UNITED NATIONS

ECONOMIC AND SOCIAL COUNCIL

Distr.
GENERAL

E/CN.4/1983/SR.31
25 February 1983

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS

Thirty-ninth session

SUMMARY RECORD OF THE 31ST MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 22 February 1983, at 10 a.m.

Chairman: Mr. OTUNNU (Uganda)

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GE.83-15595

The meeting was called to order at 10.10 a.m.

MEASURES TO BE TAKEN AGAINST ALL TOTALITARIAN OR OTHER IDEOLOGIES AND PRACTICES, INCLUDING NAZI, FASCIST AND NEO-FASCIST, BASED ON RACIAL OR ETHNIC EXCLUSIVENESS OR INTOLERANCE, HATRED, TERROR, SYSTEMATIC DENIAL OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, OR WHICH HAVE SUCH CONSEQUENCES (agenda item 22) (continued) (A/36/209 and Add.1; A/37/188 and Add.1)

1. Mr. GASMI (Libyan Arab Jamahiriya), speaking in exercise of the right of reply, recalled that, in a statement at the 30th meeting, the representative of the Zionist entity had sought to attack the Libyan Arab Jamahiriya and accuse it of various misdeeds. Those accusations had been repeated so many times that they had become clichés to which there was no need to reply. However, he wished to draw attention to one point raised by the Zionist representative, namely, his claim that the Libyan Government oppressed non-Moslem Arabs, forcing them to convert to Islam and preventing them from practising their own religion. It was not very intelligent of the Zionist representative to raise that point, for all Libyans were in fact Moslems. The Zionist representative had been seeking to equate Libya with Lebanon, where there were a variety of religious sects and faiths. The Zionist entity had in fact intervened in Lebanon to trigger a fratricidal war between religious sects and had even used some of them as agents of Zionist aggression and to perpetrate some of the worst massacres in history.

2. Mr. BARAKAT (Jordan), speaking in exercise of the right of reply, observed that in his statement at the 30th meeting, the Israeli representative had shamelessly insulted a number of delegations. That representative claimed to speak in the name of civilization when in fact it was his Government that had been responsible for the appalling massacres at Sabra and Chatila and the main culprit, Ariel Sharon, had simply left the Government by one door and re-entered by another, thereby only strengthening his position.

3. The Israeli representative had made the fallacious claim that Jordan had occupied the West Bank in 1948 and had violated the human rights of the population of that territory. From the early 1950s onwards, the populations of the West and East Banks had in fact been legally unified, with the two communities enjoying the same rights. He categorically rejected the Israeli representative's allegations, which were designed simply to divert attention from Israel's colonization of the West Bank and Gaza Strip. The Israeli representative had already tried to mislead the Commission during the latter's consideration of item 4, but the Commission had not been duped.

4. In the same statement, the Israeli representative had claimed that, under Jordanian occupation, some inhabitants of the West Bank had been unable to practise their religion. That claim was simply not true and represented a further attempt to camouflage Israel's racist, colonialist policies in the occupied territories and its denial of the Arab national heritage. Israel was interested only in Judaism and the history of the Jewish race; it had no interest in the historical or cultural heritage of Christians or Moslems, a fact amply demonstrated, inter alia, by the armed attacks launched in full view of the Israeli authorities on innocent worshippers at Al-Aqsa Mosque and the destruction of Moslem tombs at Jaffa and Jerusalem.

5. The Israeli representative had boasted that since 1948 his Government had provided a home for one million Jews; during that time, however, the same Government had not allowed a single Palestinian refugee to return to his home. Israel's policies were thus arbitrary and exclusive.

6. In condemning all totalitarian or other ideologies and practices, his delegation urged the Commission to add zionism to the list of examples of such ideologies and practices referred to under item 22.

7. Mr. SOFFER (Observer for Israel), speaking in exercise of the right of reply, said that the Libyan representative had obviously learnt nothing from the description he had given of the flagrant human rights violations and racism of the Libyan regime. It was clear from the Libyan representative's hysterical, anti-semitic and baseless provocation that he wanted to hear even more. The Libyan regime was guilty of a wide range of human rights violations and, although it barred the representatives of international organizations from visiting its prisons or attending trials, the awful truth still leaked out. The regime's opponents, many students among them, were systematically eliminated by means of extrajudicial executions, the torture of detainees was a routine practice, and current legislation expressly limited the exercise of the fundamental rights of Libyan citizens. Colonel Qadhafi made no attempt to conceal the purpose of such policies, which was "the physical liquidation of the enemies of the revolution".

8. Those countries which were so quick to cry out in horror at any event, however minor, in the territories administered by Israel maintained a criminal silence with regard to human rights violations in Libya. Was that because, for political reasons, they could not accept the fact that Israel had, since its creation, practised a Western-style democracy and because the sufferings of thousands of people in Libya and elsewhere mattered less to them since Israel was not responsible?

9. In adopting such an approach, those countries were trying to monopolize the debate on one part of the world where human rights violations were virtually non-existent in order to prevent consideration of the appalling violations in their own countries for which they had been repeatedly condemned. If their attempts succeeded yet again at the current session, the Commission's credibility would be seriously undermined and the hopes placed in the United Nations by millions of men, women and children would be betrayed. If Israel, as the only democracy in the Middle East, again became the target of the Commission's debate, morality and justice would be flouted. Indeed, he wondered whether that was not in fact the avowed or secret aim of the countries that had slandered Israel.

10. Mr. MASRESHA (Observer for Ethiopia), speaking in exercise of the right of reply, recalled that at the 30th meeting the representative of Israel had accused Ethiopia of invading a neighbouring country. He totally rejected such an accusation. Israel was in no position to give Ethiopia lessons in peaceful co-existence with its neighbours. Ethiopia had not invaded any other country and such a malicious lie was designed simply to divert attention from Israel's own crimes.

11. Mr. BERNS (United States of America), speaking in exercise of the right of reply, recalled that the representative of the Soviet Union had asked what the United States Government was doing about the nazi war criminals which it was trying to deport. Because such deportations could not be carried out without a proper trial the Government had set up a special office to investigate such cases in depth in the hope that, once sufficient evidence was available, it could go to trial to secure the deportation of individuals who had entered the country illegally. He wished to point out, however, that the United States Government did not always win such cases and that, under a fair legal system, it was possible that a jury might vote against the Government. That was the price his country paid for due process of law.

12. While his country was grateful for the Soviet Union's assistance in supplying information on former nazis now residing in the United States, it only wished that the Soviet Union had adopted such a co-operative attitude in 1939 and had joined forces with France and the United Kingdom to oppose nazi Germany. Instead, it had signed the Molotov-Ribbentrop Non-Aggression Pact with Germany in the summer of 1939 as a result of which the nazis had invaded Poland from the west, thereby triggering the Second World War, while the Soviet Union had invaded from the east, leaving no Poland for the Polish people.

13. The representative of the German Democratic Republic had complained that Hitler had owed his success to a lack of opposition by Western countries. Such a complaint did not take into account the above-mentioned Soviet-German Non-Aggression Pact, which had helped Hitler. Had Stalin followed Churchill instead of co-operating with Germany and invading Finland, the Second World War might never have happened and millions of people might not have lost their lives. The world would have been a very different place today and Poland might have been Poland. The system which had brought Hitler to power was long since dead, but Stalinism was far from dead. Its representatives were present in the Commission and it was that kind of totalitarianism with which the Commission should now concern itself.

14. The CHAIRMAN, overruling a request by the representative of the Libyan Arab Jamahiriya to speak again in reply to the Israeli representative's latest statement, pointed out that delegations were permitted to speak only twice in exercise of the right of reply in the debate on each item. The Libyan representative had already twice exercised his right of reply under item 22.

15. Mr. ZORIN (Union of Soviet Socialist Republics), speaking in exercise of the right of reply, noted that the United States representative had stated formally that his Government intended to co-operate in the extradition of nazi war criminals and had referred to the difficulties posed in that connection by the American legal system. However, it would seem that that system much vaunted by the United States representative at the 30th meeting, might not operate as well as that representative imagined. His delegation hoped that the United States Government would keep its promise and, after 40 years, finally begin to extradite all nazi war criminals from its territory.

16. The United States representative had tried to divert the Commission's attention from the matter under consideration by making misleading references to the Non-Aggression Pact signed between the Soviet Union and Germany in 1939. The Soviet Union had in fact been forced to conclude the Molotov-Ribbentrop Pact. The United States representative had not only misrepresented the history of the Pact, but his version was totally contradicted by documentary evidence that was available for anyone to consult. The United States must be aware that the Soviet Union had done all it could to avert a world war and, to that end, had negotiated with the United Kingdom and France the conclusion of a treaty uniting the three countries' forces against nazi Germany. Ruling circles in those countries had sabotaged the negotiations, however, and had refused to co-operate with the Soviet Army against Hitler's army. In so doing, they had encouraged Hitler, leaving the Soviet Union no choice but to conclude a non-aggression pact with Germany. That fact was

well known in the United Kingdom, France and Poland. Had the Soviet Union's attempts to negotiate with the United Kingdom and France been successful, the Second World War might never have happened, there might never have been the millions of deaths referred to by the United States representative and Poland would not have been occupied by Germany. Any claim that the Soviet Union had aided and abetted Hitler was totally false and a propaganda device to cover up the West's attempts to collaborate with Hitler.

17. The United States representative had also levelled allegations of totalitarianism against the Soviet Union and other socialist countries. As defined by the Great Soviet Encyclopaedia, totalitarianism was one of the forms taken by the bourgeois state and the revival of social contradictions in capitalist countries created totalitarian tendencies. The fight against totalitarianism was one of the main tasks of the socialist countries, in keeping with the principles of Marxism-Leninism. The totalitarian State was a form of the bourgeois imperialist State, of which the United States was a classic example.

18. Mr. SOKALSKI (Poland) expressed deep regret that some of the United States representative's statements were so primitive and offensive. That they seemed to be culled from the columns of Art Buchwald would be comic, were it no so tragic. Why did that representative twist past and present history so cruelly, why had he a built-in aversion to the truth? The Polish delegation could not accept such high-flown, detestable rhetoric. He thanked the United States representative for his lesson in Polish history, but the people of Poland knew that their history was quite different.

19. Turning to the allegation of totalitarianism, he said it was an American writer who had once observed that, while Americans focused on the situation in South-East Asia, they were really neglecting the situation at home; it was in the United States that the greatest danger of totalitarianism lay.

20. Mr. FRAMBACH (Observer for the German Democratic Republic), speaking in exercise of the right of reply, thanked the United States representative for his lesson in German history which he could not, however, accept. Instead of diverting the discussion from its true object and slandering other States, that representative would do better to reply to the questions raised in the debate.

21. Mr. OGURTSOV (Observer for the Byelorussian Soviet Socialist Republic), speaking in exercise of the right of reply, recalled that at the 30th meeting the observer for the Republic of Korea had claimed that the Byelorussian delegation had referred to his country in its statement. The only country to which the Byelorussian delegation had referred had been the United States of America, where fascism already had deep roots. The Byelorussian delegation had said that fascism had always engaged in terrorism and that, where fascism had seized power, terror and mass repression had been used to keep it in power. But if the observer for the Republic of Korea had taken that statement to refer to his own country, he had not been mistaken.

QUESTION OF THE REALIZATION IN ALL COUNTRIES OF THE ECONOMIC, SOCIAL AND CULTURAL RIGHTS CONTAINED IN THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND 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 (agenda item 8) (continued)(E/CN.4/1983/L.30, L.33, L.40 and L.41; E/CN.4/1983/4)

QUESTION OF THE HUMAN RIGHTS OF ALL PERSONS SUBJECTED TO ANY FORM OF DETENTION OR IMPRISONMENT, IN PARTICULAR:

(a) TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

(b) QUESTION OF ENFORCED OR INVOLUNTARY DISAPPEARANCES (agenda item 10) (continued) (E/CN.4/1983/L.28, L.29/Rev.1, L.31, L.32 and L.39; E/CN.4/1983/4)

STATUS OF THE INTERNATIONAL COVENANTS ON HUMAN RIGHTS (agenda item 19) (continued) (E/CN.4/1983/L.27)

22. The CHAIRMAN reminded delegations that the general debate on items 8, 10 and 19 had been concluded and they they should confine their statements to the draft resolutions now before the Commission.

23. Mr. BROZOVIC (Yugoslavia), introducing draft resolution E/CN.4/1983/L.30, said that the text was a logical sequel to General Assembly resolution 37/55, which had been adopted without a vote; he hoped that the draft resolution would be adopted likewise. The study which the Secretary-General was requested to undertake pursuant to the draft resolution could hardly be prepared in time for the Commission's fortieth session. It was therefore proposed that the Secretary-General should be requested to submit a preliminary study; the Commission could later decide when the final study should be called for.

24. The delegations of Costa Rica, Cuba and the Libyan Arab Jamahiriya had joined the sponsors of the draft resolution.

25. Mr. SY (Senegal), introducing draft resolution E/CN.4/1983/L.33, announced that the delegations of Colombia, Madagascar, Viet Nam and Yugoslavia had joined the sponsors.

26. The text was basically similar to that of the resolution on the right to development adopted at the previous session of the Commission. In the operative part, the sponsors had, inter alia, emphasized the importance for all countries of establishing appropriate socio-economic systems free from external influences and constraints, and reiterated the need to guarantee work, education, health and proper nourishment through the adoption of national and international measures, as a prerequisite for the full enjoyment of human rights. The operative part also contained a decision to reconvene the Working Group of Governmental Experts on the Right to Development, with the same mandate as before. The ninth preambular paragraph should be replaced by the words "Taking into account resolutions 32/130, 34/46 and all other relevant resolutions of the General Assembly".

27. The draft resolution was intended as a positive contribution to improved North-South dialogue and international solidarity. In that spirit, the sponsors hoped that the text would be adopted without a vote.

28. Mr. TALVITIE (Finland), introducing draft resolution E/CN.4/1983/L.27, said that the sponsors stressed the importance of the International Covenants in the protection and promotion of human rights, and noted with satisfaction that more Member States had acceded to them. The draft resolution contained an appeal to even more States to do so and to accede to the Optional Protocol; it invited States parties to the International Covenant on Civil and Political Rights to consider making the declaration provided for in article 41 of that instrument. The sponsors reiterated their appreciation for the work done by the Human Rights Committee and the sessional working group on the implementation of the Covenants.

29. The wording of operative paragraph 7, concerning situations of public emergency, carefully reflected that of article 4 of the International Covenant on Civil and Political Rights. And operative paragraphs 9, 11 and 13 reflected the need, mentioned by the Secretary-General when addressing the Commission, to make the provisions of the International Bill of Human Rights more widely known. The sponsors, which had been formed by the delegation of Colombia, hoped that the text would be accepted without a vote, as was customary with draft resolutions on that question.

30. Mr. DHAVERNAS (Canada), introducing draft resolution E/CN.4/1983/L.29/Rev.1, said that the sponsors agreed with the Secretary-General that the question of protecting human rights in cases of state of siege or emergency warranted urgent consideration. Article 4 of the International Covenant on Civil and Political Rights reflected the concern about the danger to human rights inherent in such situations; and many international instruments, as well as a great deal of national legislation, sought to protect those rights. The Special Rapporteur had noted that a number of countries, particularly in Latin America, already went beyond the Covenant in extending the category of "inalienable" rights. The draft resolution expressed appreciation for the Special Rapporteur's study and proposed that it should serve as a basis for a thematic and non-discriminatory study on states of siege and emergency in general, both by the Sub-Commission and by the Commission at its fortieth session. It was hoped that many Governments and organizations would submit their comments on the study with a view to ensuring greater protection of human rights in situations in which those rights were so vulnerable.

31. The draft resolution's original text had been revised in response to requests by certain delegations. In operative paragraph 3 in particular, the words "updated study" were intended to reflect the Special Rapporteur's undertaking to expand the original study in the light of various observations. The sponsors had sought to take into account all the views expressed and hoped that the draft resolution would be adopted by consensus.

32. Mr. TALVITIE (Finland), introducing draft resolution E/CN.4/1983/L.32, said that the Voluntary Fund for Victims of Torture, established by General Assembly resolution 36/151, was intended to provide humanitarian, legal and financial aid to persons whose human rights had been severely violated as a result of torture and to relatives of such victims. The Secretary-General had appointed a Board of Trustees, and the Fund was formally ready for operation. In order to give effective aid, however, it must have the necessary financial resources, through voluntary contributions; so far, only six Member States, including Finland, had made or pledged contributions. The sponsors of the draft resolution therefore, hoped to obtain wider support from Governments, organizations and individuals able to help, in accordance with the request made by the Secretary-General

when he had addressed the Commission. The latter had constantly condemned and rejected the practice of torture, and was preparing a convention on the subject. The sponsors therefore hoped that draft resolution E/CN.4/1983/L.32 would be adopted unanimously.

33. Mr. COLLIARD (France), introducing draft resolution E/CN.4/1983/L.28, said that the Commission, responding to the international community's grave concern about enforced or involuntary disappearances, had in 1980 established a Working Group and renewed its mandate each year, with the General Assembly's approval. The discussion on agenda item 10 (b) had reflected virtually unanimous support for the Working Group's activities and methods of work. The Commission should express its satisfaction to the Working Group accordingly, and renew its mandate and composition for a further year, thus signifying its approval of the approach adopted to questions of enforced or involuntary disappearances. Since the co-operation of Governments was essential for that purpose, a renewed appeal should be made for their full co-operation with the Working Group and the Commission, with a view to maintaining the strictly humanitarian and discreet approach adopted thus far.

34. His delegation hoped that the draft resolution would be adopted without a vote, as in the case of similar texts in the past.

35. Mr. ONKELINX (Observer for Belgium) said that the Commission was well aware of the constant and unswerving respect shown by the Belgian Government and people for human rights. His delegation had closely followed all the Commission's deliberations, and had joined the sponsors of the draft resolution on the right to development. Belgium had acceded to many international and regional human rights instruments, and it had recently signed instruments of ratification of the International Covenant on Civil and Political Rights, making the declaration provided for in article 41 of the Covenant.

36. Viscount COLVILLE OF CULROSS (United Kingdom) said that his delegation had welcomed the consultations concerning draft resolution E/CN.4/1983/L.30 and the resultant balanced text. In particular, the terms of reference for the Secretary-General's study were sufficiently broad to encompass all the various forms in which popular participation could contribute to the exercise of human rights.

37. However, the draft resolution referred to popular participation as a "right". Such participation had never been so defined; General Assembly resolution 37/55 referred to popular participation as "an important factor in development and in the realization of human rights". Popular participation was indeed a basic factor in the exercise of many human rights, but to deem it a right in itself, as the Commission was being asked to do, was a big step. Perhaps the point could be considered when the study requested in the draft resolution was available to the Commission. But to consider whether to designate popular participation as a right at the moment would be premature; certainly, the use of the word "Reiterates" in operative paragraph 2 was inaccurate.

38. He therefore wished to suggest that the sponsors should consider deleting the words "the right to" from operative paragraphs 2 and 3 (i.e. from operative paragraph 1 of the draft resolution to be submitted to the Council). Perhaps the words "the principle of" could be used instead. If the sponsors could not

so agree, his delegation would have to request a separate vote on the words "the right to" wherever they occurred. In any case, his Government might wish to include that point in any response made in accordance with operative paragraph 2 of the draft resolution to be submitted to the Council.

39. Mr. O'DONOVAN (Ireland) said that General Assembly resolution 37/55, which had been adopted without a vote, referred to "the question of popular participation" in its paragraph 5. He therefore shared the United Kingdom representative's difficulty with the words "the right to" and the other textual matters he had raised. In addition, the word "persons" at the end of the fifth preambular paragraph of draft resolution E/CN.4/1983/L.30 should be "person", in conformity with the corresponding text of General Assembly resolution 37/55. He hoped that the sponsors would be able to meet the points he had made.

40. Mr. BOZOVIĆ (Yugoslavia) said he agreed that the word "persons" in the fifth preambular paragraph should be replaced by "person". With regard to the points raised by the United Kingdom delegation, the sponsors had tried their best to accommodate the various views expressed; they had borne in mind the degree of importance attached by some countries, including the United Kingdom and the Federal Republic of Germany, to popular participation in the exercise of the full range of human rights. However, it would be most difficult, at the current stage, to make textual amendments of the sort requested.

41. The CHAIRMAN invited members to explain their vote before the vote on draft resolution E/CN.4/1983/L.30.

42. Mr. BEAULNE (Canada) said that his delegation attached great importance to the notion of popular participation and had already congratulated the Yugoslav delegation on the work it had done on that topic since 1979.

43. With regard to operative paragraph 1 of the draft resolution recommended for submission to the Council, it seemed that the request to the Secretary-General for a comprehensive analytical study duplicated the request already made to him by the General Assembly. However, the Canadian delegation did not oppose draft resolution E/CN.4/1983/L.30, which it hoped would be adopted without a vote.

44. Mr. HUTTON (Australia) said that, in the general debate on item 8, his delegation had indicated its sympathy with the ideas expressed by the Yugoslav delegation. It was, however, troubled by the way in which the phraseology of General Assembly resolution 37/55 had been silently transformed in draft resolution E/CN.4/1983/L.30. Whatever the practice of certain countries might be, a right was still a very special concept. The Commission had been asked by the General Assembly in resolution 37/55 to consider the "question" of popular participation, whereas paragraph 1 of the draft resolution which the Commission would recommend to the Council for adoption referred to a study on the "right" to popular participation. Moreover, in paragraph 2 of draft resolution E/CN.4/1983/L.30, the Commission would "reiterate" that the full exercise of the right to popular participation was an important factor in both the development process and the realization of the full range of human rights. The Commission could not, however, reiterate what it had not yet discussed or reaffirm a right which had not been declared as such by the United Nations. His delegation would have preferred the language of General Assembly resolution 37/55 and would vote accordingly on the various paragraphs of the draft resolution.

45. Mr. BOZOVIĆ (Yugoslavia) said that the sponsors of the draft resolution were willing to replace the word "Reiterates"in operative paragraph 2 by the word "Considers".

46. The CHAIRMAN, in response to the request for a separate vote on operative paragraphs 2 and 3 of draft resolution E/CN.4/1983/L.30, which contained references to the "right to popular participation", invited members to vote on those paragraphs.

47. Paragraphs 2 and 3 were adopted by 27 votes to 3, with 13 abstentions.

48. Draft resolution E/CN.4/1983/L.30 as a whole, as orally amended, was adopted, by 42 votes to 1.

49. The CHAIRMAN announced that China and Colombia had joined the sponsors of draft resolution E/CN.4/1983/L.33. He invited members who wished to do so to explain their vote before the vote on the draft resolution.

50. Mr. BEAULNE (Canada) said that the unwillingness of some of the sponsors of draft resolution E/CN.4/1983/L.33 to introduce greater balance in the references contained in its lengthy preambule left his delegation with feelings of resentment. While several references had been deleted in an effort to reach a compromise, the deletion of a few concepts could not compensate for the failure to include others to which his delegation attached great importance.

51. His delegation had reservations about the seventh preambular paragraph and continued to believe that, before proceeding further with a draft declaration, the Working Group should agree on a clear and precise definition of the right to development. His delegation would, nevertheless, vote in favour of the draft resolution.

52. Mr. THWAITES (Australia) said that, in his delegation's statement under agenda item 8, it had made clear its strong support for the Working Group of Governmental Experts on the Right to Development and the Group's efforts to carry out its difficult mandate. His delegation would, in fact, have liked to co-sponsor the draft resolution and might have been able to do so if, inter alia, a reference had been included in it to General Assembly resolution 37/200, which contained a number of principles and ideas that were highly relevant to the task of the Working Group. It was regrettable that not all the sponsors had been amenable to an amendment which would have taken that resolution into account. Nevertheless, his delegation appreciated the revision of the ninth preambular paragraph by the sponsors and understood the reference to "all other relevant resolutions of the General Assembly" to encompass resolution 37/200. It would, on that understanding, vote in favour of the draft resolution.

53. Mr. TALVITIE (Finland) said that his delegation had consistently supported a conciliatory approach to differences of opinion in international forums. The question of the right to development was complex and the Working Group had so far not been able to agree on a definition of it. Accordingly, any resolution to be adopted on the subject at the current stage should reflect all points of view. Draft resolution E/CN.4/1983/L.33 did not meet the criterion, although a serious attempt had been made to reach a solution agreeable to all. If references to the two relevant resolutions adopted by the General Assembly at its thirty-seventh session had been included in the ninth preambular paragraph, his delegation would have been able to vote in favour of the draft resolution as a whole. Since they had not, his delegation would abstain.

54. The CHAIRMAN announced that the delegations of the Congo, the Philippines and the United Republic of Tanzania had joined the sponsors of the draft resolution.

55. At the request of the representative of Senegal, a vote was taken by roll-call on draft resolution E/CN.4/1983/L.33.

56. Jordan, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Argentina, Australia, Bangladesh, Brazil, Bulgaria, Canada, China Colombia, Costa Rica, Cuba, Cyprus, Fiji, France, Gambia, Germany, Federal Republic of, Ghana, India, Italy, Japan, Jordan, Libyan Arab Jamahiriya, Mexico, Mozambique, Netherlands, Nicaragua, Pakistan, Philippines, Poland, Rwanda, Senegal, Togo, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Yugoslavia, Zaire, Zimbabwe.

Against: None.

Abstaining: Finland, Ireland, United States of America.

57. The draft resolution was adopted by 40 votes to none, with 3 abstentions.

58. The CHAIRMAN invited the Commission to consider draft resolution II recommended by the Sub-Commission on Prevention of Discrimination and Protection of Minorities in its report on its thirty-fifth session (E/CN.4/1983/4)for adoption by the Commission.

59. Mr. CALERO RODRIGUES (Brazil) requested that draft resolution II should be put to the vote.

60. Draft resolution II was adopted by 36 votes to none, with 5 abstentions.

61. The CHAIRMAN invited the Commission to vote on draft resolution E/CN.4/1983/L.27.

62. Draft resolution E/CN.4/1983/L.27 was adopted without a vote.

63. The CHAIRMAN invited members who wished to do so to explain their vote after the vote on the various resolutions adopted under agenda items 8 and 19.

64. Mr. O'DONOVAN (Ireland) recalled that his delegation had supported the General Assembly resolution declaring the right to development a human right on the understanding that that right applied to individuals as well as peoples and referred to civil and political rights as well as economic, social and cultural rights.

65. If draft resolution E/CN.4/1983/L.33 had been merely procedural - commending the Working Group for its report, taking note of its progress to date and renewing its mandate, his delegation would have had no difficulty in supporting it. However, there were several substantive points in the draft resolution which his delegation did not consider to be adequately balanced. Paragraphs 3 and 4, for example, referred to collective economic and social rights but were not accompanied by any reference to the rights of the human person or other important human rights embodied in the International Covenant on Civil and Political rights.

66. His delegation had discussed its concerns with the sponsors and had proposed two amendments. The first had been to add a new preambular paragraph in which the Commission would have expressed the view that respect for human rights was necessary for the development of the human person and that development should include the protection of civil and political rights as well as economic, social and cultural rights. That language was based on a consensus resolution adopted at the Seminar on human rights, peace and development held at United Nations Headquarters in August 1981. The second amendment had been to include in the draft resolution specific references to General Assembly resolutions 37/199 and 37/200. Since only a preambular paragraph would have been required by the first amendment and the second would merely have had the Commission take into account relevant resolutions adopted at the most recent session of the General Assembly, his delegation had been dismayed by the inability of the sponsors to meet its concerns. It had accordingly abstained with regret in the vote. It thanked the delegation of Senegal, in particular, for its efforts to promote wider agreement in the Commission and expressed the hope that the Working Group would complete its work with a balanced definition of the right to development for consideration by the Commission at its next session.

67. Mr. GUTSENKO (Union of Soviet Socialist Republics) said that the main purpose of draft resolution E/CN.4/1983/L.27 was to create favourable conditions for the ratification of the International Covenants on Human Rights by as many countries as possible. His country, for its part, had signed and ratified both those Covenants and took every measure necessary to comply with the obligations laid down therein. The draft resolution, however, contained some provisions which were at odds with its basic purpose. For example, paragraph 5 invited States to consider making the declaration provided for in article 41 of the International Covenant on Civil and Political Rights. The provisions of that article were, however, not binding and not all States accepted them. Such an invitation would create additional difficulties for States which had not yet ratified the Covenant. Accordingly, had a separate vote been taken on paragraph 5, his delegation would have voted against it.

68. With regard to draft resolution E/CN.4/1983/L.30, he emphasized that, in keeping with the laws of his country the right of the masses to participate in public affairs should be interpreted very broadly as referring to the participation of the workers in the government of their State and society. His delegation welcomed the outcome of the vote on the resolution and noted that only one delegation, that of the United States, had voted against recognizing that right, thereby providing an unambiguous answer to the question who opposed democracy based on the participation of the broad masses and who was in favour of totalitarianism.

69. Mr. KONSTANTINOV (Bulgaria) said that the inclusion in paragraph 5 of draft resolution E/CN.4/1983/L.27 of a reference to the declaration provided for under article 41 of the International Covenant on Civil and Political Rights was not likely to promote wider accession to that basic human rights instrument. Accordingly, had that paragraph been put to a vote, his delegation would have opposed it.

70. Viscount COLVILLE OF CULROSS (United Kingdom), referring to draft resolution E/CN.4/1983/L.33, said that his delegation welcomed the revision of the ninth preambular paragraph to include a general reference to General Assembly resolutions other than those originally specified therein. That revision was, however, only partly satisfactory. It would have been better and fairer to identify all relevant General Assembly resolutions, including resolutions 37/199 and 37/200. His delegation regarded the paragraph, as revised, as covering both those resolutions and hoped that the resolution adopted by the Commission on the subject at its next session would refer to them specifically.

71. With regard to draft resolution II recommended by the Sub-Commission, his delegation's vote in favour reflected its sympathy with the motives and concerns underlying the text. His delegation was not certain, however, that the study to be carried out was an appropriate one for the Sub-Commission and whether it would contribute anything useful to the international community's understanding of the issues involved, since they were the subject of a great deal of specialized work in other forums. It was to be hoped that the study would take into account the work done in those forums, including, at the regional level, work under the auspices of the European Community.

72. Mr. CALERO RODRIGUES (Brazil) said that his delegation had abstained in the vote on draft resolution II. Of course, it shared the deep concern expressed in the preambular part about the precarious food situation and its implications for the fundamental right to food. However, his delegation failed to see the usefulness of the proposed study, which would do nothing to alleviate the situation, and felt that the Sub-Commission could find better ways of using its valuable time. Moreover, he failed to understand what was meant by the "normative content of the right to food". He was, therefore, awaiting the study with interest, at least in the hope that it might throw some light on the latter question.

73. Mr. BEHRENDS (Federal Republic of Germany) said that his delegation had voted in favour of draft resolution E/CN.4/1983/L.33 even though it did not meet all of his delegation's concerns. He regretted that it had not been possible for some of the sponsors to accept a specific reference to General Assembly resolution 37/200, which was an important element in any consideration of the scope and content of the right to development. His delegation interpreted the revision proposed by the delegation of Senegal to cover that resolution.

74. His delegation had also voted in favour of draft resolution E/CN.4/1983/L.30, despite its difficulties with paragraphs 2 and 3. The scope and content of popular participation needed to be clearly defined before it could be said to be a right.

75. His delegation had voted in favour of draft resolution II recommended by the Sub-Commission since the right to food was fundamental. It nevertheless had doubts whether the Sub-Commission should undertake the study requested since the subject was dealt with in other forums and the Sub-Commission was already overburdened with work.

76. Mr. SCHIFTER (United States of America) said that his delegation's problem with draft resolution E/CN.4/1983/L.30 was essentially technical. It had time and again reaffirmed its belief that human rights were those set out in the Universal Declaration of Human Rights, the International Covenants on Human Rights and other related international instruments. While those documents enumerated rights which included part of the still undefined notion of popular participation, his delegation held that it could not yet be regarded as a basic human rights concept.

77. The Soviet delegation had once again gone out of its way to distort the meaning of the United States delegation's vote. The persistent baseless and irrelevant attacks by that delegation on the United States were extraordinarily harmful to the work of the Commission.

78. Mrs. OGATA (Japan) said that her delegation had abstained in the vote on draft resolution II. While sympathetic to the concerns which had motivated the sponsors to propose a study, she pointed out that the question was already being dealt with by many other organizations and expressed doubts as to whether the Sub-Commission could make a contribution to the solution of that important problem.

79. Mrs. HERRAN (Colombia) said that her delegation had abstained in the vote on draft resolution II. Although she shared the concern expressed in the preambular part of the draft resolution, she considered that study requested of the Sub-Commission would have no real value and would not contribute to a solution of the problem. FAO already dealt with food questions and the Sub-Commission was certainly not the proper forum for such a study. Her delegation would have preferred to see Mr. Eide's experience put to better use. It nevertheless looked forward to the study in the hope that it might clarify what was meant by the normative content of the right to food.

The meeting rose at 12.25 p.m.