



**Economic and Social Council**

PROVISIONAL

For participants only

E/1986/SR.19/Add.1  
28 May 1986

ORIGINAL: ENGLISH

---

First regular session of 1986

PROVISIONAL SUMMARY RECORD OF THE RESUMED 19th MEETING

Held at Headquarters, New York,  
on Friday, 23 May 1986, at 3 p.m.

President: Mr. DOS SANTOS (Mozambique)

CONTENTS

ADVANCEMENT OF WOMEN (continued)

HUMAN RIGHTS (continued)

---

Corrections to this record should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Chief, Official Records Editing Section, Department of Conference Services, room DC2-750, 2 United Nations Plaza.

The meeting was resumed at 3.35 p.m.

ADVANCEMENT OF WOMEN (continued)

Consideration of the report of the Second (Social) Committee (continued) (E/1986/94)

HUMAN RIGHTS (continued)

Consideration of the report of the Second (Social) Committee (continued) (E/1986/95)

Explanations of vote

Mr. KYRÖLÄINEN (Finland), speaking on behalf of his own delegation and those of Iceland and Sweden, the Nordic members of the Council, said that they had abstained in the vote on resolution XI on the use of mercenaries (E/1986/95, para. 52). In particular, they could not support the fourth preambular paragraph, in which mercenarism was termed a crime against humanity; nor could they support paragraph 3. Furthermore, they felt that it was premature to urge the Commission on Human Rights to appoint a special rapporteur (para. 6): the question should first have been considered in the Commission itself. The Nordic members of the Council also wished to point out that the Sixth Committee and the Ad Hoc Committee on the Drafting of an International Convention against the Recruitment, Use, Financing and Training of Mercenaries were considering the same issue. The Council should avoid a duplication of their work.

Miss BOGARDE (Sweden), speaking on behalf of the Nordic members of the Council, said that they had abstained in the vote on decision I on the right to development (E/1986/95, para. 53). Their position had been stated the previous year. Her delegation had opposed the decision to refer the question to the General Assembly; it had also opposed the convening of the Working Group to discuss the subject before agreement had been reached on a definition of the right to development. The General Assembly had not been in a position to adopt a decision on the matter. The position of the Nordic delegations therefore remained the same as in 1985.

Speaking on behalf of her own delegation with reference to decision XIV on the right of peoples to self-determination (E/1986/95, para. 53), she said that it had

(Miss Bogårde, Sweden)

supported various General Assembly resolutions on Kampuchea which affirmed the principles that should be the basis for the settlement of the Kampuchean conflict. Sweden's concern for the humanitarian problems arising out of the conflict were well known. Her delegation had supported decision XIV, the first paragraph of which fully endorsed Commission on Human Rights resolution 1986/25. However, it could not subscribe to every formulation in that resolution.

Lastly, referring to decision X concerning the establishment of a working group of the Commission to examine situations referred to the Commission under Economic and Social Council resolution 1503 (XLVIII) (E/1986/95, para. 53), her delegation had expressed its satisfaction in the Social Committee with the progress made in the United Nations and the Commission in standard-setting in the field of human rights. However, it had regretted that the Commission's achievements in implementing those standards were not equally impressive.

The confidential consideration of situations in certain countries was an important instrument in monitoring those human-rights violations. That procedure had been established by Council resolution 1503 (XLVIII), and her delegation continued to support it. In carrying out its work the Commission depended on the preparatory work of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, and her delegation therefore deeply regretted the decision to postpone the Sub-Commission's 1986 session because of financial considerations. She hoped that such a measure would not have to be repeated in future years.

Mr. WAKE (United States of America), speaking in explanation of his delegation's position on decision X, underlined the importance of preserving and even strengthening the confidential proceedings of the Commission on Human Rights as a tool for considering human-rights violations brought to the attention of the United Nations by private persons. If the Sub-Commission did not meet before the February 1987 session of the Commission, the Commission and its working group would be unable to examine such particular situations "as might be referred to the Commission by the Sub-Commission ... at its thirty-ninth session under Council resolution 1503 (XLVIII)", as stated in decision X. However, the working group would continue to examine situations of which the Commission was already seized and would thus play an important role in providing guidance to the Commission for

(Mr. Wake, United States)

follow-up action and further monitoring, if necessary, of decisions taken by the Commission at its most recent session under Council resolution 1503 (XLVIII). His delegation therefore welcomed the adoption by consensus of decision X.

His delegation emphasized its continuing support for the operation of the procedures under Council resolution 1503 (XLVIII). Any disruption of their operation was an exceptional measure because of the immediate financial situation. Over the long term, victims of human-rights violations and their representatives should be assured that their communications to the United Nations would not be ignored.

Lastly, his delegation enthusiastically welcomed the suggestions made by other delegations during the earlier part of the meeting for the rationalization of the Commission's work. He hoped that serious attention would be paid to them.

Miss YOUNG (United Kingdom) said that, while deploring any recruitment or use of mercenaries, her delegation had been obliged to vote against resolution XI on the use of mercenaries. Her delegation regretted that the sponsors had moved away from the consensus language achieved in the past in the General Assembly; that situation would not facilitate the work of the Ad Hoc Committee on the Drafting of an International Convention on the question. The suggestion that the Commission on Human Rights should consider appointing a special rapporteur while the work of that Committee was still in progress was not appropriate. Her delegation regretted that the Council should be encouraging the overlap of work being undertaken by the General Assembly. It was not sensible for the Council to impose further burdens on the very heavy agenda of the Commission by adopting a resolution which went further than the Commission's own resolution 1986/26.

Her delegation had also voted against the fourth preambular paragraph of resolution XI, since it purported to define mercenarism before there was an agreed definition of that term at the international level.

Mr. LINDGREN (Brazil) said that his delegation had voted in favour of resolution XI because it was deeply concerned by the problem of the recruitment and use of mercenaries. It had voted against the fourth preambular paragraph of that resolution for technical reasons which it had already explained in the Commission on Human Rights when resolution 1986/26 was being adopted. His delegation was not sure whether, juridically, mercenarism could be equated with genocide, and it was

(Mr. Lindgren, Brazil)

doubtful whether it could be qualified as a crime against humanity. The latter question was being studied by the International Law Commission and, pending the completion of its study, Brazil had systematically limited the use of the term to a sufficiently clear context.

His delegation had supported paragraph 6 of the resolution, but considered that the Commission on Human Rights should be very cautious in choosing the special rapporteur and in specifying his functions, in order to avoid that position becoming yet another instrument for East-West confrontation.

Mr. AKYOL (Turkey) said he regretted that his delegation had been unable to vote in favour of resolution XI, which he feared could adversely affect the work of the Ad Hoc Committee on the Drafting of an International Convention on the subject.

Mr. CHIKETA (Zimbabwe) said that, before decision X had been adopted, the positions of the French, Canadian and many other delegations on the rationalization of the agenda item should have been taken into consideration. Care should be taken in rationalizing the item to ensure that justice was done and to avoid repetition and the downgrading of the issue.

Care should also be taken to ensure that documents were circulated to delegations six weeks before the Commission met. Failure to do so resulted in delegations registering to speak at the end of the consideration of each item, so that work was not completed on time. Furthermore, in adopting the decision, the Council was violating the decision just taken by the General Assembly to restrict meetings. Some delegations were not even able to participate in the Commission's meetings since they did not have the financial means to send delegations to Geneva. The Council should try to ensure that all delegations which wished to attend were able to do so. He also wished to point out that night meetings placed smaller delegations at a disadvantage.

Lastly, he felt that the views of the French delegation with regard to NGO participation should be taken into consideration.

Mr. SIBOMATH (Observer for Democratic Kampuchea) said that the overwhelming support for decision XIV proved that the international community was not indifferent to flagrant violations of the right of the Kampuchean people to self-determination. All Viet Nam's claims about the situation were propaganda to cover its crime in Kampuchea.

(Mr. Siavath, Observer,  
Democratic Kampuchea)

He expressed his gratitude to the sponsors of the decision and those who had supported it, and also to the members of the Association of South-East Asian Nations (ASEAN), particularly Thailand, which continued, with exemplary compassion and solidarity to bear the burden of harbouring Kampuchean refugees.

Viet Nam's refusal to heed the call of the international community to withdraw its forces and its rejection of the 8-point proposal put forward by the Coalition Government of Democratic Kampuchea, contained in document A/41/225, for a comprehensive and equitable solution to the problem showed that its claimed desire to find a political solution was not sincere and that it only wished to perpetuate the situation. Viet Nam claimed that it was rejecting a proposal that would allocate only one quarter of the power to the régime it had installed because that régime was the sole legitimate representative of Kampuchea and controlled the whole country. If that was the case, he wondered why Vietnamese forces were present in Kampuchea and why Viet Nam was afraid of free, general elections, supervised by the United Nations, which would allow the Kampuchean people to exercise their right to self-determination.

Viet Nam's claims were untrue: without the support of Hanoi the régime could not survive. In addition to the presence of its army, Viet Nam had installed a so-called Kampuchean Working Committee which had been manipulating the puppet régime. Viet Nam was building up its war machinery in order to attain its strategic goal of forming an Indo-Chinese federation under its domination. Its annexation of the Lao People's Democratic Republic and its invasion of Kampuchea, and the settlement of 700,000 Vietnamese nationals on Kampuchean territory was sufficient evidence of that strategy. That had been a goal of the Communist Party of Viet Nam for more than half a century; its manifesto attested to that ambition. Moreover, the Commander-in-Chief of the Vietnamese forces in Kampuchea had recently described Indo-China as a single battlefield.

The root of the Kampuchean problem lay in the Vietnamese strategy of swallowing up Kampuchea against the will of its people. But Kampuchea was becoming more and more difficult to swallow up and Viet Nam was facing increasing problems in Kampuchea as well as at home and in the international forum. The patriotism of the Kampuchean people under Prince Norodom Sihanouk, President of Democratic

(Mr. Sisowath, Observer,  
Democratic Kampuchea)

Kampuchea, had been strengthened by international support such as the decision just adopted. Only a political solution based on the 8-point proposal of the Coalition Government of Democratic Kampuchea could lead to an independent, peaceful and non-aligned Kampuchea while at the same time allowing Viet Nam to regain its place among the civilized nations and focus on rebuilding its own country. Only then could a zone of peace, freedom and neutrality be achieved in South-East Asia.

The meeting rose at 4.10 p.m.