



**Economic and Social Council**

PROVISIONAL

For participants only

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First regular session of 1985

PROVISIONAL SUMMARY RECORD OF THE 25th MEETING

Held at Headquarters, New York,  
on Thursday, 3 May 1985, at 3.15 p.m.

President: Mr. KOBAYASHI (Japan)

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The meeting was called to order at 3.30 p.m.

ELECTIONS AND NOMINATIONS (continued)

Board of Trustees of the International Research and Training Institute for the Advancement of Women (continued)

The PRESIDENT said that since, in the vote taken at the twenty-fourth meeting, none of the candidates nominated by the Group of African States for membership of the Board of Trustees of the International Research and Training Institute for the Advancement of Women had obtained the required majority, the Council would proceed to a second ballot restricted to the two candidates who had obtained the highest number of votes, Fayza Kefi (Tunisia) and Victoria N. Okobi (Nigeria).

At the invitation of the President, Mr. Soeriaatmadja (Indonesia) and Ms. Eriksson (Sweden) acted as tellers.

A second vote was taken by secret ballot.

<u>Number of papers:</u>	50
<u>Invalid ballots:</u>	0
<u>Valid ballots:</u>	50
<u>Abstentions:</u>	0
<u>Members voting:</u>	50
<u>Majority required:</u>	26
<u>Number of votes obtained:</u>	
Victoria N. Okobi (Nigeria)	26
Fayza Kefi (Tunisia)	24

Having obtained the required majority, Victoria N. Okobi (Nigeria) was elected a member of the Board of Trustees of the International Research and Training Institute for the Advancement of Women for a three-year term beginning on 1 July 1985.

The PRESIDENT said that since, in the vote taken at the twenty-fourth meeting, none of the candidates nominated by the Group of Latin American and Caribbean States had obtained the required majority, the Council would proceed to a second ballot restricted to the two candidates who had obtained the highest number of votes, Fabiola Cuvi Ortiz (Ecuador) and Virginia Olivo De Celli (Venezuela).

At the invitation of the President, Mr. Soeriaatmadja (Indonesia) and Ms. Eriksson (Sweden) acted as tellers.

A second vote was taken by secret ballot.

Number of ballot papers: 50

Invalid ballots: 0

Valid ballots: 50

Abstentions: 1

Members voting: 49

Majority required: 25

Number of votes obtained:

Fabiola Cuvi Ortiz (Ecuador) 27

Virginia Olivo De Celli (Venezuela) 22

Having obtained the required majority, Fabiola Cuvi Ortiz (Ecuador) was elected a member of the Board of Trustees of the International Research and Training Institute for the Advancement of Women for a three-year term beginning on 1 July 1985.

Sessional Working Group of Governmental Experts on the Implementation of the International Covenant on Economic, Social and Cultural Rights (continued)  
(E/1985/L.9/Rev.1)

The PRESIDENT drew attention to the decision adopted by the Council at its twenty-second meeting by which the Sessional Working Group would be converted in 1987 into a Committee of Experts acting in their individual capacity. The term of the members elected at the twenty-fourth meeting would therefore end when the new Committee was established in 1987.

ACTIVITIES FOR THE ADVANCEMENT OF WOMEN; UNITED NATIONS DECADE FOR WOMEN:  
EQUALITY, DEVELOPMENT AND PEACE (continued) (E/1985/L.32 and L.33)

Mr. RIACHE (Argentina), introducing draft resolution E/1985/L.32, said that the International Research and Training Institute for the Advancement of Women had accomplished much useful work and had laid down the basis for a programme of work which would contribute greatly to the advancement of women. The Institute was financed through voluntary contributions, and its Board of Trustees had requested the Economic and Social Council to appeal for contributions from Governments and other potential donors. The draft resolution contained such an appeal. He expressed the hope that the draft, which had no financial implications, could be adopted without a vote.

Mr. GAJENTAAN (Netherlands), introducing draft resolution E/1985/L.33, said that its title should read "Women and development". It represented a follow-up to the report of the Secretary-General reviewing the issue of women and development in the medium-term plans of the organizations of the United Nations system (E/1985/45), and its aim was to improve the coherence of the related policies and programmes of the United Nations system, a need clearly brought out in the report. The draft followed the observations and recommendations made in the report and specifically requested the Secretary-General to formulate a system-wide medium-term plan for women and development, which would form the basis for the more coherent approach needed throughout the United Nations system.

For technical reasons, the words "to the Commission on the Status of Women" in paragraph 3 should be changed to "through the Commission on the Status of Women" and the words "and to the Economic and Social Council at its second regular session in 1986" should be added to the end of that paragraph, as the sponsors had felt it would be useful for the Council to consider the plan when co-ordination matters were discussed. He expressed the hope that the draft resolution could be adopted by consensus.

Mr. SEVAN (Secretary of the Council), noting that paragraph 9 of the draft resolution requested the Secretary-General to report to the Council at both regular sessions of 1986, sought clarification as to whether one or two reports would be required.

Mr. GAJENTAAN (Netherlands) said that only one report was involved. It would be submitted to the Council at its first regular session in the context of the report of the Commission on the Status of Women and at the second regular session under the item relating to co-ordination questions.

HUMAN RIGHTS (E/1985/95)

The PRESIDENT drew attention to the draft resolutions and draft decisions contained in paragraphs 61 and 62 of the report of the Second (Social) Committee (E/1985/95).

Mr. SEVAN (Secretary of the Council) said that some of the draft resolutions and decisions in the report called for the convening of meetings. Since the Council had decided that all matters relating to the calendar of conferences for the forthcoming biennium should be discussed at the second regular session, he suggested that the Council might wish to adopt the draft decisions and resolutions on the understanding that the precise dates of the meetings concerned would be determined in the context of that discussion.

Draft resolutions I to V

Draft resolutions I to V were adopted.

Mr. AL MERDAS (Saudi Arabia) said that paragraph 16 of the report omitted to mention that his delegation had made a statement with regard to draft resolution V. His delegation had joined in the consensus on draft resolution V although it had voted against General Assembly resolution 39/137 on the same subject. His Government did, however, maintain the right not to abolish the death penalty, as such an action would run counter to Islamic law.

Draft resolutions VI and VII

Draft resolutions VI and VII were adopted.

Draft resolution VIII

Mr. SEVAN (Secretary of the Council) said that, in the first preambular paragraph of draft resolution VIII, the words "the struggle" should read "that struggle".

Draft resolution VIII was adopted.

Draft decisions I to III

Draft decisions I to III were adopted.

Mr. WAKE (United States of America) said that his delegation had been pleased to join in the consensus on draft decision III. It welcomed the fact that Uruguay had returned to its democratic tradition, and encouraged the new democratically elected Government of that country to persist in its efforts to guarantee full respect for human rights and fundamental freedoms.

Draft decision IV

The PRESIDENT said that the Second (Social) Committee had adopted the draft decision by 51 votes to one.

A recorded vote was taken on draft decision IV.

In favour: Algeria, Argentina, Bangladesh, Botswana, Brazil, Bulgaria, Canada, China, Colombia, Congo, Costa Rica, Djibouti, Ecuador, Finland, France, German Democratic Republic, Germany, Federal Republic of, Guinea, Haiti, Iceland, India, Indonesia, Japan, Lebanon, Luxembourg, Malaysia, Mexico, Morocco, Netherlands, New Zealand, Nigeria, Papua New Guinea, Poland, Romania, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Somalia, Spain, Sri Lanka, Suriname, Sweden, Thailand, Turkey, Uganda, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, Venezuela, Yugoslavia, Zaire, Zimbabwe.

Against: United States of America.

Abstaining: None.

Draft decision IV was adopted by 52 votes to 1.

Mr. WAKE (United States of America) said that his delegation had voted against draft decision IV because of its position on the underlying resolution of the Commission on Human Rights (1985/8) and because of its concern about the resolution's excessive financial implications, which amounted to more than \$1 million. He regretted that it had not been possible to reach agreement in the Commission on a consensus resolution concerning human rights in South Africa. His delegation remained committed to the elimination of the apartheid system and to working with other members of the international community to find language which expressed their shared revulsion at that abhorrent system.

Draft decision V

The PRESIDENT said that the draft decision had been adopted in the Second (Social) Committee by 52 votes to 1.

A recorded vote was taken on draft decision V.

In favour: Algeria, Argentina, Bangladesh, Botswana, Brazil, Bulgaria, Canada, China, Colombia, Congo, Costa Rica, Djibouti, Ecuador, Finland, France, German Democratic Republic, Germany, Federal Republic of, Guinea, Haiti, Iceland, India, Indonesia, Japan, Lebanon, Luxembourg, Malaysia, Mexico, Morocco, Netherlands, New Zealand, Nigeria, Papua New Guinea, Poland, Romania, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Somalia, Spain, Sri Lanka, Suriname, Sweden, Thailand, Turkey, Uganda, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, Venezuela, Yugoslavia, Zaire, Zimbabwe.

Against: United States of America.

Abstaining: None.

Draft decision V was adopted by 52 votes to 1.

Mr. WAKE (United States of America) said that his delegation's vote against draft decision V - an exception to its usual policy of non-participation on resolutions and decisions relating to the Second Decade to Combat Racism and Racial Discrimination - had been based solely on the excessive financial implications of the seminar to be held in accordance with the decision. His delegation was particularly concerned that the travel costs envisaged would be diverted from the very limited advisory services budget available to the United Nations Centre for Human Rights. It was also concerned at the additional costs resulting from the fact that the seminar would be held away from the established headquarters of the Centre for Human Rights, Geneva, in violation of General Assembly resolution 31/140.

Mrs. KUROKOCHI (Japan) said that her delegation had voted in favour of the draft decision because of its strong support for the basic objectives of the Second Decade. However, the Secretary-General had stated that the plan of activities for 1985-1989 should be implemented in an effective and economical manner. Efforts should accordingly be made to avoid repeating past discussions or duplicating those currently being conducted elsewhere. Her delegation had doubts as to the appropriateness of the subject of the seminar and also believed that the financial resources allocated to it could be put to more effective use.

Mr. FURSLAND (United Kingdom) said that his delegation had supported the draft decision because of its strong support for the Second Decade. However, it had very serious reservations regarding the use of the limited resources available to the Centre for Human Rights under its advisory services programme for seminars, irrespective of their subject. His delegation also had reservations concerning the technical arrangements foreseen for the seminar and their consequent financial implications. There were other types of programmes for which the limited resources available could be more profitably used.

Draft decisions VI to X

Draft decisions VI to X were adopted.

Draft decision XI

The PRESIDENT said that the draft decision had been adopted in the Second (Social) Committee by 38 votes to 5, with 8 abstentions.

Mr. YAKOVLEV (Union of Soviet Socialist Republics), speaking also on behalf of Bulgaria, the German Democratic Republic and Poland, said that the draft decision endorsed the continuation of the unlawful campaign of slander against democratic Afghanistan. Instead of condemning the bloody crimes committed by bands of American mercenaries and the undeclared war being waged by imperialism against Afghanistan, the draft in effect approved the slanderous "report" which the Special Rapporteur had concocted as part of a shameful imperialist propaganda campaign against the Afghan people, its democratic State and its legitimate Government.

The "report" had been compiled on the basis of the Special Rapporteur's personal fantasies and of insinuations brought to his attention at meetings with the hired bandits who themselves were committing offences against human rights in Afghanistan. It completely ignored the true facts about the mercenaries' crimes and gave no information on how the United States was training, financing and arming those criminals and sending them to Afghanistan to wage an undeclared war there. The slanderous "report" not only completely distorted the truth but also violated the most basic principles of integrity. Its purpose was to divert attention from the crimes committed by the bands of mercenaries against the Afghan people and to justify the extension of the undeclared war against Afghanistan.



(Mr. Yakovlev, USSR)

The delegations of Bulgaria, the German Democratic Republic, Poland and the USSR condemned that provocative and shameful exercise against Afghanistan, and would vote against the draft decision. They felt that the mandate of the Special Rapporteur should be terminated immediately, together with the imperialist campaign against the sovereign and democratic country of Afghanistan, its freedom-loving people and legitimate Government. They called on all delegations which genuinely valued human rights to vote against the draft, which bore no relation to the protection of human rights, the norms of international law and the Charter of the United Nations.

Mr. ZARIF (Observer for Afghanistan) recalled that his delegation had warned in 1984 of the negative consequences of the adoption of Council resolution 1984/37 for the principle of non-interference in the internal affairs of States and for the credibility and prestige of the Council. Subsequent developments had proved that the grave concern which his and other delegations had expressed had been totally justified. There had been not the slightest justification for the investigation of human rights conditions in Afghanistan called for by resolution 1984/55 of the Commission on Human Rights, whose Chairman had appointed an infamous neo-Fascist whose hatred for the type of system in Afghanistan and similar countries was too obvious for him to be expected to produce an unbiased and honest report.

The document prepared by that individual was part of a campaign of lies and insinuations against Afghanistan and echoed the psychological war which imperialism, hegemonism and other reactionary forces were waging against his country. The report, which contained outright lies, masqueraded as a serious document. Its author also insulted the people of Afghanistan by referring to their genuinely popular revolution of April 1978 as the "so-called Saur revolution", belittled the importance of the Declaration on General Amnesty enacted at the beginning of the new phase of the revolution, and condemned various decrees adopted by the Revolutionary Council as violations of human rights in the country, whereas they in fact constituted solid steps towards the total eradication of the many evil and predatory relationships that had made the systematic violation of human rights a permanent feature of Afghan society.

(Mr. Zarif, Afghanistan)

Moreover, the so-called Special Rapporteur had remained silent regarding important measures adopted by the revolutionary Government to ensure the universal enjoyment of many basic human rights and freedoms, and had ignored its decision to implement over 350 instruments providing a firm foundation for the establishment of a just and democratic society in conformity with internationally recognized instruments on the protection of human rights. He had also ignored the fact that Afghanistan, during the short time since its revolution, had acceded to a number of major international human rights instruments. In addition, the so-called Special Rapporteur had made no attempt to hide the sources on the basis of whose accusations he had drawn up his report, namely, counter-revolutionary ringleaders, other fugitives under their control and their accomplices in the undeclared war against Afghanistan, including hirelings of the United States Central Intelligence Agency. The United States, which had already spent more than \$1 billion in arms for its mercenaries, was the principal culprit violating the human rights of the Afghan people, in particular, their right to self-determination free from outside interference, subversion and coercion. Moreover, the United States had announced that it planned a fourfold increase in its arms supplies to the counter-revolutionaries.

It was the criminal undeclared war launched by imperialism, hegemonism and other reactionary forces against his country that should be condemned by the Commission on Human Rights and the Council. He warned of the dangers inherent in permitting the type of investigation that was being pursued in his country, which constituted an unjustified and irresponsible action against a non-aligned State Member of the United Nations. His delegation particularly wished to draw the attention of fellow non-aligned countries members of the Council to the grave implications of setting such negative precedents and appealed to them to dissociate themselves from the anti-Afghan campaign, which had nothing to do with the reality of the human rights situation in his country. He expressed his delegation's gratitude to the delegations of those countries which either had voted against the draft decision during the vote in the Second (Social) Committee or had abstained thereon, and urged other delegations to do likewise.

His Government would not recognize the validity of any decision that might be taken in violation of Article 2, paragraph 7, of the United Nations Charter and of the rules of procedure, and in total disregard for the explicit objections of his delegation.

A recorded vote was taken on draft decision XI.

In favour: Argentina, Bangladesh, Botswana, Brazil, Canada, China, Colombia, Costa Rica, Djibouti, France, Germany, Federal Republic of, Guinea, Haiti, Iceland, Japan, Lebanon, Luxembourg, Malaysia, Mexico, Morocco, Netherlands, New Zealand, Nigeria, Papua New Guinea, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Somalia, Spain, Sri Lanka, Suriname, Sweden, Thailand, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela.

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

Abstaining: Algeria, Congo, Ecuador, Finland, Uganda, Yugoslavia, Zaire, Zimbabwe.

Draft decision XI was adopted by 38 votes to 5, with 8 abstentions.

Mr. WAKE (United States of America) said that his delegation had voted in favour of the draft decision because of its humanitarian concern for the people of Afghanistan. It was unnecessary to respond to the crude remarks made by the representatives of the Union of Soviet Socialist Republics and its puppet régime in Kabul under the guise of explanations of vote: the 38 votes in favour of the draft decision were response enough.

Draft decision XII

The PRESIDENT said that the draft decision had been adopted by the Second (Social) Committee by 24 votes to 2, with 20 abstentions.

A recorded vote was taken on draft decision XII.

In favour: Bulgaria, Canada, Colombia, Congo, Costa Rica, Finland, France, Germany, Federal Republic of, Iceland, Japan, Luxembourg, Mexico, Morocco, Netherlands, New Zealand, Rwanda, Spain, Suriname, Sweden, Uganda, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America.

Against: Algeria, Bangladesh.

Abstaining: Argentina, Botswana, Brazil, China, Ecuador, German Democratic Republic, Haiti, India, Malaysia, Nigeria, Poland, Senegal, Sierra Leone, Sri Lanka, Thailand, Turkey, Venezuela, Yugoslavia, Zaire, Zimbabwe.

Draft decision XII was adopted by 23 votes to 2, with 20 abstentions.

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Ms. AKHAMLICH BENNANI (Morocco) said that her delegation had inadvertently voted in favour of the draft decision. It had intended to abstain.

Draft decision XIII

A recorded vote was taken on draft decision XIII.

In favour: Algeria, Argentina, Bangladesh, Botswana, Brazil, Bulgaria, China, Colombia, Congo, Costa Rica, Djibouti, Ecuador, German Democratic Republic, Guinea, Haiti, India, Indonesia, Lebanon, Malaysia, Mexico, Morocco, Nigeria, Papua New Guinea, Poland, Romania, Rwanda, Saudi Arabia, Sierra Leone, Sri Lanka, Suriname, Thailand, Uganda, Union of Soviet Socialist Republics, Venezuela, Yugoslavia, Zaire, Zimbabwe.

Against: Canada, Finland, Germany, Federal Republic of, Iceland, Japan, New Zealand, Sweden, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: France, Luxembourg, Netherlands, Somalia, Spain, Turkey.

Draft decision XIII was adopted by 37 votes to 9, with 6 abstentions.

Mr. HAMER (Netherlands), speaking in explanation of vote, said that the draft decision gave effect to a Commission on Human Rights resolution which had constituted a regrettable break with the consensus approach followed theretofore by the Commission on the question of a draft declaration on the right to development. It was his Government's firm conviction that such a declaration could be authoritative only if developing and developed countries worked together and came to an agreement on the meaning and content of the concept of that right. Human rights could not be unilaterally proclaimed; they required the measure of universality which formed the cornerstone of international law. The Netherlands also found unacceptable any decision to convene the Working Group of Governmental Experts for three weeks in January 1986, because that would prejudice the outcome of the debate in the General Assembly.

Nevertheless, the Netherlands had abstained in the vote as an indication of its desire to contribute to the creation of an atmosphere which would allow the General Assembly to return to the consensus approach.

Ms. BOGARDE (Sweden), speaking in explanation of vote on behalf of Finland, Iceland and Sweden, said that they had voted against the draft decision because they felt that it was premature to refer the matter to the General Assembly, and that it was unacceptable to schedule a meeting to discuss measures of implementation even before the right to development had been defined and a declaration adopted. Their three delegations would, however, be willing to participate actively in future discussions of that important issue.

Mr. SCHWANDT (Federal Republic of Germany) explained that his delegation had voted against the draft decision because it believed that to refer the question to the General Assembly at its fortieth session was highly premature. The concept of a right to development was a relatively new one in both national and international law and practice, and extreme care must therefore be taken to arrive at a precise definition of its nature and scope. The Working Group of Governmental Experts which had undertaken the task of examining all the complexities involved had not even arrived at tentative recommendations. Under those conditions, it was doubtful that the General Assembly would be able to draft a declaration which could be adopted by consensus, a condition which was essential if the right to development was to become recognized as a universal right.

His delegation had further serious objections to convening the Working Group to study the implementation of that right even before an accepted definition existed. Such a procedure was not only illogical but also appeared to contradict the mandate of the Working Group.

Despite its objections, his delegation would continue to co-operate in the negotiations on the formulation of the right to development.

Mrs. KUROKOCHI (Japan) said that her delegation had voted against the draft decision because fundamental questions, such as the definition of the right to development, should have been settled before transmitting the issue to the General Assembly. The approach the draft decision took was simply not the right way of dealing with such an important issue. The second part of the decision was unacceptable since it prejudged the outcome of the work of the forthcoming General Assembly session.

An important instrument such as a declaration on the right to development could have no value unless it was adopted by consensus, and required wide consultation among the various delegations. Japan was ready to co-operate in efforts to achieve such a consensus.

Mr. TELLE (France) said that his delegation was opposed to giving the General Assembly the task of drafting the basic principles of the right to development. It had, however, abstained in the vote on draft decision XIII in the spirit of openness to a negotiated solution. France hoped that the draft resolution just adopted would not be counter-productive, and that the General Assembly would arrive at a definition of the right to development acceptable to all.

Mr. FURSLAND (United Kingdom) said that his delegation's reasons for voting against the draft decision were, like those of many of the previous speakers, procedural rather than substantive. The United Kingdom favoured establishing the concept of a right to development and exploring its scope but felt that that should be done thoroughly, on the basis of consensus. The procedures envisaged in draft decision XIII were not the best means to that end.

The question had been studied in the Working Group for several years and a good deal of progress had been made. Experience in the negotiation of human rights instruments had shown that satisfactory results came only after years of negotiation in the Commission on Human Rights had led to a wide measure of agreement. In the question at issue, a wider measure should have been achieved before it was referred to the General Assembly. The United Kingdom would none the less take a constructive approach to the discussions there.

His delegation regarded the second sentence of the draft decision as illogical. Why reconvene the Working Group if the Commission was now transmitting its work to the General Assembly? Indeed, it was not even clear that there was a mandate for reconvening the Working Group, since it had been originally established to do work different from that which the draft decision would require it to complete. The General Assembly should therefore include in its discussions a re-examination of the need for and purposes of the proposed reconvening of the Working Group.

Ms. CLARK (New Zealand) said that her delegation had voted against draft decision XIII because it was premature and prejudicial to forward the documentation of the Working Group to the General Assembly at the current stage. New Zealand remained willing, however, to work towards a solution in the General Assembly.

Draft decision XIV

Draft decision XIV was adopted.

Mr. HAMER (Netherlands) referring to the statement on administrative and programme budget implications of Commission on Human Rights resolution 1985/47 (E/1985/22, annex III, para. 118) said his Government's understanding was that the purpose of the Special Rapporteur's two field missions to the region was primarily to conduct hearings of persons having knowledge and experience of the situation in Chile. That was particularly important in view of the regrettable absence in that statement of the provision routinely made in the past for the travel and subsistence of witnesses and for a trip to New York by the Special Rapporteur to hear witnesses and receive information.

Mr. WAKE (United States of America) said that although the United States had opposed Commission on Human Rights resolution 1985/47 because of its exaggerated language, which did not accurately describe the situation in Chile, and remained so opposed, it had been able to join the consensus on the procedural draft decision XIV because it did not oppose extending the mandate of the Special Rapporteur. It did, however, remain opposed to the consideration of Chile under a separate agenda item of the Commission, because it believed that the situation in Chile should be considered on the same basis as other cases debated under the Commission's agenda item on violations of human rights in any part of the world.

Mr. ALBORNOZ (Ecuador) said that if draft decisions IX, X and XIV, on the question of human rights in El Salvador, Guatemala and Chile respectively, had been put to a vote, his delegation would have abstained. Ecuador, in practice and in principle attached the highest importance to the observance of human rights, which were important primarily because of their universality. Thus, any selective criterion which singled out a few countries for criticism of what was passed over in silence where others were concerned was counter-productive. Ecuador had long supported the idea of changing the current methods in favour of the possibility of drafting an annual United Nations report on the progress of the observance of human rights by all Member States.

Mr. FURSLAND (United Kingdom) welcomed the adoption of draft decisions IX, X and XIV without a vote, in a significant departure from past practice. The United Kingdom appreciated the fact that delegations with reservations regarding the text had not stood in the way of consensus.

(Mr. Fursland, United Kingdom)

That consensus on the three draft decisions would improve the credibility and authority of the special rapporteurs concerned. It also established beyond a doubt the fact that there was a consensus in the Council that the appointment of such special rapporteurs was a legitimate and necessary part of the activities of the United Nations and the Commission on Human Rights. The United Kingdom trusted that the decisions just adopted would lay to rest the argument - in the Council or elsewhere - that such mechanisms represented an illegal interference in the internal affairs of States.

Draft decisions XV to XVII

Draft decisions XV to XVII were adopted.

Draft decision XVIII

Mr. BENNOUNA (Morocco) said that his delegation wished to express the strongest possible reservations concerning Commission on Human Rights resolution 1985/5 entitled "Question of Western Sahara", and particularly its paragraph 3, which prejudged the outcome of a referendum that Morocco had consistently proposed should be held under United Nations auspices.

Draft decision XVIII was adopted.

Draft decision XIX

Mr. LE KIM CHUNG (Observer for Viet Nam) said that the draft decision distorted the actual human rights situation in Kampuchea and reflected political manoeuvres aimed at once again subjecting the people of Kampuchea to the genocidal Pol Pot régime which had so brutally denied their human rights while it was in power and was still now pursuing those who had taken refuge in camps in Thailand.

The draft decision failed to take due account of the different points of view of the parties concerned, and would not contribute to a negotiated solution in South-East Asia, which ought to be reached in a spirit of good-neighbourliness without outside interference. The draft decision, indeed, constituted a blatant interference in the affairs of a sovereign State, and Viet Nam rejected it as null and void. It hoped that the Council, recognizing the reality in Kampuchea, would also reject it.



Mr. VONGSAY (Observer for the Lao People's Democratic Republic) said that his Government, while it recognized that the international community was making praiseworthy efforts to protect the enjoyment of human rights wherever they were being denied, none the less regretted that certain United Nations bodies were not objective in carrying out that noble mandate. In the case of Kampuchea, draft decision XIX represented an unacceptable interference in the internal affairs of a sovereign and independent State, and his Government therefore categorically rejected it as an insult to the memory of the more than 3 million people wiped out by the genocidal Pol Pot régime. It was unfortunate that the colonialist, expansionist and ultra-rightist forces in the region were seeking by devious means to rearm the criminal Pol Pot band in order to overthrow the socialist Government of Kampuchea which had brought about an admirable renaissance in the country since coming to power.

The adoption of draft decision XIX would not protect human rights but would instead violate the United Nations Charter and international human rights instruments, and in the process only reduce the chances for a just settlement in South-East Asia.

Mr. YAKOVLEV (Union of Soviet Socialist Republics) said that his delegation, together with those of the German Democratic Republic, the Polish People's Republic and the People's Republic of Bulgaria, would vote against draft decision XIX. An undeclared war was being waged by mercenaries and Pol Pot executioners against the People's Republic of Kampuchea. Instead of condemning such barbarism, the draft decision sought to return the people of Kampuchea to the era of the genocidal Pol Pot régime. There had been profound social transformation in Kampuchea, and the power of the people was solidly based on democratic foundations. As a non-aligned country, Kampuchea was eager to maintain good relations with neighbouring States. The Soviet delegation was firmly opposed to attempts to make use of United Nations organs to buttress the Pol Pot reactionary criminals. All States which supported human rights should vote against the draft decision.

A recorded vote was taken on draft decision XIX.

In favour: Argentina, Bangladesh, Botswana, Brazil, Canada, China, Colombia, Costa Rica, Djibouti, Ecuador, France, Germany, Federal Republic of, Haiti, Iceland, Indonesia, Japan, Luxembourg, Malaysia, Morocco, Netherlands, New Zealand, Nigeria, Papua New Guinea, Rwanda, Saudi Arabia, Senegal, Somalia, Spain, Sri Lanka, Sweden, Thailand, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela, Yugoslavia, Zaire, Zimbabwe.

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

Abstaining: Algeria, Congo, Finland, Lebanon, Mexico, Suriname, Uganda.

Draft decision XIX was adopted by 38 votes to 5, with 7 abstentions.

Mr. THIOUNN (Observer for Democratic Kampuchea) thanked the States which had sponsored draft decision XIX and all those which had voted in favour of it. For Kampuchea, a small, poor and sparsely populated country, international support and friendly relations and co-operation with all countries committed to peace and justice were a permanent and vital necessity. His country was deeply grateful to the Kingdom of Thailand, which had generously opened its borders to hundreds of thousands of Kampuchean refugees.

The only objective of the current struggle of the Kampuchean people and the Coalition Government of Democratic Kampuchea was the total withdrawal of Vietnamese forces from Kampuchea in compliance with the Declaration of the International Conference on Kampuchea, and with the relevant United Nations resolutions on Kampuchea. Those resolutions provided Viet Nam with an excellent opportunity to extricate itself from its increasing difficulties in Kampuchea, in Viet Nam itself and in the international arena.

Viet Nam had declared that it was "ready" to "negotiate a political solution" to the Kampuchean problem but, at the same time, it had demanded the prior dissolution of the National Army of Democratic Kampuchea which was currently operating in the immediate vicinity of Phnom Penh. In addition, Viet Nam had insisted that a certain part and certain members of the Coalition Government of Democratic Kampuchea should be excluded from the negotiations, and that elections would be held only under the so-called "constitution" of the Vietnamese régime in Phnom Penh. It was clear that Viet Nam hoped to obtain by diplomatic means what it could not obtain by military means.

(Mr. Thiounn, Observer,  
Democratic Kampuchea)

During the past six years, Democratic Kampuchea had been encouraged by the favourable development of its struggle which was the result of the determination and the national unity of the Kampuchean people around the Coalition Government of Democratic Kampuchea, and of international support, which was growing larger and stronger. Democratic Kampuchea was firmly convinced that those two factors would eventually lead to the implementation of the relevant United Nations resolutions, and would enable Kampuchea to become once again an independent, peaceful, neutral and non-aligned nation. South-East Asia would become a zone of peace, freedom and neutrality and that would contribute to the strengthening of the role of the United Nations and of its Charter.

Mr. KITIKITI (Zimbabwe) said that his delegation had abstained in the vote. Owing to a technical failure, his delegation's vote had been recorded as being in favour.

Ms. BOGARDE (Sweden) said that the withdrawal of all foreign forces, the restoration of the sovereign independence of Kampuchea and the right of its people to self-determination must be the basis for any just settlement of the Kampuchean conflict. Her delegation had voted in favour of the decision, but it should be noted that Sweden did not subscribe to every formulation in resolution 1985/12 of the Commission on Human Rights.

Draft decision XX

Draft decision XX was adopted.

Mr. WAKE (United States of America) said his Government was pleased that Argentina had re-established democracy under the rule of law. Consequently, the United States had fully supported both the decision taken by the Commission on Human Rights to discontinue consideration of the human rights situation in Argentina and the decision adopted by the Council.

Draft decision XXI

Mr. GVIR (Observer for Israel) said that Commission on Human Rights resolution 1985/41 had not reflected the real situation obtaining in Lebanon. In fact rival factions were engaged in fratricidal massacres in Beirut, which had been put to the torch. Yet the draft decision before the Council related to southern Lebanon, the only part of the country where peace reigned.

Mr. AL MERDAS (Saudi Arabia), speaking on a point of order, said that the rules of procedure did not allow observers to take the floor during the voting process.

The PRESIDENT said that voting on draft decision XXI had not yet begun, and that it was permissible for the observer for Israel to take the floor.

Mr. AL MERDAS (Saudi Arabia), speaking on a point of order, said that it was his understanding that if a member of the Council objected, observers were not allowed to speak. The Zionist racist entity was concerned only to interfere in the internal affairs of a sovereign State.

Mr. SEVAN (Secretary of the Council) said that the Council had decided, when adopting its rules of procedure, that any State could be invited to participate in the Council's deliberations on matters of concern to it. It had been the Council's practice for many years to allow observers to make statements.

Mr. GVIR (Observer for Israel) said that his delegation appreciated the President's impartial interpretation of the rules of procedure. The manoeuvres being perpetrated in the Council and in the Security Council were senseless. Efforts to divert international attention away from Beirut would not help the cause of peace. His delegation appealed to all members to reject draft decision XXI.

Mr. WAKE (United States of America) said that his delegation would vote against draft decision XXI, since it focused on events in one part of Lebanon in an inaccurate and inflammatory way. The decision was totally irrelevant to the tragic reality of violence and destruction in many parts of Lebanon. The United States supported the Security Council's appeal for restraint in order to alleviate the sufferings of civilians in Lebanon, but could not accept the irrelevant decision before the Council and the dual standard it implied.

Mr. CHACON (Venezuela) said that his delegation was concerned by events in Lebanon. The international community should try to restore peace there. His delegation would abstain on draft decision XXI, in accordance with its position on Commission on Human Rights resolution 1985/41, which contained inappropriate language.

Mr. RIACHE (Algeria) said that his delegation regretted the remarks made by the observer for Israel. The situation in Lebanon was a result of Zionist aggression.

Mr. TELLE (France) said that his delegation would abstain in the vote.

A recorded vote was taken on draft decision XXI.

In favour: Algeria, Bangladesh, Botswana, Brazil, Bulgaria, China, Congo, Djibouti, Ecuador, German Democratic Republic, Guinea, India, Indonesia, Lebanon, Malaysia, Morocco, Nigeria, Poland, Romania, Rwanda, Saudi Arabia, Senegal, Sri Lanka, Suriname, Turkey, Uganda, Union of Soviet Socialist Republics, Yugoslavia, Zimbabwe.

Against: United States of America.

Abstaining: Argentina, Canada, Colombia, Costa Rica, Finland, France, Germany, Federal Republic of, Iceland, Japan, Luxembourg, Mexico, Netherlands, New Zealand, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland, Venezuela, Zaire.

Draft decision XXI was adopted by 29 votes to 1, with 18 abstentions.

Mr. VILLAGRA (Argentina) said that his delegation supported the restoration of Lebanese integrity and sovereignty. The military occupation of Lebanon must end. His delegation had abstained on Commission on Human Rights resolution 1985/41, owing to its language, and had similarly abstained on the draft decision.

Mr. ALBORNOZ (Ecuador) said that his delegation had voted in favour of the draft decision solely because of its position of principle concerning the inadmissibility of occupying territory by force. It should be noted, however, that resolution 1985/41 lacked objectivity, in failing to refer to Israeli troop withdrawals from Lebanese territory. The Israeli example should be followed by others.

Mrs. CASTRO de BARISH (Costa Rica) said that her delegation had abstained on resolution 1985/41, owing to its wording, and had similarly abstained on the draft decision.

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Mr. WAKE (United States of America) said that his delegation's support for draft resolution VI and draft decisions II and XVI was based on the expectation that the conference-servicing costs of those activities would be fully absorbed. Further, United States support for draft resolutions I and V and draft decisions I, VII and XVII was based on the statement by the Budget Division that no additional resources would be requested.

The meeting rose at 6.20 p.m.