

20th meeting

Thursday, 24 May 1984, at 3.50 p.m.

President: Mr. Karl FISCHER (Austria)

E/1984/SR.20

AGENDA ITEM 10

Human rights

REPORT OF THE SECOND (SOCIAL) COMMITTEE (E/1984/91)

1. The PRESIDENT drew the Council's attention to the report of the Second (Social) Committee on agenda item 10. In paragraph 65 of the report, the Committee recommended to the Council the adoption of 19 draft resolutions, namely: I, "Measures to combat racism and racial discrimination"; II, "Question of a convention on the rights of the child"; III, "Human rights violations and disabled persons"; IV, "Conscientious objection to military service"; V, "Exploitation of child labour"; VI, "Study of discrimination in respect of the right of everyone to leave any country, including his own, and to return to his country"; VII, "Report on the exploitation of labour through illicit and clandestine trafficking"; VIII, "The status of the individual and contemporary international law"; IX, "Advisory services in the field of human rights: assistance to the Government of Bolivia"; X, "Principles, guidelines and guarantees for the protection of persons detained on grounds of mental ill-health or suffering from mental disorder"; XI, "Question of slavery and the slave trade in all their practices and manifestations"; XII, "Summary or arbitrary executions"; XIII, "Situation of human rights in Equatorial Guinea"; XIV, "Situation of human rights in Afghanistan"; XV, "Draft body of principles and guidelines on the right and responsibility of individuals, groups and organs of society to promote and protect human rights and fundamental freedoms"; XVI, "Implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief"; XVII, "Regional arrangements for the promotion of human rights"; XVIII, "Measures to improve the situation and ensure the human rights and dignity of all migrant workers and their families"; and XIX, "Report of the *Ad Hoc* Working Group of Experts of the Commission on Human Rights on allegations of infringements of trade union rights in the Republic of South Africa".

2. In paragraph 66 of the report, the Second (Social) Committee recommended to the Council the adoption of 22 draft decisions, namely: I, "Violations of human rights in southern Africa: report of the *Ad Hoc* Working Group of Experts"; II, "The 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"; III, "Popular participation in its various forms as an important factor in development and in the full realization of all human rights"; IV, "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"; V, "The new international economic order and the promotion of human rights"; VI, "Draft convention against torture and other cruel, inhuman or degrading treatment or punishment"; VII, "Question of enforced or involuntary disappearances"; VIII, "Situation of human rights in El Salvador"; IX, "Situation of human rights in Guatemala"; X, "Situation of human rights in the Islamic Republic of Iran"; XI, "Review of the work of the Sub-Commission on Prevention of Discrimination and Protection of Minorities"; XII, "Question of human rights in Chile"; XIII, "Measures to combat racism and racial discrimination"; XIV, "Principles, guidelines and guarantees for the protection of persons detained on grounds of mental ill-health or suffering from mental disorder"; XV, "Study of situations which appear to reveal a consistent pattern of gross violations of human rights as provided in Commission on Human Rights resolution 8 (XXIII) and Economic and Social Council resolutions 1235 (XLII) and 1503 (XLVIII)"; XVI, "Organization of the work of the Commission on Human Rights"; XVII, "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"; XVIII, "Report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its thirty-sixth session"; XIX, "Report of the Commission on Human Rights"; XX, "Right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation"; XXI, "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"; and XXII, "Note by the Secretary-General on allegations regarding infringements of trade union rights".

3. The PRESIDENT invited the Council to take action on the 19 draft resolutions and 22 draft decisions.

4. Mr. WAKE (United States of America) said that his delegation understood that the Secretariat intended to absorb the costs related to the implementation of each resolution recommended by the Commission on Human Rights at its fortieth session which had financial implications estimated at less than \$10,000 per year.

5. Mr. ALDRED (Budget Division) confirmed that the Secretariat would not seek additional resources for those resolutions and decisions whose total cost had been estimated at \$10,000 or less.

6. The PRESIDENT thanked the Arabic-speaking delegations for having agreed to consider the report on human rights even though the Arabic version of the document had not yet been issued.

7. Mr. YONIS (Observer for Iraq), supported by Mr. AL-GHAMDI (Saudi Arabia), said that the Secretariat should make arrangements for documents to be issued on time in all the working languages, including Arabic.

DRAFT RESOLUTION I

Draft resolution I was adopted without a vote (resolution 1984/24).

8. Mr. WAKE (United States of America) said that his delegation had not participated in the consensus on draft resolution I because it believed that the text was intrinsically linked to the first Decade for Action to Combat Racism and Racial Discrimination. It would be recalled that the United States had ceased to participate in the activities of the Decade since the adoption of General Assembly resolution 3379 (XXX), which contained the obnoxious equation of zionism and racism. It remained fully committed to the elimination of racial discrimination, but deeply regretted that United Nations activities in that field had been over-politicized.

DRAFT RESOLUTIONS II AND III

Draft resolutions II and III were adopted without a vote (resolutions 1984/25 and 1984/26).

9. Mr. YAKOVLEV (Union of Soviet Socialist Republics) said that his delegation had not objected to the adoption of draft resolution III without a vote, but that it nevertheless wished to express its disagreement with the fact that the Secretariat intended to use a P-4 expert for its implementation. The Centre for Human Rights could and should assume that responsibility within the framework of its regular budget.

DRAFT RESOLUTION IV

Draft resolution IV was adopted without a vote (resolution 1984/27).

10. Mr. YAKOVLEV (Union of Soviet Socialist Republics) said that the Soviet delegation had not objected to the adoption of draft resolution IV but that it saw no need for wider dissemination of the report, since it was already easily available.

DRAFT RESOLUTION V

Draft resolution V was adopted without a vote (resolution 1984/28).

DRAFT RESOLUTION VI

11. Ms. MARTIN (Canada) said that her delegation had requested a vote on the draft resolution in the Second Committee but that it was currently prepared to join in the consensus. In the Commission on Human Rights and in the Second Committee, it had expressed reservations regarding the wording of paragraph 1, which mentioned the right of everyone "to have the possibility of entering other countries, without discrimination or hindrance, especially of the right to employment, taking into account the need to avoid the phenomenon of the brain drain from developing countries and the question of recompensing those countries for the loss incurred". That text

was vague and unrealistic, especially in view of the regulations enforced by most countries with regard to visas and work permits. Nevertheless, the Canadian delegation agreed to the appointment of a special rapporteur to prepare a study of discriminatory practices affecting the rights of everyone to leave any country, including his own.

12. Mr. YAKOVLEV (Union of Soviet Socialist Republics) said that his delegation would not object to the adoption of the draft resolution without a vote, but that it would abstain if a vote were taken. The Sub-Commission on Prevention of Discrimination and Protection of Minorities had already, a few years previously, considered an excellent study on the question, which remained valid. There was consequently no need for another study. It had already been pointed out on several occasions that the Sub-Commission tended to request a multitude of studies on the same subject—a trend which was not conducive to greater efficiency. Moreover, the question to be dealt with in the proposed study was already mentioned in article 12 of the International Covenant on Civil and Political Rights (General Assembly resolution 2200 A (XXI), annex).

Draft resolution VI was adopted without a vote (resolution 1984/29).

13. Mr. BORCHARD (Federal Republic of Germany) said he was glad that it had been possible to adopt draft resolution VI without a vote and welcomed the appointment of Mr. Mubanga-Chipoya to prepare a study on trends with regard to the right of everyone to leave any country, including his own, and to return to his country. His delegation had reservations, however, regarding the reference to the right to employment and to the question of recompensing the developing countries for the loss incurred as a result of the "brain drain"; it felt that those questions were outside the scope of the proposed study.

14. Mrs. CARTA (France) said that her delegation was glad that it had been possible to adopt draft resolution VI without a vote. However, it had reservations regarding certain parts of the resolution, particularly the reference in paragraph 1 to the question of recompensing the developing countries for the loss incurred as a result of brain drain.

DRAFT RESOLUTIONS VII TO XI

Draft resolutions VII to XI were adopted without a vote (resolutions 1984/30 to 1984/34).

15. Mr. YAKOVLEV (Union of Soviet Socialist Republics) said that his delegation had not objected to the adoption of draft resolution XI without a vote, but that it disagreed with the Secretariat's plan to use a P-3 staff member for its implementation. The Centre for Human Rights should itself be responsible for implementation.

DRAFT RESOLUTIONS XII AND XIII

Draft resolutions XII and XIII were adopted without a vote (resolutions 1984/35 and 1984/36).

DRAFT RESOLUTION XIV

16. Mr. YAKOVLEV (Union of Soviet Socialist Republics) said that draft resolution XIV had no *raison d'être* because it dealt with a non-existent problem and was not likely to enhance the spirit of international co-operation. Speaking also on behalf of the German Democratic Republic, the People's Republic of Bulgaria and the Polish People's Republic, he said that draft resolution XIV was an attempt at gross interference in the

affairs of a sovereign State, a Member of the United Nations and of the Movement of Non-Aligned Countries—namely, the Democratic Republic of Afghanistan—with the aim of concealing the fact that imperialist reactionary forces were waging an undeclared war against the Afghan people. Since the revolution of April 1980, the Afghan people had been determinedly engaged in the task of building a democratic society designed to achieve social justice and real safeguards for the human rights of the working masses. The infiltration of Afghan territory from Pakistan, by imperialist mercenary bands receiving aid from the United States and from other countries, was a manoeuvre designed to prevent the Afghan people from exercising its inalienable right to self-determination and independence and to reverse the course of history. Draft resolution XIV was thus not conducive to a settlement of the situation in the region. It was contrary to the Charter of the United Nations and the fundamental rights of the Afghan people. The USSR would therefore vote against the draft resolution.

17. Mr. ZARIF (Observer for Afghanistan) said that his delegation had already had occasion to explain in detail, in the Commission on Human Rights and in the Second Committee, the reasons why the Democratic Republic of Afghanistan strongly objected to the adoption of draft resolution XIV. Firstly, consideration of the so-called situation of human rights in Afghanistan by the Economic and Social Council and the Commission on Human Rights was a clear violation of the Charter of the United Nations, and particularly of Article 2, paragraph 7, and therefore constituted open interference in the country's internal affairs. Secondly, the practice of considering that artificial issue in open meetings, while the matter was still under discussion in closed meetings of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, ran counter to the procedure adopted by the Council in its resolution 1503 (XLVIII). Thirdly, under rule 77 of the rules of procedure and other terms of reference of the functional commissions of the Council, only the Council itself could amend those rules; the commissions could temporarily suspend some of the provisions, but only for a specific purpose and in the absence of objections. Fourthly, the sponsors of draft resolution XIV—namely, the United Kingdom and its allies—were motivated by political considerations and not by concern for the human rights of the Afghan people, since they chose to ignore the sincere and determined efforts made by the Afghan Government to ensure full protection of those rights. Fifthly, irresponsible and increasing recourse to the procedure of appointing special rapporteurs should be a cause of concern to all States Members of the United Nations which might one day fall victim to similar defamatory tactics because of their independent and anti-imperialist policy. Sixthly, the submission of the draft resolution at a time when the indirect negotiations between Afghanistan and Pakistan, through the representative of the Secretary-General, had entered a very sensitive and delicate stage might have been intended to harm the process of confidence-building and to torpedo the negotiations themselves. Seventhly, the appointment of a special rapporteur could in no way serve the interests being promoted by the sponsors of the draft resolution, since the Afghan Government would be unable to co-operate in any way in the implementation of a resolution that had been adopted over its strong objection.

18. In conclusion, he said that his country would not consider itself bound by the provisions of draft resolution XIV, if it was adopted, and should not be expected to co-operate in its implementation.

A recorded vote was taken on draft resolution XIV.

In favour: Argentina, Austria, Botswana, Canada, China, Colombia, Costa Rica, Djibouti, France, Germany, Federal Republic of, Greece, Japan, Lebanon, Liberia, Luxembourg, Malaysia, Mexico, Netherlands, New Zealand, Pakistan, Papua New Guinea, Portugal, Qatar, Rwanda, Saint Lucia, Saudi Arabia, Sierra Leone, Somalia, Suriname, Swaziland, Sweden, Thailand, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela.

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

Abstaining: Algeria, Benin, Brazil, Congo, Ecuador, Finland, Mali, Sri Lanka, Tunisia, Uganda, Yugoslavia, Zaire.

Draft resolution XIV was adopted by 35 votes to 4, with 12 abstentions (resolution 1984/37).

19. Mr. MASSOT (Brazil) said that, for procedural reasons, his delegation had not participated in the vote, at the fortieth session of the Commission on Human Rights, on resolution 1984/55, concerning the situation of human rights in Afghanistan (see E/1984/14 and Corr.1, chap. II). Since the Commission was considering the question within the framework of a confidential procedure, adopted in accordance with Council resolution 1503 (XLVIII) of 27 May 1970, the Sub-Commission on Prevention of Discrimination and Protection of Minorities should not submit draft resolutions on the subject in public session. Moreover, Brazil's position with regard to the appointment of Special Rapporteurs and its desire to avoid any intervention which might hinder the recent steps undertaken by the Secretary-General with regard to Afghanistan were well known. For that reason, he had abstained in the vote on draft resolution XIV.

20. Mr. BEN HAMIDA (Tunisia) said that his delegation had abstained because it considered that the international community should take urgent action, through the appropriate organs of the United Nations and of other organizations and movements of a regional character, to alleviate the sufferings of the Afghan people by seeking a political settlement ensuring increased assistance to refugees, seeking solutions in order that they might return to their countries and intensifying efforts to obtain respect for the rules of humanitarian law. Tunisia vigorously condemned the violation of the provisions of the Charter and of the rules of international law prohibiting the use of force or threat of force and the outside interference constituting a serious violation of the principles of the sovereignty, independence and integrity of States. The situation in Afghanistan merited particular attention if the Council wished to help the Afghan people to recover its sovereignty and independence and to exercise without constraint its inalienable right to self-determination, which would enable it to enjoy its other fundamental rights, as set forth in the various international instruments.

DRAFT RESOLUTION XV

Draft resolution XV was adopted without a vote (resolution 1984/38).

DRAFT RESOLUTION XVI

21. Mr. NYAMEKE (Deputy Director, Centre for Human Rights), recalling his earlier statement in the Second Committee, said that the Council was invited to give the Sub-Commission on Prevention of Discrimination and Protection of Minorities the mandate set forth in paragraph 1 of draft resolution XVI. In paragraph 3 of the draft resolution, the Special Rapporteur was requested

to submit her study to the Sub-Commission at its thirty-seventh session. As she had only a two-month interval, the Special Rapporteur intended to submit a simplified report at the current session and a fuller document at the thirty-eighth session.

Draft resolution XVI was adopted without a vote (resolution 1984/39).

DRAFT RESOLUTIONS XVII AND XVIII

Draft resolutions XVII and XVIII were adopted without a vote (resolutions 1984/40 and 1984/41).

22. Mr. BORCHARD (Federal Republic of Germany) said that his delegation had joined in the consensus on draft resolution XVI in spite of some reservations about certain passages in the text. Although it still had doubts with regard to the content and scope of the draft convention envisaged, it would continue to participate in the work of the working group entrusted with its preparation.

DRAFT RESOLUTION XIX

Draft resolution XIX was adopted without a vote (resolution 1984/42).

DRAFT DECISION I

A recorded vote was taken on draft decision I.

In favour: Algeria, Argentina, Austria, Benin, Botswana, Brazil, Bulgaria, Canada, China, Colombia, Congo, Costa Rica, Djibouti, Ecuador, Finland, France, German Democratic Republic, Germany, Federal Republic of, Greece, Indonesia, Japan, Lebanon, Liberia, Luxembourg, Malaysia, Mali, Mexico, Netherlands, New Zealand, Pakistan, Papua New Guinea, Poland, Portugal, Qatar, Romania, Rwanda, Saint Lucia, Saudi Arabia, Sierra Leone, Somalia, Sri Lanka, Suriname, Swaziland, Sweden, Thailand, Tunisia, Uganda, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, Venezuela, Yugoslavia, Zaire.

Against: None.

Abstaining: United States of America.

Draft decision I was adopted by 52 votes to none, with 1 abstention (decision 1984/129).

DRAFT DECISION II

A recorded vote was taken on draft decision II.

In favour: Algeria, Argentina, Benin, Botswana, Brazil, Bulgaria, China, Colombia, Congo, Costa Rica, Djibouti, Ecuador, German Democratic Republic, Indonesia, Lebanon, Liberia, Malaysia, Mali, Mexico, Pakistan, Papua New Guinea, Poland, Qatar, Romania, Rwanda, Saint Lucia, Saudi Arabia, Sierra Leone, Somalia, Sri Lanka, Suriname, Swaziland, Thailand, Tunisia, Uganda, Union of Soviet Socialist Republics, Venezuela, Yugoslavia, Zaire.

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

Abstaining: Austria, Finland, Greece, Japan, New Zealand, Portugal, Sweden.

Draft decision II was adopted by 39 votes to 7, with 7 abstentions (decision 1984/130).

DRAFT DECISION III

23. Mr. WAKE (United States of America) explaining his delegation's vote before the vote, drew the attention

of Council members to the preliminary report on the right to popular participation (E/CN.4/1984/12). That report had been prepared by a consultant recruited at the P-4 level for a period of six months. However, aside from 26 paragraphs, the body of the document had been prepared by other bodies and organizations of the United Nations system. Committee members were thus asked to accept an expenditure of \$33,200 to finance the preparation of five introductory paragraphs, an 11-paragraph summary of comments received from States and a 10-paragraph outline of the final study. His delegation had therefore been dismayed at the Secretariat's statement that it would once again be necessary to engage an outside consultant at the P-4 level for a period of six months in order to complete the study, at an estimated cost of \$34,300. The programme budget implications of draft decision III raised serious questions of procedure and substance. Under Council resolution 1983/31 of 27 May 1983, the Secretariat had had a clear mandate to prepare not only the preliminary study but also the complete analytical study on that question. The credits which had been approved had been intended to finance those two studies, and there was thus no reason to incur any additional expenditures. For that reason, the United States would vote against draft decision III, while expressing its appreciation to the sponsors for the efforts made to make the text as a whole acceptable to all delegations.

A recorded vote was taken on draft decision III.

In favour: Algeria, Argentina, Austria, Benin, Botswana, Brazil, Bulgaria, Canada, Chile, China, Comoros, Congo, Costa Rica, Djibouti, Ecuador, Finland, France, German Democratic Republic, Germany, Federal Republic of, Greece, Indonesia, Japan, Lebanon, Liberia, Luxembourg, Malaysia, Mali, Mexico, Netherlands, New Zealand, Papua New Guinea, Poland, Portugal, Qatar, Romania, Rwanda, Saint Lucia, Saudi Arabia, Sierra Leone, Somalia, Sri Lanka, Suriname, Swaziland, Sweden, Thailand, Tunisia, Uganda, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, Venezuela, Yugoslavia, Zaire.

Against: United States of America.

Abstaining: None.

Draft decision III was adopted by 51 votes to 1 (decision 1984/131).

DRAFT DECISION IV

A recorded vote was taken on draft decision IV.

In favour: Algeria, Argentina, Austria, Benin, Botswana, Brazil, Bulgaria, Canada, China, Colombia, Congo, Costa Rica, Djibouti, Ecuador, Finland, France, German Democratic Republic, Germany, Federal Republic of, Greece, Indonesia, Japan, Lebanon, Liberia, Luxembourg, Malaysia, Mali, Mexico, Netherlands, New Zealand, Pakistan, Papua New Guinea, Poland, Portugal, Qatar, Romania, Rwanda, Saint Lucia, Saudi Arabia, Sierra Leone, Somalia, Sri Lanka, Suriname, Swaziland, Sweden, Thailand, Tunisia, Uganda, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, Venezuela, Yugoslavia, Zaire.

Against: None.

Abstaining: United States of America.

Draft decision IV was adopted by 52 votes to none, with 1 abstention (decision 1984/132).

Mr. Kobayashi (Japan), Vice-President, took the Chair.

DRAFT DECISION V

A recorded vote was taken on draft decision V.

In favour: Algeria, Argentina, Austria, Benin, Botswana, Brazil, Bulgaria, Canada, China, Colombia, Congo, Costa Rica, Djibouti, Ecuador, Finland, France, German Democratic Republic, Greece, Indonesia, Lebanon, Liberia, Luxembourg, Malaysia, Mali, Mexico, Netherlands, New Zealand, Pakistan, Papua New Guinea, Poland, Portugal, Qatar, Romania, Rwanda, Saint Lucia, Saudi Arabia, Sierra Leone, Somalia, Sri Lanka, Suriname, Swaziland, Sweden, Thailand, Tunisia, Uganda, Union of Soviet Socialist Republics, Venezuela, Yugoslavia, Zaire.

Against: United States of America.

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

Draft decision V was adopted by 49 votes to 1, with 3 abstentions (decision 1984/133).

DRAFT DECISIONS VI AND VII

Draft decisions VI and VII were adopted without a vote (decisions 1984/134 and 1984/135).

DRAFT DECISION VIII

A recorded vote was taken on draft decision VIII.

In favour: Algeria, Argentina, Austria, Benin, Botswana, Bulgaria, Canada, Congo, Finland, France, German Democratic Republic, Germany, Federal Republic of, Greece, Japan, Luxembourg, Mali, Mexico, Netherlands, New Zealand, Papua New Guinea, Poland, Portugal, Qatar,¹² Sierra Leone, Suriname, Swaziland, Sweden, Tunisia, Uganda, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, Venezuela, Yugoslavia.

Against: Brazil, Saint Lucia, United States of America.

Abstaining: China, Colombia, Costa Rica, Ecuador, Lebanon, Liberia, Malaysia, Pakistan, Romania, Rwanda, Saudi Arabia, Sri Lanka, Thailand, Zaire.

Draft decision VIII was adopted by 33 votes to 3, with 14 abstentions (decision 1984/136).

24. Mr. WAKE (United States of America), speaking in explanation of vote, said he believed that the international community should welcome the progress made in countries experiencing human rights problems, such as El Salvador. The recent elections in that country had allowed the population there to exercise a fundamental human right enshrined in article 21 of the Universal Declaration of Human Rights. The United States had been disappointed, therefore, that the Special Representative, whose mandate was to be extended under draft decision VIII, had not been able to observe the electoral process at first hand. His delegation had voted against the draft decision in order to register its disappointment.

DRAFT DECISION IX

Draft decision IX was adopted by 34 votes to 1, with 15 abstentions (decision 1984/137).

DRAFT DECISION X

A recorded vote was taken on draft decision X.

In favour: Argentina, Austria, Botswana, Bulgaria, Canada, Colombia, Costa Rica, Finland, France, Germany, Federal Republic of, Greece, Luxembourg, Mexico, Netherlands, New Zealand, Papua New Guinea, Poland, Portugal, Rwanda, Saint Lucia, Suriname, Swaziland, Sweden, Uganda, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela, Zaire.

Against: Algeria, Pakistan.

Abstaining: Benin, Brazil, China, Congo, Ecuador, German Democratic Republic, Japan, Liberia, Malaysia, Sierra Leone, Sri Lanka, Thailand, Tunisia, Yugoslavia.

Draft decision X was adopted by 29 votes to 2, with 14 abstentions (decision 1984/138).

DRAFT DECISION XI

25. Mr. WAKE (United States of America) said that, in view of the statement made by the representative of the Budget Division, according to which the Secretariat would not seek the allocation of additional resources to finance the implementation of those resolutions and decisions of the Commission on Human Rights having financial implications of less than \$10,000, his delegation withdrew its request for a vote on the draft decision.

Draft decision XI was adopted without a vote (decision 1984/139).

DRAFT DECISION XII

A recorded vote was taken on draft decision XII.

In favour: Algeria, Argentina, Austria, Benin, Botswana, Bulgaria, Canada, Congo, Costa Rica, Finland, France, German Democratic Republic, Germany, Federal Republic of, Greece, Luxembourg, Mali, Mexico, Netherlands, New Zealand, Papua New Guinea, Poland, Portugal, Romania, Rwanda, Sierra Leone, Sri Lanka, Suriname, Swaziland, Sweden, Tunisia, Uganda, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, Venezuela, Yugoslavia.

Against: Brazil, Pakistan, United States of America.

Abstaining: China, Colombia, Ecuador, Japan, Lebanon, Liberia, Malaysia, Qatar, Saint Lucia, Saudi Arabia, Thailand, Zaire.

Draft decision XII was adopted by 35 votes to 3, with 12 abstentions (decision 1984/140).

DRAFT DECISIONS XIII AND XIV

Draft decisions XIII and XIV were adopted without a vote (decisions 1984/141 and 1984/142).

26. Mr. YAKOVLEV (Union of Soviet Socialist Republics) said that his delegation was not opposed to the adoption of draft decision XIV and draft resolution X without a vote; however, attention should be drawn to the fact that the United Nations Secretariat had incurred additional expenses in order to ensure the distribution—at great cost—of the document referred to in those drafts, whereas it should have tried to keep expenses within the financial limitations that had been imposed on it.

DRAFT DECISION XV

A recorded vote was taken on draft decision XV.

In favour: Algeria, Argentina, Austria, Benin, Botswana, Bulgaria, Canada, China, Colombia, Congo, Costa Rica, Ecuador, Finland, France, German Democratic Republic, Germany, Federal Republic of, Greece,

¹²See para. 61 of the present meeting.

Japan, Lebanon, Liberia, Luxembourg, Mali, Mexico, Netherlands, New Zealand, Papua New Guinea, Poland, Portugal, Qatar, Romania, Rwanda, Saudi Arabia, Sierra Leone, Somalia, Sri Lanka, Suriname, Swaziland, Sweden, Thailand, Tunisia, Uganda, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, Venezuela, Yugoslavia.

Against: Saint Lucia, United States of America.

Abstaining: Brazil, Malaysia, Zaire.

Draft decision XV was adopted by 45 votes to 2, with 3 abstentions (decision 1984/143).

27. Mr. MASSOT (Brazil), speaking in explanation of vote, said that his delegation had abstained during the vote on draft decision XV concerning the provision of assistance to the Haitian Government because of its strong reservations with regard to the wording of the title of the draft decision.

DRAFT DECISIONS XVI, XVII AND XVIII

Draft decisions XVI, XVII and XVIII were adopted without a vote (decisions 1984/144 to 1984/146).

28. Mr. LEVIN (Observer for Israel) said it was clear from a reading of Commission on Human Rights resolutions 1984/1 to 1984/4, 1984/11 and 1984/20, taken word for word from resolutions adopted each year by the Economic and Social Council, that, for those delegations which persisted in hounding Israel, the context of the problem was absolutely without significance. The text of those resolutions did not deal with human rights, but reflected the political conflict in the Middle East and testified to the brazen utilization of the Commission on Human Rights for political ends unrelated to its mandate. Those resolutions had been introduced by Arab countries, such as the Libyan Arab Jamahiriya and the Syrian Arab Republic, and by Eastern bloc countries notorious for the massive violations of human rights which they committed and for the totalitarian nature of their political régime, but which enjoyed an absolutely amazing immunity. In fact, none of the many resolutions of the fortieth session of the Commission on Human Rights mentioned by name any Governments that were based on the subjecting of citizens to the State and guilty of the worst crimes against humanity. When it came to Afghanistan, for example, resolutions became mysteriously anonymous and inoffensive, and the name of the Soviet Union was conspicuous in its absence.

29. Mr. YAKOVLEV (Union of Soviet Socialist Republics), speaking on a point of order, asked the Observer for Israel to restrict his statements to the subject under discussion.

30. The PRESIDENT requested the Observer for Israel to discuss only the question under consideration and to shorten his statement.

31. Mr. LEVIN (Observer for Israel) stated that he was only speaking of the six resolutions adopted in opposition to Israel in the Commission on Human Rights, and placing them in their rightful context. He was in fact amazed to see the Soviet Union become aroused over the subject of Afghanistan, since, according to that delegation, the question was a non-problem.

32. The draft convention on torture was full of generalities and did not mention the parties responsible for the incarceration, torture and liquidation of their own citizens, nor the organization of the last enclaves of forced labour. The Commission, which had not hesitated to include six purely political resolutions on the subject of Israel, had found neither the time nor the energy to

mention the thousands of Iranians who had been gassed in the war between Iran and Iraq.

33. The PRESIDENT said that the Council was simply taking note of the report of the Commission and that it was thus inappropriate to reopen a substantive debate which had already taken place. He therefore asked the Observer for Israel to limit himself to that question and to keep his intervention as brief as possible.

34. Mr. LEVIN (Observer for Israel) said he was aware that he was treading on some toes; however, since his country had been singled out as a scapegoat in the resolutions, while large totalitarian States were not mentioned, it was his fundamental right to draw attention to the six resolutions which concerned it.

35. Mr. YAKOVLEV (Union of Soviet Socialist Republics), speaking on a point of order, requested that no more time should be lost and that the Council should proceed to the vote.

36. Mr. LEVIN (Observer for Israel) pointed out that Israel's accusers, who protected their crimes from censure by threatening potential critics with force, were the truly guilty parties.

37. The PRESIDENT said that, if he heard no objection, he would take it the Council wished to adopt draft decision XIX without a vote.

Draft decision XIX was adopted without a vote (decision 1984/147).

38. Mr. LOULICHKI (Observer for Morocco) said that, in order to avoid any erroneous interpretation concerning the resolution entitled "Question of Western Sahara" contained in the report of the Commission on Human Rights, he wished to recall the tenor of the statement which his delegation had made before the General Assembly when it had adopted its resolution 38/40 of 7 December 1983 on the same subject.

39. On that occasion, his delegation had emphasized that the General Assembly had taken due account in its own resolution of resolution AHG/Res.103 (XVIII), adopted by the Assembly of Heads of State and Government of the Organization of African Unity at its eighteenth ordinary session, and had taken note of resolution AHG/Res.104 (XIX), adopted by the Assembly of Heads of State and Government at its nineteenth ordinary session, which had nevertheless contained provisions to which Morocco had specific and categorical reservations. Paragraph 2 of resolution AHG/Res.104 (XIX) had urged Morocco to undertake direct negotiations with a so-called movement called Frente POLISARIO (Frente Popular para la Liberación de Saguia el-Hamra y el Rio de Oro). His delegation's reservations had applied also to all provisions which did not conform to the decisions taken at the eighteenth ordinary session held at Nairobi and to everything that dealt with the admission of new members to OAU, a matter governed by article IV of the charter, to which Morocco remained strictly faithful.

DRAFT DECISION XX

40. Mr. NOUANETHASING (Observer for the Lao People's Democratic Republic) emphasized the importance of human rights for the United Nations and commended its efforts in favour of a world of justice, peace, liberty, equality and co-operation. He deplored the hypocrisy of those who, while appearing to support the cause of human rights abroad, continued to deny their own citizens rights such as the right to work and the right to equal pay for equal work. That hypocrisy amounted to political blackmail, as was well illustrated by draft

decision XX. The draft would not encourage the establishment of peace, stability and co-operation in South-East Asia. The international community should instead do its utmost to contribute to the recovery of the Kampuchean people, while avoiding any interference in their internal affairs.

41. Draft decision XX represented interference in the affairs of a people who had exercised their right to self-determination in 1979. By distorting reality, it also played into the hands of the expansionist, hegemonist and imperialist forces which were pursuing a policy of intervention, confrontation and division in the region. The international community should encourage the parties to restore peace, stability and co-operation in the region and thereby induce the countries of Indochina and ASEAN to settle their differences through negotiations in a spirit of good-neighbourliness. To that end, the international community should be impartial and should avoid any politicization when it dealt with the question of human rights.

42. Mr. LE KIM CHUNG (Observer for Viet Nam) said that the Pol Pot clique had massacred 3 million people and had denied those who were left the most fundamental rights and freedoms. When the Kampuchean people had overthrown that clique in January 1979, they had exercised their right to self-determination and had chosen their own course of development. Viet Nam had offered to send volunteers to help in that process. Since 1979, the enemies of Kampuchea had been trying to return to power the remnants of the Pol Pot forces by supplying them with weapons, ammunition and shelter. The Vietnamese volunteers would be withdrawn as soon as the remnants of the Pol Pot forces had been eliminated and the rights of the Kampuchean people were guaranteed.

43. The picture given of the situation on the border between Thailand and Kampuchea was often at variance with reality and was somewhat ambiguous with regard to attacks on "civilian" encampments. The Kampuchean refugees were in fact being used as a buffer and the encampments as bases by the Khmer reactionaries, who shifted them according to the cycles of military activity: during the rainy season the camps were moved to Kampuchean territory, and during the dry season the hard-pressed Pol Pot forces found refuge in the encampments in Thai territory. The encampments should be moved away from the border area for humanitarian reasons and in order to put an end to the use of the refugees for political purposes.

44. Reports that Viet Nam was intensifying its acts of armed provocation against China were slander. China was seeking thereby to camouflage its military operations against Viet Nam and help the mercenaries in Kampuchea.

Mr. Fischer (Austria) resumed the Chair.

45. Mr. YANG (China), speaking on a point of order, said that the Observer for Viet Nam was trying to justify the acts committed by his country along the Sino-Vietnamese border and was raising a question that was irrelevant to the discussion.

46. The PRESIDENT asked the Observer for Viet Nam to confine his remarks to draft decision XX.

47. Mr. LE KIM CHUNG (Observer for Viet Nam) observed that the representative of China had used a point of order in order to exercise a right of reply, which was contrary to accepted practice. In conclusion, he said that information relating to alleged violations of human rights in Kampuchea did not reflect the real situation and that the draft decision represented an interference in the internal affairs of an independent and sovereign State. It was,

in fact, an attempt to impede the recovery of the Kampuchean nation and restore the régime which had brought calamity to the Kampuchean people.

48. Mr. GAYAMA (Congo), speaking in explanation of vote before the vote, said that draft decision XX was one-sided since it failed to take a stand with regard to the bloody Pol Pot régime. The draft was clearly directed against Viet Nam and ignored its liberating role in the overthrow of that régime, a role which was denied by countries that were doing their utmost to maintain a conflict situation on the country's borders by using the refugees for their political ends. Any presentation that did not place the situation in its historical perspective distorted the problem even before an attempt could be made to resolve it. The Congo would therefore vote against draft decision XX.

49. Mr. YAKOVLEV (Union of Soviet Socialist Republics), speaking also on behalf of the delegation of Bulgaria, the German Democratic Republic and Poland, said that the four delegations would vote against draft decision XX because it represented an interference in the internal affairs of Kampuchea and violated the inalienable rights of the Kampuchean people to self-determination. The four delegations were opposed to the efforts made to use the United Nations to help criminals and called for the latter to be expelled from the Organization. They hoped that the political manoeuvres within the Economic and Social Council would soon end and that common sense would prevail.

50. Mr. SOGLO (Benin) said that an error had been made during the vote in the Committee on the draft and that he would vote against draft decision XX, since he felt that it represented an interference in the internal affairs of a State which, at great sacrifice, had restored human rights for a people who had suffered severe hardship under the Pol Pot clique.

A recorded vote was taken on draft decision XX.

In favour: Argentina, Austria, Botswana, Brazil, Canada, China, Colombia, Costa Rica, Djibouti, Ecuador, France, Germany, Federal Republic of, Greece, Indonesia, Japan, Liberia, Luxembourg, Malaysia, Netherlands, New Zealand, Pakistan, Papua New Guinea, Portugal, Qatar, Rwanda, Saint Lucia, Saudi Arabia, Sierra Leone, Somalia, Sri Lanka, Suriname, Swaziland, Sweden, Thailand, Tunisia, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela, Yugoslavia, Zaire.

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

Abstaining: Algeria, Finland, Lebanon, Mali, Mexico, Uganda.

Draft decision XX was adopted by 40 votes to 6, with 6 abstentions (decision 1984/148).

51. Mr. THOUNN (Observer for Democratic Kampuchea) thanked the States members of the Economic and Social Council for having once again adopted by an overwhelming majority the draft decision before them and for having once again called upon Viet Nam to end its aggression against Kampuchea by withdrawing all its forces in order to allow the people of Kampuchea to exercise their right to self-determination. That new act of justice and peace would certainly encourage the struggle of the Kampuchean people and their legitimate Government.

52. The adoption of the decision proved that Viet Nam's lies, slanders and grandiloquent, whining, arrogant and cynical arguments had not succeeded in deceiving anyone and that the diversionary and divisive manoeuvres and

the attempts to disguise the forces of aggression as "volunteers" had failed to change the real nature of things or to cause anyone to forget that the solution of the problem of Kampuchea lay in stopping Viet Nam's war of aggression and expansionist policy supported by the Soviet Union. The reinforcement of the national union of all patriotic forces of Kampuchea under the leadership of the coalition Government of Democratic Kampuchea headed by Prince Norodom Sihanouk was further proof of that fact. By remaining in Kampuchea and continuing to violate the Charter of the United Nations, Viet Nam risked isolation both in Kampuchea and within the community of nations. The Kampuchean people and their coalition Government were determined to pursue their struggle until all Vietnamese forces were withdrawn from Kampuchea in accordance with the relevant resolutions of the United Nations. With the help of all peoples who cherished peace and justice, they would do their utmost to ensure that Kampuchea remained an independent, peace-loving, neutral and non-aligned country and that the Kampuchean people could live in honour and national dignity and preserve their identity. They would prove worthy of the support, solidarity and confidence of all those friendly peoples and countries.

53. Mr. SALAND (Sweden) said that his delegation had for years been supporting General Assembly resolutions on the situation in Kampuchea because it considered that they confirmed the principles on which any just settlement of the Kampuchean conflict should be based: the withdrawal of all foreign forces, the re-establishment of the sovereign independence of the country and the right of its people to self-determination. It had voted in favour of the draft decision related to the situation in Kampuchea, which had just been adopted by the Council. The first paragraph indicated that the Council fully endorsed Commission on Human Rights resolution 1984/12. In that connection, he pointed out that his delegation did not subscribe to all the provisions of that resolution. Sweden's position, which remained unchanged, had already been set forth many times in the course of statements and explanations of vote.

DRAFT DECISIONS XXI AND XXII

Draft decisions XXI and XXII were adopted without a vote (decisions 1984/149 and 1984/150).

54. Mr. WAKE (United States of America) said that his delegation had on several occasions during the Council's session stressed the fact that the United Nations should exercise extreme budgetary stringency. It had abstained during the voting on draft decision I and voted against draft decision XV on the basis of financial considerations alone, even though it fully shared the concerns that had inspired those decisions.

55. With regard to draft resolution VII and draft decision XIII, his delegation believed that the costs of printing and distributing the studies called for had been estimated on a full-cost basis and hoped that the studies could be absorbed within the consolidated statement on conference servicing.

56. Similarly, with regard to draft resolution XI, it was to be hoped that the Secretariat could absorb a substantial part of the conference servicing costs arising from the establishment of a working group on the phenomenon of traditional practices affecting the health of women and children.

57. Lastly, his delegation had been able to join the consensus on draft resolutions VIII and XV and on draft decisions XI and XVIII, on the understanding that the

expenditures involved would be financed from existing resources.

58. Mr. SUCRE-FIGARELLA (Venezuela) said that, given the great importance Venezuela attached to the question of human rights, his delegation considered it appropriate to explain why it had voted for all the draft resolutions and draft decisions concerning the situation of human rights in various regions of the world.

59. The recent history of Venezuela had taught its citizens that the defence of human rights was the best guarantee against totalitarian excesses, from either the right or the left. That conviction coincided with a universal concern that was steadily gaining ground and that derived from a twofold consideration. First, there was the idea that human rights transcended ideologies and political systems because they were the prerequisite for complete fulfilment of the human condition and that it was therefore unavailing to politicize them. Second, there was no point in human rights as an end in themselves; they must also contribute to the establishment of economic justice, without which affirming respect for the human person was devoid of all meaning. Freedom could not prosper in the midst of poverty. That was why his delegation endorsed all the resolutions establishing a link between human rights and reform of the international economic order, although it had refrained from endorsing unduly systematic conclusions which sometimes generated confusion.

60. There was no denying the fact that, since its establishment, the United Nations had acquitted itself admirably of its duties with regard to human rights. World opinion, as reflected by the Council, seemed to reject demagogical arguments and be fully aware of what was at stake when the need for respecting human rights was at issue. Given the importance of the question, his delegation would wish the various opinions to be less far apart, the consideration of specific cases to arouse fewer defensive reactions and the discussions to be carried out in a spirit of greater co-operation, all of which, of course, depended on each of the States members of the Council. The steps taken by each nation determined the overall position of the Organization, and therefore a human rights policy could be based only on a greater openness of outlook and on more effective commitments. He stressed that Venezuela would do everything possible to enable the United Nations to fulfil its responsibility as guarantor of mankind's aspiration to live in dignity and justice.

61. Mr. AL-BOAININ (Qatar) pointed out that, during the recorded vote on draft decision VIII, Qatar had abstained and had not voted in favour, as incorrectly indicated.

The meeting was suspended at 6.15 p.m. and resumed at 7.20 p.m.

AGENDA ITEM 2

Second Decade to Combat Racism and Racial Discrimination (concluded)* (E/1984/34 and Add.1, E/1984/56 and Add.1, E/1984/L.29)

62. Mr. KAZEMBE (Observer for Zambia) said that, after consultation, the sponsors of draft resolution E/1984/L.29, who had been joined by Morocco and Pakistan, had not been able to accept the proposals made by various delegations. He therefore asked the Council to take a decision on the draft resolution.

*Resumed from the 17th meeting.

63. Mr. RUSI (Finland) requested a separate vote on the second part of paragraph 3, beginning with the words "and the relevant resolutions and recommendations".
64. Mr. LEE (Canada), speaking in explanation of vote before the vote, recalled that at the thirty-eighth session of the General Assembly delegations had reached a consensus, in a spirit of solidarity and after great effort, on the Second Decade to Combat Racism and Racial Discrimination. It was indeed important for countries to present a united front in the campaign against those scourges and to avoid a repetition of the unfortunate situation that had occurred during the first Decade. It now seemed that the consensus had disappeared. In fact, paragraph 3 of the draft resolution contained a reference to elements which had broken the unity of the campaign against racism and racial discrimination during the first Decade, in particular to General Assembly resolution 34/24 of 15 November 1979. Canada had voted against that resolution because of its political aspects that were alien to the campaign against racism and racial discrimination.
65. Furthermore, draft resolution E/1984/L.29 diverged from General Assembly resolution 38/14, which the Economic and Social Council had no right to do. That was why his delegation found, to its regret, that it had to vote against paragraph 3 containing the substance of the draft resolution, and also against the draft resolution as a whole should paragraph 3 be adopted.
66. Ms. CLARK (New Zealand) said that her delegation could not support paragraph 3 of the draft resolution. It was regrettable that some delegations had chosen to rekindle old political controversies rather than seeking to implement successfully the Programme of Action for the Second Decade, adopted by consensus in General Assembly resolution 38/14. Her delegation had not supported the resolutions mentioned in draft resolution E/1984/L.29. New Zealand was none the less determined to participate actively in combating racism and racial discrimination and in carrying out the Programme of Action as it was outlined in Assembly resolution 38/14.
67. Mr. FURLAND (United Kingdom) said that his delegation attached great importance to the role of the United Nations in eliminating racism and racial discrimination. For that reason it had warmly welcomed the consensus achieved on General Assembly resolution 38/14, which requested the Secretary-General to submit to the Assembly at its thirty-ninth session, through the Economic and Social Council, a plan of activities for the period 1985-1989 for implementing the Programme of Action and achieving the objectives of the Second Decade. Document A/39/167-E/1984/33 dealt with that plan of activities. The members of the European Economic Community had expressed reservations on the presentation of the plan. However, his delegation, anxious to maintain the consensus on combating racism and racial discrimination, had been ready to accept the plan. It was unfortunate that some delegations had asked for the plan to be changed but, having always respected the guiding role of the Group of African States in that connection, his delegation had been prepared to go along with the request for changes. It most strongly objected, however, to the new wording of paragraph 3 of draft resolution E/1984/L.29, which was a kind of affront to the delegations which, like his own, had never spared any effort to achieve a consensus on that important question. The mandate given to the Secretary-General in fact deviated appreciably from the one set forth in resolution 38/14, which had been adopted by consensus, and the Economic and Social Council did not have the right to change it. It was a matter of deep regret that a consensus had not been reached on paragraph 3, which was unacceptable as it stood. Consequently his delegation would vote against that paragraph and against the draft resolution as a whole.
68. Mr. SALAND (Sweden) said that, in spite of efforts to arrive at a wording acceptable to all, paragraph 3 of the draft resolution contained references that were matters of contention. He nevertheless hoped that the Group of African States would try to restore the consensus reached at the thirty-eighth session of the General Assembly.
69. Mr. HAMER (Netherlands) said that it was regrettable that the spirit of consensus which had led to the adoption of General Assembly resolution 38/14 had dissipated. His delegation had objections both to paragraph 3 and to the draft resolution as a whole. As worded, the paragraph changed the mandate given to the Secretary-General by the Assembly in its resolution 38/14. In spite of serious difficulties, that resolution had been adopted as a result of the spirit of consensus that had prevailed. Although the sponsors of the draft resolution had wished to maintain that consensus, the present wording of paragraph 3 made the draft resolution unacceptable, particularly because of its reference to Assembly resolution 34/24, which the Netherlands had voted against. For that reason, his delegation would vote against both paragraph 3 and the draft resolution as a whole. Their adoption might, unfortunately, jeopardize cooperation by the Netherlands in the Second Decade to Combat Racism and Racial Discrimination, in spite of the great importance that it attached thereto.
70. Mr. BORCHARD (Federal Republic of Germany) said that his delegation was obliged to vote against paragraph 3 and against the draft resolution as a whole. First, the reference to General Assembly resolution 34/24 was unacceptable since it reintroduced the elements which had destroyed the consensus during the first Decade. Secondly, paragraph 3 was unsatisfactory from the procedural point of view since the Council could not change a mandate which had been clearly established by the General Assembly. Thirdly, the present text departed radically from the consensus that had been restored with great difficulty at the thirty-eighth session of the General Assembly through resolution 38/14.
71. It must unfortunately be noted that an outstanding opportunity to go forward impelled by the momentum of the trust and consensus established by that session had been lost. In spite of the praiseworthy efforts made, it had been political considerations that had prevented the adoption of an approach acceptable to all. The Federal Republic of Germany nevertheless remained committed to the goals and objectives of the Second Decade.
72. Ms. FRANCO (Portugal) said that Portugal continued to support the activities of the international community aimed at eliminating *apartheid*, racism and racial discrimination, even though it considered that the objectives set out in General Assembly resolution 3057 (XXVIII) of 2 November 1973 were still valid. The consensus that had been lost during the first Decade could have been restored at the thirty-eighth session of the General Assembly. Unfortunately, the members of the Council were divided, and that did not serve the cause of the elimination of racism and racial discrimination. It would have been preferable to defer consideration of substantive questions until the thirty-ninth session of the General Assembly and to avoid reopening questions which made it impossible to maintain the consensus, as had been done in paragraph 3 of the draft resolution. The Portuguese delegation was nevertheless in favour of adopting the draft resolution, in the hope that consensus

could be restored. If such was not the case, it might have to reconsider its position on the entire question.

73. Mr. WOLZFELD (Luxembourg) said that his delegation would vote against the draft resolution because of the reference in paragraph 3 to General Assembly resolution 34/24, which it had voted against. It could not, moreover, agree to the Economic and Social Council's changing a mandate established by the General Assembly.

A recorded vote was taken on the retention of the second part of paragraph 3 of draft resolution E/1984/L.29, beginning with the words "and the relevant resolutions and recommendations".

In favour: Algeria, Argentina, Benin, Botswana, Brazil, Bulgaria, China, Colombia, Congo, Djibouti, Ecuador, German Democratic Republic, Indonesia, Lebanon, Malaysia, Mali, Mexico, Pakistan, Poland, Qatar, Rwanda, Saudi Arabia, Sierra Leone, Somalia, Sri Lanka, Suriname, Swaziland, Thailand, Tunisia, Uganda, Union of Soviet Socialist Republics, Venezuela, Yugoslavia, Zaire.

Against: Canada, France, Germany, Federal Republic of, Luxembourg, Netherlands, New Zealand, United Kingdom of Great Britain and Northern Ireland.

Abstaining: Austria, Costa Rica, Finland, Greece, Japan, Portugal, Sweden.

The second part of paragraph 3 of draft resolution E/1984/L.29 was retained by 34 votes to 7, with 7 abstentions.

A recorded vote was taken on draft resolution E/1984/L.29 as a whole.

In favour: Algeria, Argentina, Austria, Benin, Botswana, Brazil, Bulgaria, China, Colombia, Congo, Costa Rica, Djibouti, Ecuador, Finland, German Democratic Republic, Greece, Indonesia, Japan, Lebanon, Malaysia, Mali, Mexico, Pakistan, Papua New Guinea, Poland, Portugal, Qatar, Romania, Rwanda, Saudi Arabia, Sierra Leone, Somalia, Sri Lanka, Suriname, Swaziland, Sweden, Thailand, Tunisia, Uganda, Union of Soviet Socialist Republics, Venezuela, Yugoslavia, Zaire.

Against: Canada, Germany, Federal Republic of, Luxembourg, Netherlands, United Kingdom of Great Britain and Northern Ireland.

Abstaining: France, New Zealand.

Draft resolution E/1984/L.29 as a whole was adopted by 43 votes to 5, with 2 abstentions (resolution 1984/43).

74. Mr. JACOB (Observer for Israel) recalled that Israel had refused to participate in the activities of the Decade to Combat Racism and Racial Discrimination because of General Assembly resolution 3379 (XXX) of 10 November 1975, in which Zionism was equated with racism. He noted that paragraph 3 of the draft resolution just adopted by the Council referred to General Assembly resolution 34/24 and recalled that Israel had rejected paragraphs 8 and 23 of the Programme of activities to be undertaken during the second half of the Decade, which was contained in the annex to the resolution. Paragraph 8 of the Programme of activities was typical of the resolutions submitted by representatives of Arab countries with the certainty of a positive vote. In calling upon the organizations of the United Nations system to continue their investigation of Israeli policies and practices based on various forms of racial discrimination, the implication was made, without any attempt to establish the facts, that such policies existed in Israel. To entitle those organizations, through fraudulent procedures, to slander Israel could only undermine one of the fundamental principles of the United Nations, that of promoting understanding and friendship among peoples.

75. Mr. HERZBERG (United States of America), speaking in explanation of vote on draft resolution 1984/L.29, said that he had not participated in the vote. The United States, which had originally supported the first Decade for Action to Combat Racism and Racial Discrimination, had decided to discontinue its participation in the activities of the Decade after the adoption by the General Assembly of its resolution 3379 (XXX) wherein Zionism was called a form of racism and racial discrimination. That definition had been judged unacceptable by the United States because, in its view, it made a mockery of the Decade. Since that travesty of the notion of racism had been retained in the Programme of Action for the Second Decade, the United States had had no choice but to abstain from all participation in the proposed activities. That policy would not, however, prevent it from taking part in the vote on resolutions pertaining to the Decade if such resolutions raised even more fundamental questions of principle or policy.

76. He called attention to document E/1984/56/Add.1 in paragraph 8 of which it was stated that a non-governmental organization, the International Organization for the Elimination of All Forms of Racial Discrimination, intended to convene an international symposium on Zionism, *apartheid* and racism, to be held in Africa in December 1984. That was another attempt to attack a Member State by exploiting genuine repugnance for *apartheid* and racism, an attempt which could only undermine the efforts being made to find a fair and peaceful solution to certain conflicts in the Middle East. The Council should urge the organization in question to cancel that symposium, or the United Nations should explicitly dissociate itself from such a project.

77. Mr. ROCHEREAU de La SABLIERE (France) said that he had abstained in the vote on the draft resolution as a whole after voting against retention of the second part of paragraph 3. While considering the draft plan of activities for the first half of the Second Decade (E/1984/33) on the whole acceptable, the French delegation had not opposed the—to its mind regrettable—request addressed to the Secretary-General to revise that draft. It was, however, entirely irregular that the mandate for the preparation of a revised plan given to the Secretary-General by the Council in paragraph 3 of the draft resolution under consideration should differ from that contained in paragraph 5 of General Assembly resolution 38/14. He recalled in that connection that the Council was a subsidiary organ of the General Assembly and should therefore scrupulously respect its decisions. Paragraph 3 of the draft resolution referred, with a view to the preparation of a revised plan, to General Assembly resolution 34/24 which included passages unacceptable to France.

78. With regard to the circumstances in which the draft resolution had been put to a vote, he had thought that, following consultations, compromise formulations had been found which would have made it possible to preserve the consensus achieved in the General Assembly on such a fundamental question as that of combating racism. He could only regret that, at the last moment, those formulations had been called into question.

79. Mrs. CASTRO de BARISH (Costa Rica) said that she had abstained in the vote on paragraph 3 of the draft resolution, which referred to General Assembly resolutions which defined racism in a manner which Costa Rica rejected. The only definition of racism that Costa Rica accepted was that appearing in article I, paragraph 1 of the International Convention on the Elimination of All Forms of Racial Discrimination (General Assembly resolution 2106 A (XX), annex). The Costa Rican delegati

had, nevertheless, in a spirit of solidarity with the objectives of the Second Decade and with all the efforts made by the international community to attain them, voted in favour of the draft resolution as a whole.

80. Mr. RUIZ CABAÑAS (Mexico) said that he had voted in favour of retaining the second part of paragraph 3 of the draft resolution and for the draft resolution as a whole. However, the reservations of the Mexican delegation with regard to the Programme of activities to be undertaken during the second half of the Decade, contained in the annex to General Assembly resolution 34/24, remained fully valid.

81. Mrs. KUROKOCHI (Japan) said that, while she had voted in favour of the draft resolution, she regretted that the Council had not been able to adopt by consensus a text acceptable to all of its members, in spite of all the efforts made to that end. She expressed reservations with respect to paragraph 3 of the draft resolution. In requesting the Secretary-General to submit to the General Assembly a revised plan of activities, the Council had exceeded the powers conferred on it by General Assembly resolution 38/14. The General Assembly alone was entitled to make decisions with regard to the substance of the plan, and the Council was prejudging consideration of the plan by the General Assembly at its thirty-ninth session. It was, moreover, regrettable that the paragraph in question should refer to General Assembly resolution 34/24 which had not, by far, been adopted unanimously.

82. She expressed the hope that consensus could be restored at a subsequent session of the Council.

83. Mr. RUSI (Finland) said that he had voted in favour of the draft resolution. His Government had always supported international efforts to eliminate racism and racial discrimination and had welcomed the decision to proclaim a second Decade to combat those evils, for the members of the international community were thus again united in that cause after having been divided on certain questions during the first Decade. His delegation had abstained on paragraph 3, which contained elements that jeopardized the consensus without which it would be difficult to attain the goals of the Second Decade.

84. Mr. PELLEGRINI (Argentina) said that he had voted in favour of the draft resolution; that did not, however, mean that his Government agreed with the resolutions of the United Nations which it had voted against and which were not consistent with its foreign policy.

85. Mr. CERMAK (Austria) pointed out that the Austrian Government had been in favour of the Declaration and the Programme of Action adopted at the Second World Conference to Combat Racism and Racial Discrimination⁸ and that its position on the issue was therefore absolutely clear. It had voted for the draft resolution as a whole but had abstained on the phrase in paragraph 3 which, in its opinion, might destroy consensus and did not contribute in any way to the joint effort to eliminate racism and racial discrimination.

86. Mrs. ZOGRAFOU (Greece) said that her Government agreed with the fundamental objective of the draft resolution, namely, the elimination of all forms of racism and racial discrimination. It had abstained from the vote on paragraph 3 of the draft resolution, which referred to resolutions which Greece had not supported when they had been put to the vote. It was most unfortunate that the effort to achieve consensus on a matter central to the international community's concerns had failed.

87. Mr. YAKOVLEV (Union of Soviet Socialist Republics) did not see what there was in the draft resolution to arouse such strong objections among representatives

of certain Western countries: the draft resolution did not directly condemn the racist and genocidal policies of Israel, nor did it advocate specific measures against the *apartheid* South African régime; it did not even mention the deterioration of the situation with regard to racial discrimination in the world. It could not have been more conciliatory. Some delegations had said that they had voted against certain resolutions of the United Nations referred to in paragraph 3 of the draft resolution. All the same, those resolutions had been adopted by an absolute majority and the Council therefore must refer to them and observe their provisions. Moreover, the draft plan of activities did not follow the Programme of Action adopted by the General Assembly, hence the need to request the Secretary-General to submit a revised plan to the Assembly. Accordingly, the arguments invoked against the draft resolution under consideration were all groundless. Was it to be assumed that all those vehement protests were directed at something other than the elimination of racism and that that might be the reason for the deterioration of the situation concerning racial discrimination in the world? The Western countries would be well advised to implement the resolutions of the General Assembly and of the Security Council concerning Israel's Zionist policies and the struggle against *apartheid* in South Africa.

88. Mr. BOUYOUCEF (Algeria), speaking as a sponsor of the draft resolution, said he was convinced that only a concerted effort by the international community could bring about the permanent elimination of racial discrimination. Certainly, consensus was therefore very important. But it was becoming increasingly evident that, for a large number of delegations, reaching a consensus meant negotiating a position of principle on Zionism or *apartheid* rather than agreeing on the specific means—such as boycotting the racist South African régime—to achieve a common objective. The States which had opposed the draft resolution seemed to be mainly those which were getting ready to receive Prime Minister Botha: consensus for them meant withdrawing support for the just struggle of the people oppressed by the racist régime.

89. Mr. AL-GHAMDI (Observer for Saudi Arabia) was surprised to see that some delegations were protesting at the reference to a General Assembly resolution defining Zionism as a form of racial discrimination but not at the Israeli practices—genocide, torture and resettlement of the population—in the occupied territories.

90. The PRESIDENT invited the Council to consider the following draft decision:

"The Economic and Social Council takes note of the reports of the Secretary-General (E/1984/34 and Add.1, E/1984/56 and Add.1) submitted in accordance with paragraphs 18 (e) and (f) of the Programme for the Decade for Action to Combat Racism and Racial Discrimination and paragraph 7 of General Assembly resolution 38/14 of 22 November 1983 on the Second Decade to Combat Racism and Racial Discrimination."

91. If he heard no objection, he would take it that the Council wished to adopt that draft decision.

It was so decided (decision 1984/151).

92. Mrs. MOIZ (Pakistan), speaking in exercise of the right of reply, categorically rejected the allegations made by the representative of the Soviet Union in his explanation of vote before the vote on draft resolution XIV adopted by the Council earlier in the meeting.

93. Concerning the situation in Afghanistan, she drew the Council's attention to General Assembly resolutions ES-6/2 35/37, 36/34, 37/37 and 38/29 and to the decisions adopted by the Movement of Non-Aligned

Countries and by the Organization of the Islamic Conference, calling for the withdrawal of the foreign troops from Afghanistan. Regarding Pakistan's attitude, the facts spoke for themselves: Pakistan was affected by the situation now prevailing in Afghanistan since more than 3 million Afghans had sought refuge in Pakistan; however, it had never intervened in the internal affairs of Afghanistan and even now it confined itself to wholeheartedly assisting in any attempt by the United Nations—particularly the indirect negotiations entrusted to the representative of the Secretary-General—to reach a political settlement that was just and in keeping with the wishes of the international community.

94. Mr. YAKOVLEV (Union of Soviet Socialist Republics) speaking in exercise of the right of reply, pointed out that he had spoken quite calmly, confining himself to the facts, namely, that bands of terrorists were attacking the legitimate Government of Afghanistan from the territory of Pakistan. If Pakistan had not given those bands refuge there would probably be no problem and if Pakistan really desired a settlement it would neither put forward nor support resolutions that gave rise to controversy.

95. Mr. BOKHARI (Pakistan) speaking again in exercise of the right of reply, agreed that the representative of the Soviet Union had shown restraint in referring to the utilization of the territory of Pakistan by Afghan resistance fighters but that the facts attested to in the international press could not be denied: more than 60 per cent of the Afghan army had deserted to join the ranks of the resistance fighters and the force of 100,000 had not been able to contain the resistance. It was therefore absurd to say that the resistance was confined to isolated bands of terrorists and that it was not national and could not exist without support from foreign powers. He reaffirmed Pakistan's will to reach a peaceful settlement of the situation in Afghanistan through negotiations.

96. Mr. YAKOVLEV (Union of Soviet Socialist Republics), again exercising the right of reply, recalled that that same press had recently published a photograph of a chief of the Afghan resistance, taken at the frontier of Pakistan, and that reference had been made to camps that

were armed and financed for raids into Afghan territory. Everyone knew where the money and weapons were coming from. It was contradictory to desire a settlement of the situation while putting to the vote resolutions of a provocative and interventionist nature which jeopardized any settlement; he urged members of the Council to give thought to the matter.

97. Mr. ARNOUSS (Observer for the Syrian Arab Republic) said that the attacks by the Observer of the Zionist entity on the Commission on Human Rights, a subsidiary body of the Economic and Social Council consisting of 43 States representing the international community, clearly demonstrated his ill will towards the United Nations and United Nations bodies. But it was not surprising, coming from the representative of a country whose expansionist policies and acts of aggression were incompatible with the practices and principles of the United Nations Charter. There was nothing to distinguish the terrorist practices of the Zionist entity from Nazi terrorism, nor from that of the *apartheid* South African régime. There was nothing to distinguish the crimes committed by the Zionists—the massacres of Sabra and Shatila, the recent attack on Ein El-Helwah, for example—from the heinous crimes committed in the name of *apartheid*, which had been termed a crime against humanity.

98. Mr. YONIS (Observer for Iraq) said that the observer for the Zionist entity had once again taken the floor to speak in a debate on matters that were not germane to the issue and to attack a large number of delegations directly or indirectly. He was trying to pose as the guardian of human rights in the Middle East and in the rest of the world. He would be well advised to think first about the human rights violations which the Zionist entity was committing in Palestine, the special relations it had with the racist South African régime, the barbaric invasions it was engaging in contrary to international law and, finally, the disaster which it could bring about by attacking Iraqi nuclear facilities.

The meeting rose at 8.55 p.m.