arab territories, or Israeli justice, which handed down sentences of 10 years to children who had thrown stones at Israeli occupiers, should apply for that privilege. He was certain that there would be no takers.

89. Mr. LEVIN (Observer for Israel) recalled that Jordan had annexed Judea and Samaria in 1950 and that that annexation had not been recognized by any country save the United Kingdom and Pakistan. Even the Arab League had been opposed to the move. He had already commented on the supposedly wonderful régime which Jordan had had at that time.

90. The representative of Qatar had referred to events in Lebanon. He asked who had paid the PLO to massacre the people in Lebanon. The answer was Qatar and various other sheikdoms and principalities in the Persian Gulf.

91. Mr. GEWAILY (Qatar) said that the PLO had been formed in 1948 as a result of the expulsion of Palestinians from their homeland. Had it not been for that, there would be no PLO, but only peaceful people living in their own land.

92. The PRESIDENT announced that he had been informed by the Secretariat that, owing to a malfunctioning of the electronic voting equipment, the vote on draft decision 14 had not been recorded. Since there was nothing that could be done to remedy the situation at the current stage, he suggested that the Council should leave matters where they stood.

*It was so decided.*

93. The PRESIDENT said that the Council had thus concluded its consideration of item 10.

## AGENDA ITEM 1

### Adoption of the agenda and other organizational matters (concluded)\* (E/1983/81)

#### DOCUMENTATION AND ORGANIZATION OF WORK OF THE THIRD COMMITTEE OF THE GENERAL ASSEMBLY

94. Mr. SCHLEGEL (German Democratic Republic), speaking as Chairman of the informal working group established to formulate recommendations to the Council regarding the documentation and organization of work of the Third Committee of the General Assembly, in pursuance of General Assembly resolution 32/197 of 20 December 1977 and Council resolution 1982/50 of 28 July 1982, said that the working group had not been in a position to formulate definite proposals and conclusions and that there had been no general desire to maintain the question of documentation and organization of work of the Third Committee under review or to continue discussion of the matter. Unless the Council decided to discuss the matter in plenary, the working group felt that it should be left to the General Assembly to determine the organization of work and the allocation of items.

95. The PRESIDENT said that, if there was no objection, he would take it that the Council wished to take note of the report of the Chairman of the informal working group.

*It was so decided (decision 1983/159).*

#### RESUMED TWENTY-THIRD SESSION OF THE COMMITTEE FOR PROGRAMME AND CO-ORDINATION (E/1983/81)

96. The PRESIDENT drew attention to a letter dated 26 May 1983 from the Chairman of the Committee for Programme and Co-ordination (E/1983/81).

\*Resumed from the 7th meeting.

97. Mr. SEVAN (Secretary of the Council) said that it was his understanding that if the Committee for Programme and Co-ordination (CPC) was authorized to hold a resumed session, its report would be in two parts. The first part, which would cover only the introduction and foreword to the proposed programme budget and those sections relating to UNIDO, ECA, ECE, ECWA and the Office of the Director-General for Development and International Economic Co-operation, would be submitted to the Council at its second regular session. Since the Council had decided to discontinue its practice of holding a resumed session late in the year, it would not be possible for the Council to consider the second part of the CPC report.

98. The PRESIDENT expressed regret at the fact that CPC had been unable to conclude its consideration of the proposed programme budget at its current session, since that meant that the Council would be unable to consider the programme budget at its second regular session in the light of the recommendations of CPC.

99. He suggested that the Council should decide to authorize CPC, on an exceptional basis, to hold a resumed session from 29 August to 9 September 1983 and to submit the second part of its report on its resumed twenty-third session directly to the General Assembly at its thirty-eighth session.

*It was so decided (decision 1983/160).*

100. Mr. LEE (Canada) expressed regret at having had to support the decision. He hoped that the situation would not arise again.

101. Mr. VELLOSO (Brazil) suggested that the Council should point out, for the record, that it was not in the best interest of the work of the Organization for the proposed programme budget not to be seen by the Council in the context of the report of CPC. It should be noted that no intergovernmental body was to blame for the situation. In the past few weeks, Member States had indicated their concern at the fact that the relevant documents were not ready and that those documents which were ready had not been issued in time to be referred to the authorities in the various capitals. At a time when the Organization was facing difficulties with regard to resources and related issues, it was profoundly regrettable that such a decision should have been necessary.

102. The PRESIDENT appealed to the regional groups concerned to submit their nominees for appointment by the President to the *Ad Hoc* Committee on the Preparations for the Public Hearings on Activities of Transnational Corporations in South Africa, in accordance with Council decision 1983/104 of 4 February 1983. Only one regional group had done so to date. Since the meetings of the *Ad Hoc* Committee would be held immediately preceding the ninth session of the Commission on Transnational Corporations, from 20 to 29 June, he urged delegations to give the matter their consideration during their regional meetings.

#### AGENDA ITEM 16

##### Consideration of the provisional agenda for the second regular session of 1983 (E/1983/L.29)

103. Mr. SEVAN (Secretary of the Council) pointed out that the note by the Bureau (E/1983/L.29) had been prepared prior to the completion of the elections at the current session. It would be necessary to add a new item, entitled "Elections and nominations." In the light

of the decision to authorize CPC to hold a resumed session, the Council might wish to reconsider the inclusion of item 20, "Proposed programme budget for the biennium 1984-1985."

104. Concerning documentation, he pointed out that all the services involved were currently concentrating on issuing the programme budget and that there were five intergovernmental bodies scheduled to meet in June. Accordingly, the Secretariat would have some difficulty in processing all the reports. In the light of the decision taken by the Council at its organizational session to transmit a number of reports which were due for submission at the summer session directly to the General Assembly without debate, it was the Secretariat's understanding that those documents would not be required at the summer session. That would enable efforts to be concentrated on those documents which would be needed for that session.

105. The PRESIDENT agreed that a new item on elections and nominations would have to be inserted, and he took note of the comment concerning documents. The Council might like to keep item 20 on the agenda even though it would not have the complete report of CPC on the proposed programme budget. It would not expect to have before it those sections of the budget which had not been considered by CPC, but delegations would thus have an opportunity to comment on the general situation concerning preparation of the programme budget.

106. Mr. KAABACHI (Tunisia) expressed the hope that the decision of the Council concerning submission of certain reports directly to the General Assembly would not be used as an excuse by the Secretariat for not distributing all documents in time, particularly those in Arabic.

107. Mr. HOUFFANE (Djibouti) asked whether the report on humanitarian assistance to refugees requested by the General Assembly in resolution 37/176 could be provided in written form.

108. Mr. SEVAN (Secretary of the Council) pointed out that in its decision 1982/101 of 5 February 1982 the Council had said that, starting in 1983, the item "Special economic, humanitarian and disaster relief assistance" would be considered at the second regular session. It had been the Council's understanding that reports in connection with that item would be presented orally. Naturally, if all the necessary missions had taken place and if the reports were ready, they would be made available in writing.

109. Mr. ZOLLER (Observer for Australia) said that the provisional agenda for the second regular session of the Council covered several important issues. It would be a major step forward towards revitalizing the Council if those issues were given the comprehensive treatment they deserved. The decision to undertake a cross-sectoral review of selected major issues was an important initiative in that direction. His delegation was particularly pleased that one of the first subjects to be selected for review related to food and agriculture, for that was of crucial importance to all countries. There was a considerable degree of United Nations involvement in that field, as was reflected in the large number of bodies engaged in related activities. His delegation appreciated the extent to which those bodies were continuously reassessing their roles in relation to the activities of other organizations. The cross-sectoral review would provide an ideal opportunity for a reasonably detached assessment of the manner in which United Nations bodies were pursu-

ing their objective. Embarking on such an exercise did not mean that inefficiencies or deficiencies would be found or that an attempt would be made to press for changes. Under the Charter of the United Nations, the Council was responsible for promoting economic and social development. In order to help the Council to fulfil those obligations the review of food and agriculture should cover the responsibilities of the various bodies and the overall performance of the United Nations system. Priorities for action in the field of food and agriculture should also be examined—for instance, were United Nations activities optimal for international efficiency in food production, for food security and for the promotion of greater and undistorted agriculture trade? His delegation looked forward to full consideration of those issues at the summer session.

110. Mr. SEVAN (Secretary of the Council), replying to a question from Mr. ROCHEREAU de la SABLIERE (France), recalled that in its decision 1983/101 of 4 February 1983 the Council had decided to transmit certain reports directly to the General Assembly without debate. The reports in question were listed in paragraph 2 (g) of the decision. It was the Secretariat's understanding that those documents would therefore not be needed at the second regular session and that all efforts could be concentrated on those documents which would be needed for that session.

111. Following a procedural discussion in which Mr. VELLOSO (Brazil), Mr. CHOWDHURY (Bangladesh), Mr. ROCHEREAU de la SABLIERE (France), Mr. ASTAFIEV (Union of Soviet Socialist Republics), Mr. LEE (Canada), Mr. KUEN (Austria) and Mr. WALKATE (Netherlands) participated, the PRESIDENT suggested that item 20, "Proposed programme budget for the biennium 1984-1985", should remain on the agenda on the understanding that the Council would not expect to have before it documents which had not been seen by CPC.

*It was so decided.*

112. The PRESIDENT said he assumed that the Council wished to approve the draft provisional agenda, as orally revised, and the organization of work proposed for the second regular session of the Council (E/1983/L.29).

*It was so decided (decision 1983/162).*

113. The PRESIDENT said that the Council had thus concluded its consideration of item 16.

#### *Closure of the session*

114. After an exchange of courtesies, the PRESIDENT declared the first regular session of 1983 of the Economic and Social Council closed.

*The meeting rose at 7.30 p.m.*