

UNITED NATIONS
ECONOMIC
AND
SOCIAL COUNCIL



Distr.
GENERAL

E/CN.4/1984/SR.51
27 March 1984

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS

Fortieth session

SUMMARY RECORD OF THE 51ST MEETING

Held at the Palais des Nations, Geneva,
on Monday, 12 March 1984, at 3 p.m.

Chairman: Mr. KOOIJMANS (Netherlands)

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The meeting was called to order at 3.25 p.m.

REPORT OF THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES ON ITS THIRTY-SIXTH SESSION (agenda item 19) (continued)
(E/CN.4/1984/L.38-41, L.43, L.51, L.56, L.58, L.62, L.67, L.72/Corr.1, L.73, L.76, L.79; E/CN.4/1984/3, chap. I.A, draft resolutions I-VI and IX-XI, chap. I-B, draft decision I)

1. The CHAIRMAN said that all the draft resolutions under agenda item 19 would first be introduced. Gambia, China, Peru and the Libyan Arab Jamahiriya had joined the sponsors of draft resolution E/CN.4/1984/L.51
2. Ms. PAGE (Canada), introducing draft resolution E/CN.4/1984/L.51, said that the sponsors had submitted the draft resolution bearing in mind the specific proposals relating to human rights made in paragraphs 162-169 of the World Programme of Action concerning Disabled Persons (A/37/351/Add.1, annex, sect.VIII). Paragraph 166 of the World Programme called upon the Commission to give consideration to the particular conditions that might inhibit the ability of disabled persons to exercise the human rights and freedoms recognized as universal to all mankind. Paragraph 168 stated that incidences of gross violations of basic human rights, including torture, could be a cause of mental and physical disability, and suggested that the Commission should consider such violations with a view to taking appropriate ameliorative action.
3. The sponsors recalled resolution 1983/15 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, which lamented the fact that human rights violations continued to be a substantial cause of disability and that disabled persons were frequently subjected to intolerable treatment. The resolution recommended that the Commission should invite Governments to identify human rights problems of disabled persons in their jurisdiction and provide descriptions of the problems, as well as plans to alleviate them, to the Sub-Commission, and that the Commission should request Governments to pay particular attention to means of strengthening procedures whereby disabled persons might address human rights problems in accordance with Sub-Commission resolution 1982/1.
4. Her delegation was introducing the draft resolution because it shared the view of non-governmental organizations that the Commission had a very important part to play in the cohesive action of the United Nations, which had launched the Decade of Disabled Persons (1983-1992) and adopted the World Programme of Action.
5. The draft resolution recognized the concern expressed in Sub-Commission resolution 1983/15. The study envisaged in operative paragraph 4 of the draft resolution might take account of the connection between disability and violations resulting not only from torture and other punishment, but also from traditional practices and lack of preventive action. In the interests of co-ordination and avoiding a fragmented approach, the sponsors considered that the study should be undertaken in consultation with the Centre for Social Development and Humanitarian Affairs, which had been designated as the focal point for monitoring the World Programme of Action.

6. In order to focus attention on the question in the broader context of the concerns of disabled persons, the sponsors commended the activities in question to the Economic and Social Council for adoption, and recommended that a special item on disabled persons should, exceptionally, be placed on the agenda for the Council's first regular session in 1986 in order to permit a full debate of the Special Rapporteur's report, together with the views and recommendations of the Sub-Commission, the Commission on Human Rights and the Commission on Social Development on related issues.
7. The sponsors considered that the Commission should adopt the procedure they had proposed in order to express concern for the human rights of disabled persons and to promote the practical enjoyment by those persons of their rights and fundamental freedoms.
8. The CHAIRMAN said that the financial implications of draft resolution E/CN.4/1984/L.51 were outlined in document E/CN.4/1984/L.67.
9. Mr. KAMPER (Netherlands), introducing draft resolution E/CN.4/1984/L.62, recalled that, at its thirty-seventh session, the Commission had adopted without a vote resolution 40 (XXXVII), in which it had requested the Sub-Commission to study the question of conscientious objection to military service. The Sub-Commission had appointed Mr. Eide and Mr. Mubanga-Chipoya to undertake a study of the question. At its thirty-sixth session, the Sub-Commission had considered their report and decided to transmit it to the Commission, requesting the Commission, firstly, to study the recommendations made in it and to make appropriate recommendations to the Council, and secondly, to recommend to the Council that the report should be printed and given the widest possible distribution.
10. Draft resolution E/CN.4/1984/L.62 was of a procedural nature. Before the Commission took action on the recommendations made in the report referred to in the third preambular paragraph, Governments, intergovernmental organizations and non-governmental organizations should have an opportunity to study it and submit their comments and observations.
11. The draft resolution was meant to facilitate a thorough and substantial debate on the report, together with comments and observations, at the Commission's forty-first session. He hoped the Commission would adopt the draft resolution without a vote, as it had done in the case of its predecessor in 1981.
12. The CHAIRMAN said that the financial implications of draft resolution E/CN.4/1984/L.62 were outlined in document E/CN.4/1984/L.72.
13. Mr. CALERO RODRIGUES (Brazil), introducing draft decision E/CN.4/1984/L.73, said that his delegation and others had already touched upon the subject of the draft decision in earlier discussions. He merely wished to repeat the sponsors wish that, whenever a situation was being considered under the procedure laid down in Council resolution 1503 (XLVIII), the Sub-Commission should refrain from submitting draft resolutions on that situation for adoption by the Commission. His delegation would have liked to go even further and request the Sub-Commission not to approve resolutions of its own on such situations, but the draft decision before the Commission was limited to what was strictly

necessary for the proper implementation of resolution 1503 (XLVIII). There had been problems at the current session regarding two resolutions submitted by the Sub-Commission, relating to situations that were being considered under the 1503 procedure. If the Commission failed to make the proposed request to the Sub-Commission, the latter might feel entitled in 1985 to submit a draft resolution on every situation being considered under that procedure, thus rendering it meaningless.

14. His delegation was not seeking to protect any particular country from being the subject of discussion, but the statement of principle in the draft decision was intended to apply to all countries and all situations. He hoped the Sub-Commission would co-operate in applying that principle.

15. The CHAIRMAN said that draft resolution E/CN.4/1984/L.79 would be introduced jointly by the representatives of Colombia and Mexico.

16. Mr. CHARRY SAMPER (Colombia) said that the small Panamanian island of Contadora had become renowned in international affairs because it had been the venue of an agreement between the representatives of Mexico, Panama, Venezuela and Colombia to accord special treatment to the problems facing the Central American region, whose countries were for many reasons closely linked. In the Contadora spirit, efforts were being made to reduce differences and facilitate peace through mediation and negotiation. The four Presidents who had met at Cancún had adopted an important document defining the objectives of the Contadora Group, and various actions had been taken. The Group had endeavoured to re-establish communication among the Central American countries, received governmental and non-governmental envoys, participated in international forums, and organized meetings of the Ministers for Foreign Affairs of Costa Rica, El Salvador, Guatemala, Honduras and Nicaragua. The five Central American Presidents concerned had given the Group a regional mandate and had endorsed the Cancún document. The OAS had made regional arrangements to ensure that advance treatment, in the General Assembly and the Security Council, of matters concerning certain fundamental principles was properly balanced and equitably applied. The Secretary-General had been requested to maintain contact with the Contadora Group. The problems of the area, which were not only political but also economic and social, had been brought to the attention of the European Economic Community, with a view to securing external financing, which the Community had provided through its Central American fund and from other sources. The Contadora Group, which was endeavouring to tackle the causes of crises in Central America, was committed to certain specific principles. It rejected military intervention by any country. Its members were determined to eliminate the external influences which tended to make Central American problems a source of East-West conflict. They sought to institute a dialogue and to take specific action in order to guarantee peaceful co-existence in the area.

17. It was in the light of those considerations, and taking account of Sub-Commission resolution 1983/8 and General Assembly resolution 38/10, that the Contadora Group had submitted draft resolution E/CN.4/1984/L.79, which he briefly outlined. The Group had submitted the draft resolution in the firm belief that all the various problems in the region were interrelated and required over-all treatment and observance of the principle of non-interference in the internal affairs of States.

18. The President of Colombia had recently stated that the spirit and philosophy of the Contadora Group favoured a political solution and opposed military short-cuts, that it was wrong to place Central American problems in an East-West context, and that the Group therefore supported the ending of the arms race, the prohibition of foreign military bases, and the establishment of democratic, representative and pluralistic systems.

19. Economic backwardness and social injustice were at the root of the problems afflicting Central America, and the crisis in Latin America and the third world as a whole. The Contadora Group desired to eliminate confrontation from the area, to promote a Latin American spirit of co-operation, to reject the arms race, to rid the area of foreign advisers and to put an end to internal tension. Latin America had consistently maintained that economic assistance and technical co-operation should not be tied to political considerations and should preferably be provided through multilateral channels. The Contadora Group was convinced that primary responsibility for tackling the problems of the Central American countries lay with those countries themselves, but the Group was obliged to face up to its obligations to safeguard peace. He commended draft resolution E/CN.4/1984/L.79 to the Commission for adoption.

20. Mr. MONTAÑO (Mexico) recalled that the international community, in General Assembly resolution 38/10, had expressed deep concern at the deterioration in economic, social and political conditions in Central America. Since the adoption of that resolution, the situation in the region had become even more serious: there was a danger that the conflict might spread and pose a serious threat to international peace and security.

21. The Ministers for Foreign Affairs of the Contadora Group had tirelessly pursued their efforts to open a frank and constructive dialogue as the only effective means of settling differences. The Group was convinced that increased interference from outside, and constant acts of aggression against countries in the area, could only threaten international peace and security still further. As indicated in draft resolution E/CN.4/1984/L.79, the Group had received the full support and understanding of the countries most directly concerned. Only with such support could effective efforts to find a solution be pursued.

22. The draft resolution expressed concern at the persistence of tensions and conflict in Central America and at the increase in outside interference, which violated the right of countries to live in peace and to decide their own future. In recent weeks, there had been an increase in frontier incidents, acts of terrorism sabotage and other activities that had had a destabilizing influence on the countries in the area. It was clear that the efforts of those countries to establish or improve democratic, representative and pluralistic systems were being seriously hampered by such acts of aggression from outside the area, acts which the draft resolution repudiated.

23. The sponsors of the draft resolution were confident that delegations would give their full support to the efforts of the Contadora Group, as provided for in operative paragraph 4. In so doing they would register their deep concern at the growing threat to the peace and security of the countries of the region and of the world at large. As was recognized in the draft resolution, the process established by the Contadora Group over the past 14 months provided appropriate machinery for tackling the problems involved.

24. In their efforts to secure a negotiated peace, the Contadora Group had enjoyed the support of the five Central American countries concerned and had shown that apparently insuperable difficulties could be overcome, although a great deal remained to be done in order to achieve specific results. His delegation was confident that the objectives could ultimately be achieved, provided there was a determination to abide by the fundamental principles of non-intervention, self-determination of peoples and territorial integrity.

25. Mr. EKBLÖM (Finland), introducing draft resolution E/CN.4/1984/L.58, said that its main purpose was to reiterate the Commission's support for the further activities of the Sub-Commission's Working Group on Indigenous Populations. The mandate given to the Working Group under Council resolution 1982/34 was twofold: to review developments pertaining to the promotion and protection of the human rights and fundamental freedoms of indigenous populations; and to discuss the evolution of standards concerning the rights of indigenous populations.

26. Several representatives of Governments, indigenous populations, non-governmental organizations and United Nations specialized agencies had participated as observers in the Group's work. It was gratifying to note that all the participants had shown a clear willingness to co-operate constructively in that work. Such participation by observers should be encouraged in the future. His delegation welcomed the Group's plan of action for the continuation of its work, which had been endorsed by the Sub-Commission in resolution 1983/37.

27. Operative paragraph 1 of draft resolution L.58 welcomed the efforts being made by the Working Group to discharge its mandate, and noted the co-operation it had received. Paragraphs 2 and 3 related to the need to disseminate information to indigenous populations and the possible establishment of a voluntary fund to facilitate representation of indigenous populations in the Group's work. His delegation hoped that the Group's efforts to establish a long-term programme of work, referred to in paragraph 4, would enable it to fulfil the second part of its mandate regarding the preparation of standards on the rights of indigenous populations. He trusted that the text would be adopted unanimously.

28. The CHAIRMAN announced that Peru and Honduras had joined the sponsors of draft resolution E/CN.4/1984/L.58.

29. Mr. GEVORGIAN (Union of Soviet Socialist Republics), explaining his delegation's position on draft resolution E/CN.4/1984/L.51, said that although it was not opposed to the text, it was opposed to the conduct of new studies until existing studies had been completed. The administrative and financial implications of the draft resolution (E/CN.4/1984/L.67) were substantial, involving \$41,000 in 1985, of which \$36,000 would be spent on outside expertise. Since staff were already available within the Centre for Human Rights, his delegation saw no need to make use of outside experts. It was on that understanding that his delegation did not oppose draft resolution E/CN.4/1984/L.51 .

30. The CHAIRMAN said that, if there was no objection, he would take it that the Commission wished to adopt draft resolution E/CN.4/1984/L.51 without a vote.

31. It was so decided.

32. Mr. CHARRY SAMPER (Colombia) said that the problem of discrimination against indigenous populations was essentially one of participation. Some of the legislation adopted in Colombia since its independence had proved negative, and the Government was now seeking to buttress the rights of Colombia's indigenous peoples by endeavouring to integrate them without any loss of identity, for the greater enrichment of the national community. The Government sought to respect traditional values, to avoid a paternalistic approach and to foster co-operation between the various elements in the country.

33. The CHAIRMAN said that, if there was no objection, he would take it that the Commission wished to adopt draft resolution E/CN.4/1984/L.58 without a vote.

34. It was so decided.

35. Mr. NYAMEKYE (Deputy Director, Centre for Human Rights) pointed out that the estimated administrative and programme budget implications of draft resolution E/CN.4/1984/L.62, as set out in document E/CN.4/1984/L.72/Corr.1 for 1984, had increased from \$27,700 to \$42,300.

36. The CHAIRMAN said that, if there was no objection, he would take it that the Commission wished to adopt draft resolution E/CN.4/1984/L.62 without a vote.

37. It was so decided.

38. Mr. GEVORGIAN (Union of Soviet Socialist Republics) said that the resolution just adopted had many shortcomings. The procedure it proposed for the preparation and transmission of the report was illogical. His delegation was opposed to the costs which would be incurred and, had there been a vote, it would have voted against the resolution.

39. Mr. BIANCHI (Argentina) said that his delegation had supported the resolution on the understanding that the reference in the fourth preambular paragraph to the need to promote and protect the human rights of conscientious objectors did not imply the promotion of conscientious objection to military service.

40. The CHAIRMAN invited the Commission to consider draft decision E/CN.4/1984/L.73.

41. Mr. ADJOYI (Togo) said that the problem should be seen in its true perspective. At one of its closed meetings, the Commission had decided to defer consideration of a certain draft recommendation submitted to it by the Sub-Commission until it had received a draft resolution on the same matter. There had thus been two drafts relating to the same country, one concerned with the closed procedure and the other with the public procedure. The question which arose was to decide whether one country could be considered under both procedures.

42. The issue was extremely important, and his delegation felt that it would be preferable for the Commission to defer action on draft decision E/CN.4/1984/L.73 in order to allow further time for reflection. In his view, however, consideration of a particular case at a closed meeting did not preclude public consideration of that case, provided the two procedures did not focus on the same aspects. Togo thus wished to propose that the draft decision should be amended to read "... draft resolutions for adoption by the Commission which concern the same aspects of situations ...". If it adopted that amendment, the Commission could then adopt Sub-Commission resolution XIV without the amendments in document E/CN.4/1984/L.69. Alternatively, the Commission could simply defer consideration of the draft decision.

43. Mr. SENE (Senegal) said that the question before the Commission was extremely important, particularly since the procedure permitted rapid assistance for the victims of human rights violations. However, the right of individual petition had been established so recently that excessive zeal should be avoided so as not to prejudice what had already been gained. In addition, other procedures had been established prior to the adoption of resolution 1503 (XLVIII). It was, for example, possible for the Sub-Commission to submit reports to the Commission on information concerning violations originating from any source; and it was clear from Council resolution 1235 (XLII) that requests for assistance other than those contained in communications could be considered.

44. Nevertheless, the 1503 procedure established appropriate machinery for consideration of human rights abuses on the basis of communications. Furthermore, General Assembly resolution 32/130 provided that human rights questions should be examined globally. Yet the Commission was not a court. Human rights questions must be approached with caution, without political overtones.

45. The machinery provided for under resolution 1503 (XLVIII) should make it possible to avoid any duplication, although it had happened that situations had been considered in both closed and public meetings. His delegation thought that the public procedure should be used in extreme cases, given the vital importance of securing government co-operation. Indeed, a positive attitude towards co-operation with the Commission raised the hope of an improvement in the human rights situation in the country in question. Efforts made by Governments in good faith to send representatives to appear before the Commission should not be disregarded, even where government replies were not satisfactory. It should always be recalled that the Commission's goal was to improve human rights in the country in question, and not to divulge information which could be used by the press or certain organizations.

46. Resolution 1503 (XLVIII) stated that the express consent of a State was needed for any investigation to be undertaken by an ad hoc committee appointed by the Commission, while a situation could not be considered if it was already under examination by another regional or international body. Thus, if a State had ratified the International Covenant on Civil and Political Rights, the matter would be dealt with by the Human Rights Committee. Yet even in those circumstances a matter could be brought before the Commission if the Council so decided.

47. Resolution 1503 (XLVIII) also provided that the procedure it established for dealing with communications relating to violations of human rights and fundamental freedoms should be reviewed if any new organ entitled to deal with such communications was established. In fact, such an organ had been set up, namely the Human Rights Committee, but the procedure had not been revised. The 1503 procedure had been established pursuant to an act of the Economic and Social Council, while the procedure provided for in the Human Rights Committee stemmed from an international agreement.

48. Furthermore, under resolution 1503 (XLVIII) individuals, legal entities, groups or non-governmental organizations could bring a situation to the attention of the Commission. In the case of the Human Rights Committee, the victim was the author of the complaint, although he could act through a representative. In

addition, the 1503 procedure concerned all human rights while a situation brought before the Human Rights Committee concerned only civil and political rights. The Commission's procedure covered all Members of the United Nations, while the Human Rights Committee's procedure concerned only the States which had ratified the International Covenant on Civil and Political Rights and its Optional Protocol. Lastly, resolution 1503 (XLVIII) related to situations whereas the Human Rights Committee's procedure concerned only specific violations.

49. The procedure governed by resolution 1503 (XLVIII) was not that of an international investigation or settlement within the meaning of article 5, paragraph 2 (a), of the Optional Protocol, since it concerned the consideration of situations which appeared to reveal a consistent pattern of gross violations of human rights, and those situations could not be regarded as complaints from individuals. In principle, therefore, for the Human Rights Committee the application of the 1503 procedure did not duplicate that of the Optional Protocol. Nevertheless, invoking the provisions of paragraph 6 (b) of resolution 1503 (XLVIII) could paralyse the Commission. But on the basis of paragraph 6 (a) of the resolution, any action taken was subject to the provisions of paragraph 8, which stipulated that all actions envisaged by the Commission should remain confidential until such time as the Commission might decide to make recommendations to the Council. It should be added that the provisions of the Council resolutions relating to the protection of human rights should be applied with due regard for the gravity of the situation and the extent of co-operation furnished by the State concerned.

50. However, a public debate was an extremely serious measure which the Commission had never taken hastily. It was true that the cases under consideration frequently involved human suffering but the Government concerned should be allowed time to reply; if it did not do so in a satisfactory manner, then action should be taken. In his delegation's opinion, under paragraph 8 of resolution 1503 (XLVIII); once a recommendation had been made it would then be possible to have a public debate.

51. His delegation felt that the proposal by Togo to postpone consideration of the draft decision was a wise one.

52. Mr. TOSEVSKI (Yugoslavia) said that his delegation would have difficulty in supporting the draft decision. First of all, the Sub-Commission had always refrained from submitting to the Commission conflicting resolutions concerning situations considered under resolution 1503 (XLVIII). He therefore failed to see why the Commission should now take a specific decision providing for the Sub-Commission to adopt a practice which it had already followed for years.

53. It was well known that under resolution 1503 (XLVIII) the Commission dealt with specific situations of gross violations of human rights. With regard to the case of Paraguay, the Sub-Commission resolution related to a state of emergency. A state of emergency was not, generally speaking, a violation of human rights and no such situation had yet been considered under resolution 1503 (XLVIII). Therefore, the Sub-Commission resolution should not be regarded as creating a conflict with consideration of the situation of Paraguay under the closed-session procedure.

54. In his delegation's opinion, it would be dangerous for the Commission to adopt the approach suggested in the draft decision, which would restrict the Sub-Commission's consideration of human rights violations. His delegation suggested that the sponsors should change the orientation of the draft decision slightly and request the Sub-Commission to study the problem of the possible conflict between resolutions submitted to the Commission under the public procedure and situations considered under resolution 1503 (XLVIII). That would give the Commission more time to examine the matter in depth.

55. Mrs. PURI (India) said that her delegation would like confirmation of its understanding that the draft decision did not preclude discussion by the Sub-Commission of situations that might have been covered under the closed-session procedure. She would also like to be assured that the draft decision would not preclude the adoption of resolutions by the Commission on matters which might have been considered under the procedure provided for in resolution 1503 (XLVIII). In addition, she would welcome confirmation that the draft decision did not preclude discussion in open session of situations covered by the Council resolution. If her delegation's understanding was correct, it believed that, procedurally, the draft decision would streamline the functioning of the Commission and Sub-Commission and would avert duplication.

56. Mr. MAVROMMATIS (Cyprus) said there was no doubt that, as a rule, the Sub-Commission should refrain from submitting resolutions, such as those referred to in the draft decision and the record showed that it was aware of that fact. On the other hand, there could be exceptional cases where, for reasons of gravity and urgency, it might be necessary for the Sub-Commission to submit such a resolution and it would be for the Commission to decide whether or not to act on that resolution. His delegation considered that the Commission would be setting a bad precedent if it imposed a blanket prohibition on a subsidiary organ. It would be doing so without consulting that organ and allowing it to discuss the matter. The best course would be to allow the Sub-Commission to hold such a discussion and to inform it of the virtual consensus in the Commission that, as a rule, the Sub-Commission should refrain from submitting such resolutions. The Commission would then be able to take an appropriate decision at a later session.

57. Mrs. OGATA (Japan) said that, in principle, her delegation was in sympathy with the general thrust of the draft decision. However, it felt that no action should be taken on it at present. There were several questions relating to the draft decision which seemed to require further clarification. For example, what should the Sub-Commission do with regard to situations of utmost concern to the international community that were under consideration by the Commission under resolution 1503 (XLVIII)? If the Sub-Commission refrained from submitting draft resolutions on those situations, that might in itself indicate that those situations were being considered under the closed-session procedure.

58. Another question related to the competence of the Commission to request the Sub-Commission to avoid consideration of certain problems. It would be helpful if more time was given to members to consider that very important problem, and her delegation therefore supported the proposal that action on the draft decision should be deferred.

59. Mr. ADJOYI (Togo) said that when his delegation had proposed adjournment of the debate, it had meant that the Commission should allow itself a few days to consider the question further and then submit a specific draft resolution. However, his delegation would endorse any proposal aimed at postponing consideration of the question until the next session, since quite complex issues were involved.

60. Mr. WHITAKER (United Kingdom) said it was clear that there was still much to discuss. His delegation agreed with the delegation of Yugoslavia that, before the matter was taken up at the next session, it would be useful if the Sub-Commission could give the Commission its views on how to avoid possible conflict and duplication.

61. Mr. GIAMBRUNO (Uruguay) pointed out that the Commission already had before it two draft resolutions from the Sub-Commission that were both inappropriate. The first related to Paraguay and the second to Afghanistan; they went beyond the Sub-Commission's mandate because they touched upon a question which had been considered under resolution 1503 (XLVIII). Since the two draft resolutions were in flagrant violation of the provisions of resolution 1503 (XLVIII), the Commission should decide to take no action on them.

62. Mr. HAYES (Ireland) said it seemed that both the Sub-Commission and the Commission had functions under the procedure provided for in resolution 1503 (XLVIII). The question was whether it was appropriate for both bodies to consider and make proposals about countries in public proceedings when the countries were also under consideration under the 1503 procedure.

63. He agreed with the representative of Senegal that the rather restricted closed-session procedure should not preclude consideration of the situation of any country under the public procedure in cases where that situation might be different from the one being considered under the confidential procedure. At the same time, it was quite clear that the draft decision raised serious and complex questions concerning the relationship between the Commission and the Sub-Commission and means of reconciling the public and confidential procedures. It would be preferable to defer a decision until all members had had time to study all aspects of the matter. He therefore formally proposed that the debate on draft decision E/CN.4/1984/L.73 should be adjourned until the forty-first session of the Commission.

64. Mr. SENE (Senegal) observed that it would be useful if members were provided with information concerning all the cases covered by the draft decision. His delegation agreed that it would be preferable to defer a decision on the matter until the next session.

65. Mr. MASFERRER (Spain) said his delegation believed that procedural matters should not divert the Commission from its main purpose of examining human rights questions. The draft decision seemed to be very useful and should be carefully considered by all delegations. In his opinion, the Commission should defer a decision on it in order to enable members to study the question further.

66. Mr. CALERO RODRIGUES (Brazil) said that his delegation was against the proposal for adjournment of the debate. The intention of the delegations of Brazil and Uruguay in submitting the draft decision was to allow members time to pronounce themselves on the issue facing the Commission. A matter of principle was involved.

If the Commission deferred taking a decision, that would mean that a similar decision would have to be taken with regard to draft resolutions XII and XIV, which also gave rise to doubts concerning the relationship between the confidential procedure provided for in resolution 1503 (XLVIII) and the open-session procedure. The matter was not so simple because the Commission would be faced with the same situation next year.

67. He confirmed that the draft decision would not prevent the Commission from discussing any situation that was being considered under Council resolution 1503 (XLVIII). It would not even prevent the Sub-Commission from adopting a resolution of its own, if it so decided, on a situation that was already under consideration.

68. His delegation was prepared to endorse any decision by the Commission but it reminded members that the draft decision was simple and clear-cut. The points raised by the representative of Senegal would have to be discussed when the Commission considered the possible revision of the procedure provided for in Council resolution 1503 (XLVIII). However, the object of the draft decision was that, while that resolution existed, the Commission should not duplicate resolutions on situations being considered under the closed-session procedure. Nothing would be gained by postponing a decision on the matter.

69. Mr. KLENNER (German Democratic Republic) agreed with the representative of Brazil that the Commission should not postpone consideration of draft decision E/CN.4/1984/L.73.

70. At the request of the representative of Gambia, a vote was taken by roll-call on the Irish delegation's proposal that consideration of draft decision E/CN.4/1984/L.73 should be postponed.

71. The Syrian Arab Republic, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Argentina, Bangladesh, Cameroon, Canada, China, Colombia, Cyprus, Finland, France, Germany, Federal Republic of, Ireland, Italy, Japan, Jordan, Kenya, Mauritania, Mexico, Netherlands, Nicaragua, Pakistan, Rwanda, Senegal, Spain, Syrian Arab Republic, Togo, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Yugoslavia, Zimbabwe.

Against: Brazil, Bulgaria, German Democratic Republic, Libyan Arab Jamahiriya, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Uruguay.

Abstaining: Costa Rica, Cuba, Gambia, India, Mozambique, Philippines

72. The Irish delegation's proposal was adopted by 30 votes to 7, with 6 abstentions.

73. Sir Anthony WILLIAMS (United Kingdom), speaking in explanation of vote, said that his delegation had voted in favour of postponing consideration of draft resolution E/CN.4/1984/L.73. It did not agree with the Uruguayan delegation

that such a decision bore any implications for consideration of the draft resolutions submitted by the Sub-Commission on Paraguay, under agenda item 10, and on Afghanistan, under item 12.

74. Mr. DHAVERNAS (Canada) said that his delegation had been able to agree to postponement, but did not agree that postponement would conflict with any decision taken, under agenda item 10, on Sub-Commission draft resolution XIV, or prevent action by the Commission on Sub-Commission draft resolution XII. He recalled that no decision had been taken in the debate, in closed session, on the situation in Afghanistan.

75. Mr. EKBLOM (Finland) said that his delegation's vote in favour of postponement implied no position on matters of substance.

76. The CHAIRMAN noted that, at the previous meeting, the Commission had decided to postpone action on Sub-Commission draft resolution XIV until it had taken a decision on the text contained in document E/CN.4/1984/L.73. Despite the decision to postpone consideration of that text, he would take it, if there was no objection, that the Commission wished to resume consideration of Sub-Commission draft resolutions XII and XIV during its current session.

77. It was so agreed.

78. The CHAIRMAN invited the Commission to consider draft resolution E/CN.4/1984/L.79.

79. Mr. LOPEZ OLIVER (Observer for Venezuela) said that the world community's experience of the recognition and exercise of human rights seemed to suggest that only the aftermath of large-scale conflicts could produce internationally-accepted instruments such as the Universal Declaration of Human Rights. Sadly, even in the late twentieth century mankind had not everywhere achieved freedom to exercise human rights. More than ever, the world required a synthesis of its communities' moral and spiritual values in order to achieve a climate based on genuine tolerance and co-existence. Failing such a synthesis, human-rights violations would continue, despite the various international measures adopted, including measures by the Commission itself.

80. In the search for such a synthesis, ideological conflict must be avoided. Human rights were really the patrimony of individuals and communities and should not require legal instruments or a state framework for their exercise. In reality, however, formal freedom was required for the exercise of other freedoms. The right to self-determination was fundamental to the enjoyment of other human rights, and was properly in the forefront of the International Covenants. That right governed, inter alia, the rights to freedom of expression and political association and the choice of path to socio-political progress. The assent of the people was the corner-stone of State and government, and was implicit in the Charter's pronouncements on self-determination. Those formerly dependent nations which were now sovereign States were inevitably aware of their citizens' inalienable rights, which included full participation in all decision-making processes and the recognition of moral rules for the relationship between governments and the governed, including the right of the latter to choose the former..

81. The members of the Commission served, in a sense, as judges of the observance of citizens' rights and duties in all States. One part of their task was to counter any tendency to use the concepts of State sovereignty and non-interference for the entrenchment of anti-democratic systems. At the same time, they must

recognize the link between individual and collective aspirations and the importance of measures to establish and promote sound conditions of employment, wealth, health and education, without which civil and political rights would be meaningless.

82. It was important, too, not to overlook the gap between international standards and current realities and the extent to which that gap was caused by the gulf between rich and poor countries, the military, technological and economic dominance of the major Powers, and the various restrictive practices and structural imbalances which were obstructing the developing countries' progress. In that connection, stronger Powers must acknowledge that the right to self-determination could not be invoked as a pretext for intervening in the internal affairs of others.

83. The Charter, the International Covenants on Human Rights and the Declaration on the Granting of Independence to Colonial Countries and Peoples were fully upheld by Venezuela, whose Constitution was based, inter alia, on the principles of co-operation with other nations, mutual respect for sovereignty, the rejection of war and domination, and the peaceful extension of democratic order. His country, together with Colombia, Mexico and Panama, had formed the Contadora Group as a means of promoting the restoration of peace and democracy throughout Central America. Peace in the region could be achieved only on the basis of genuine freedom and co-existence; enforced peace or a mere suspension of conflict would achieve nothing. The problems of Central America could not be solved by any approach based on outmoded relationships, the self-interest of outside forces, negative totalitarianism or disregard of the region's own social, cultural and other features. On that basis, and guided by the principles on which the Contadora Group had been founded, his delegation commended draft resolution E/CN.4/1984/L.79 for adoption.

84. Mr. SOLEY SOLER (Costa Rica) said that, during the Commission's deliberations on agenda item 19, his delegation had expressed concern about the risk of implicitly taking consideration of a regional problem out of the hands of the countries concerned and adversely affecting the good offices exercised by the Contadora Group. It had also expressed the fear that the Sub-Commission might be exceeding its mandate in that respect. However, draft resolution E/CN.4/1984/L.79 struck a satisfactory balance and allayed many of his delegation's concerns. It had been drafted by representatives of the Contadora Group, and fully reflected the spirit of moderation and good will in which the Group had been providing its good offices with a view to establishing a climate of peace and mutual respect among States, based on strict observance of the principles of non-intervention and self-determination.

85. Mindful of those efforts, and in a desire to assist in reducing tension in Central America, his delegation would not pursue its questioning of the Sub-Commission's competence, particularly with regard to draft resolution VI. The text now before the Commission had the virtue of being more closely aligned with the Sub-Commission's mandate; and should help to promote the cause of peace in Central America and halt the deterioration in the human-rights situation there. With regard to the fifth preambular paragraph, the specialized commissions referred to had been composed, pursuant to decisions taken by the Contadora Group, of representatives of Central American Governments, and had been mandated to participate in meetings of the Contadora Group with a view to collaborating in the consideration of designated topics and the preparation of decision-making.

86. His delegation would be pleased to support draft resolution E/CN.4/1984/L.79, and expressed its appreciation for the efforts made by the sponsors. The Cancún Declaration on Peace in Central America had acknowledged the Contadora Group's contribution to reducing the risks of wider confrontation in Central America and identifying the causes of conflicts and fears. His delegation confidently expected the Group to continue its efforts, which were certain to advance the cause of human rights and fundamental freedoms in Central America.

87. Mr. FAJARDO-MALDONADO (Observer for Guatemala) endorsed the observations made by the two previous speakers.

88. Mr. ROMERO (Observer for Honduras) said that his delegation would support draft resolution E/CN.4/1984/L.79, which reflected the type of regional action most conducive to a solution of the problems involved.

89. Mr. LOVO CASTELAR (Observer for El Salvador) said that his delegation, too, would support that draft resolution, which adopted a balanced approach to the region's problems. His delegation also endorsed the tributes paid to the Contadora Group's efforts.

90. Mr. SENE (Senegal) expressed appreciation for the Contadora Group's efforts to seek constructive dialogue with a view to removing the sources of conflict in Central America. It had great faith in the Group's approach, including its commitment to the right of self-determination, détente and the defence of territorial integrity in the region. The Group's work would doubtless be helped by the welcome moves - in some of the region's countries - towards the holding of free elections. His delegation would support draft resolution E/CN.4/1984/L.79.

91. Draft resolution E/CN.4/1984/L.79 was adopted without a vote.

92. Mr. BENDANA (Nicaragua) said that his delegation had associated itself with the consensus on the resolution just adopted. The first preambular paragraph of the text referred to Sub-Commission resolution 1983/8, in which mention had been made, inter alia, of concern at interference in the region by an external Power - which, as was well known, was the United States. The General Assembly, in resolution 38/10, had noted with concern the military presence of countries from outside the region; and more recent events, including the Reagan Administration's increased military aid to counter-revolutionary forces operating against Nicaragua from Honduran territory, made it abundantly clear who was responsible for tension in the region. The Commission, and the world at large, knew who were the aggressors and who were the victims in Central America. The resolution just adopted was important because the Contadora Group's efforts were essential to a peaceful settlement of the region's problems.

93. Mr. SCHIFTER (United States of America), referring to the draft resolutions recommended by the Sub-Commission for adoption (E/CN.4/1984/3, chap. I.A), said that his delegation wished to draw attention to some problems of a fiscal nature. The report of the Sub-Commission on the work of its thirty-sixth session contained an extraordinarily large number of draft resolutions, many of which had significant

financial implications. Like the Japanese delegation, his delegation was concerned about the build-up of projects within the Sub-Commission requiring significant expenditure. It must be recognized that funds were limited and he strongly urged that a more strict order of priorities should be established so that Sub-Commission projects would put less strain on budgeted funds.

94. To underline the seriousness with which his Government viewed the financial implications of certain of the draft resolutions, he intended to request a vote on draft resolutions I, V, XI, and XIII. In the case of draft resolution I, his delegation would strongly prefer that the new study which it proposed should be postponed. Before taking a final decision on the study, the Commission should ensure that action already undertaken on the subject within the United Nations system, in particular by WHO, was made known and analysed in order to ascertain whether the proposed study was really necessary. It should be borne in mind, for example, that a seminar under WHO auspices had been held on the subject in February 1979. His delegation believed that there was no point in printing large numbers of copies of reports whose usefulness was questionable.

95. Mr. SENE (Senegal) said that the study referred to in draft resolution I should be undertaken by an interdisciplinary body, including the two experts appointed by the Sub-Commission, in view of its complexity and cultural, psychological and historical aspects. WHO, UNESCO and UNICEF all had a contribution to make to any study of traditional practices affecting the health of women and children. His delegation therefore proposed that the three operative paragraphs of draft resolution I should be replaced by the following text:

"1. Requests the Secretary-General to entrust a working group composed of experts appointed by the Sub-Commission, WHO, UNESCO and UNICEF with the task of carrying out an over-all study of the phenomenon of traditional practices affecting the health of women and children;

"2. Requests the Secretary-General to give the working group all necessary assistance in carrying out the study;

"3. Calls upon all interested non-governmental organizations to co-operate in the study."

96. Mr. BYKOV (Union of Soviet Socialist Republics), referring to the draft resolutions recommended by the Sub-Commission in general, said that many delegations had quite rightly drawn attention to the consequences that would stem from a proliferation of requests for studies, particularly since the General Assembly had frequently drawn attention to the need to keep within the budgetary framework. He therefore requested that there should be a vote on draft resolution IV, as it concerned a study for which there was no urgent need.

97. Mr. SCHIFTER (United States of America) said that, should the amendment proposed by the representative of Senegal be adopted, he would withdraw his request for a vote on draft resolution I.

98. Mr. BYKOV (Union of Soviet Socialist Republics) asked for information on any financial implications of the proposed Senegal amendment to draft resolution I.

99. Mr. HERNDL (Assistant Secretary-General for Human Rights), replying to the Soviet representative, said that financial implications were likely to be higher than originally calculated if a working group composed of at least five members carry out the task which the Sub-Commission had envisaged being undertaken by two of its members. There might also be one or more meetings of the working group requiring meeting services. It seemed quite clear that the cost would not in any event be less than the sum mentioned in document E/CN.4/1984/L.38. The secretariat would immediately look into the matter in order to provide more detailed figures.

100. The CHAIRMAN said that, if there was no objection, he would take it that the Commission wished to postpone any decision on draft resolution I and amendments thereto in order to allow an accurate calculation of financial implications to be made.

101. It was so agreed.

102. Mr. DHAVERNAS (Canada), commenting on draft resolution II recommended by the Sub-Commission, said that the question of child labour had been included in the report of the Director-General of ILO at the sixty-ninth session of the International Labour Conference in 1983. The Conference had adopted a convention and recommendations on the minimum working age of children in 1973 and, in 1979, it had issued a declaration of principles in the form of a resolution advocating the gradual elimination of child labour. If action within the framework of the Commission was believed to be necessary, he would propose the following amendment to draft resolution II: after "Requests the Secretary-General to organize" the words "in close co-operation with the International Labour Organisation" should be inserted.

103. Mr. NYAMEKYE (Deputy Director, Centre for Human Rights), referring to document E/CN.4/1984/L.39 relating to the financial implications of draft resolution II, said that, if the seminar referred to in the draft resolution was to be held in Geneva, the figures would have to be revised accordingly. Thus on page 2 of document L.39 the item "Travel and subsistence for 1 representative of the Secretary-General, 2 substantive officers and 2 secretaries", amounting to \$14,500, should be deleted, as should the item "General operating expenses", amounting to \$4,000. That would mean that there would be a reduction of \$18,500 and that the total financial implications would be \$104,300, not \$122,800.

104. The CHAIRMAN said that, if there was no objection, he would take it that the Commission wished to adopt the amendment to draft resolution II proposed by Canada.

105. It was so decided.

106. The CHAIRMAN said that, if there was no objection, he would take it that the Commission wished to adopt draft resolution II, as amended.

107. It was so decided.

108. The CHAIRMAN said that, if there was no objection, he would take it that the Commission wished to adopt draft resolution III as recommended by the Sub-Commission.

109. It was so decided.

110. Mr. DHAVERNAS (Canada), referring to draft resolution IV, said that, although his delegation was in favour of the draft resolution as a whole, it contained one section which was incompatible with his country's immigration laws. For that reason he requested a separate vote on the following words in operative paragraph 1: "and to have the possibility to enter other countries, without discrimination or hindrance, especially of the right to employment, taking into account the need to avoid the phenomenon of the brain drain from developing countries and the question of recompensing those countries for the loss incurred".

111. Mr. BYKOV (Union of Soviet Socialist Republics), speaking in explanation of his delegation's vote on draft resolution IV, said that in the course of the discussion on agenda item 19 many representatives had referred to the overloaded agenda of the Sub-Commission. Although the Sub-Commission had not yet finished a number of studies, it was now calling for new studies. Draft resolution IV called for a further study on the right of everyone to leave any country - a subject which had already been dealt with by Mr. Ingles. It should also be borne in mind that the subject was already covered by article 12 of the International Covenant on Civil and Political Rights, which enabled the Committee on Human Rights to deal with relevant matters. For those reasons and in view of the financial implications, his delegation was unable to support draft resolution IV.

112. The CHAIRMAN invited the Commission to vote on the Canadian delegation's amendment to operative paragraph 1 of draft resolution IV.

113. The Canadian delegation's amendment was rejected by 27 votes to 4 with 9 abstentions.

114. Draft resolution IV was adopted by 34 votes to none, with 8 abstentions.

115. Draft resolution V was adopted by 42 votes to 1.

116. Mrs. OGATA (Japan), speaking in explanation of vote, said that her delegation had supported draft resolution V because it had no intention of opposing any studies already under way. However, it had already pointed to the need for a general publication policy and urged the Sub-Commission to examine the matter of programming in relation to the publication of studies by members, in the interests of keeping the publication programme within recognized financial limits in the future.

117. Mr. MONTANO (Mexico) said that in view of the fact that the Commission had adopted the draft resolution contained in document E/CN.4/1984/L.79, and following an exchange of views with the delegations of Nicaragua and Costa Rica, his delegation requested application of rule 65 (2) of the rules of procedure in connection with draft resolution VI and the amendments thereto (E/CN.4/1984/L.76).

118. Concerning the situation in Central America, an essential part of any solution was the collaboration of the countries directly involved. His delegation therefore wished to draw attention to the good faith displayed by Nicaragua and Costa Rica, and hoped that a similar attitude would be adopted by interests outside the region which had been trying to bring about a further deterioration of the situation. That deterioration was a source of deep concern to his Government, as it must also be to the Commission.

119. Mr. CHARRY SAMPER (Colombia) said that his delegation supported the proposal by the Mexican delegation that no decision should be taken on draft resolution VI or the amendment thereto. The draft resolution proposed by the Contadora Group (E/CN.4/1984/L.79) tackled both the overall problem and the different situations within the region. His delegation expressed appreciation to the delegations of Costa Rica and Nicaragua for adopting an attitude which contributed towards relieving tension in international and regional forums.

120. Mrs. NASCIMBENE DE DUMONT (Argentina) said that the Contadora Group had submitted an outline of a programme of peace for Central America which fully recognized the right of peoples to self-determination. That considerable diplomatic effort deserved strong support from the international community. The President of her country, during his electoral campaign, had already expressed his full support for those efforts, which he believed constituted rational steps towards a solution of the crisis in Central America. For that reason the Contadora Group should also be given full support by the Commission. Her delegation had supported draft resolution E/CN.4/1984/L.79, which comprises all the necessary main elements, including rejection of any act of aggression against the sovereignty or territorial integrity of the States in the region, and reaffirmation of the rights to live in peace and to self-determination. Since the same concerns underlay draft resolution VI and the amendments thereto (E/CN.4/1984/L.76), her delegation agreed that the Commission should take no action on the draft resolution or amendments, in accordance with rule 65 (2) of the rules of procedure.

121. Mr. BEAULNE (Canada) said that, like the three previous speakers, he was of the opinion that the adoption of draft resolution E/CN.4/1984/L.79 had supplanted draft resolution VI and the amendments proposed by Costa Rica. He therefore agreed that no decision should be taken on those texts.

122. The CHAIRMAN said that, if there was no objection, he would take it that, in accordance with rule 65 (2) of the rules of procedure, the Commission wished to take no decision on draft resolution VI.

123. It was so agreed.

124. The CHAIRMAN said that, if there was no objection, he would take it that the Commission wished to adopt draft resolution IX without a vote.

125. It was so decided.

126. Mrs. NASCIMBENE DE DUMONT (Argentina) said that if draft resolution IX had been put to the vote, her delegation would have had to abstain. It did not believe that the Commission had adequate information to be able to focus on the problem of the use of children in war by just one of the two countries which had been engaged for several years in a deplorable conflict. Her country maintained normal relations with both of the countries concerned. Argentina was firmly opposed to children being used as combatants; that position of principle, however, applied not to a single country but to all countries. For that reason, her delegation would have preferred more general wording in the draft resolution inviting all States not to make use of children in war.

127. Mr. KARIM (Bangladesh) said that his delegation would have abstained if there had been a vote on draft resolution IX.
128. Mr. SENE (Senegal) said that, for the reasons given by a previous speaker, his delegation would have abstained had there been a vote on draft resolution IX.
129. Mr. HILALY (Pakistan) and Mr. LI Dacyu (China) said that, had there been a vote on draft resolution IX, their delegations would have abstained.
130. Mr. EL KASMI (Libyan Arab Jamahiriya) said that his delegation would have abstained if draft resolution IX had been put to the vote, since the Commission did not have the necessary information as to whether the Islamic Republic of Iran had used children in armed conflict.
131. Mrs. PURI (India) associated herself with the Argentine representative's doubts regarding the wording of draft resolution IX. If there had been a vote, her delegation would have also abstained.
132. Mr. BENDANA (Nicaragua) said that he shared the views of the previous speakers; Nicaragua would also have abstained on draft resolution IX.
133. Mr. SEKULE (United Republic of Tanzania) said that, for the reasons already stated by other delegations, his delegation would have abstained had there been a vote on draft resolution IX. The Commission did not seem to have sufficient data to confirm the accuracy of the statements made in that draft resolution.
134. The CHAIRMAN invited the Commission to consider draft resolution X as recommended by the Sub-Commission.
135. Mrs. PURI (India) proposed the deletion of operative paragraph 10, which requested the Secretary-General to submit to the Working Group on Slavery, at each of its sessions, a report containing a résumé of relevant information collected between the sessions of the Group. That wording was imprecise and, if the paragraph was to be retained in any form, some clarity would have to be introduced in order to specify what kind of information was intended: press clippings, or information from non-governmental organizations, specialized agencies or Governments. As operative paragraph 10 was phrased at present, however, her delegation preferred that it should be deleted. The Secretary-General should not have any difficulty in determining the information he was supposed to collect.
136. Mr. CHARRY SAMPER (Colombia) supported the Indian representative's proposal, which seemed to him logical and reasonable.
137. The CHAIRMAN noted that no request had been made for a vote on the proposal by India to delete operative paragraph 10. He therefore took it that the Commission wished to adopt that proposal without a vote.
138. It was so decided.

139. Mr. SCHIFTER (United States of America) requested a separate vote on operative paragraph 1 of draft resolution X.

140. At the request of the representative of Cuba, the vote was taken by roll-call.

141. Cuba, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Argentina, Bangladesh, Brazil, Bulgaria, Cameroon, China, Colombia, Cuba, Cyprus, Gambia, German Democratic Republic, India, Jordan, Kenya, Libyan Arab Jamahiriya, Mauritania, Mexico, Mozambique, Nicaragua, Pakistan, Philippines, Rwanda, Senegal, Syrian Arab Republic, Togo, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Tanzania, Uruguay, Yugoslavia, Zimbabwe.

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

Abstaining: Costa Rica, Finland, Ireland, Japan, Netherlands.

142. Operative paragraph 1 of draft resolution X was adopted by 31 votes to 7, with 5 abstentions.

143. The CHAIRMAN invited the Commission to vote on draft resolution X, as amended by the deletion of operative paragraph 10.

144. At the request of the representative of Zimbabwe, the vote was taken by roll-call.

145. The United States of America, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Argentina, Bangladesh, Brazil, Bulgaria, Cameroon, China, Colombia, Costa Rica, Cuba, Cyprus, Finland, Gambia, German Democratic Republic, Ireland, India, Jordan, Kenya, Libyan Arab Jamahiriya, Mauritania, Mexico, Mozambique, Netherlands, Nicaragua, Pakistan, Philippines, Rwanda, Senegal, Syrian Arab Republic, Togo, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Tanzania, Uruguay, Yugoslavia, Zimbabwe.

Against: None.

Abstaining: Canada, France, Germany, Federal Republic of, Italy, Japan, Spain, United Kingdom of Great Britain and Northern Ireland, United States of America.

146. Draft resolution X, as amended, was adopted by 35 votes to none, with 8 abstentions.

147. Mr. MASFERRER (Spain), speaking in explanation of vote, said that his delegation could not endorse the wording of paragraph 1, which equated two completely different concepts. It considered the policy of apartheid as totally

repugnant, constituting a very grave violation of human rights. Slavery, on the other hand, implied a relationship of enforced servitude and could not be equated with apartheid. The confusion thus perpetrated in paragraph 1 could not but detract from the efficiency of the Commission's work. The decision to retain paragraph 1 had compelled his delegation to abstain in the vote on draft resolution X as a whole.

148. Mr. HAYES (Ireland), speaking in explanation of vote, said that his delegation had abstained in the vote on paragraph 1 and on draft resolution X as a whole because it did not deem it appropriate to equate apartheid with slavery.

149. The CHAIRMAN invited the Commission to vote on draft resolution XI as recommended by the Sub-Commission.

150. Draft resolution XI was adopted without a vote.

151. The CHAIRMAN invited the Commission to vote on draft decision I as recommended by the Sub-Commission (E/CN.4/1984/3, chap. I.B). The financial implications were outlined in document E/CN.4/1984/L.56. In the absence of a request for a vote, he would take it that the Commission wished to adopt draft decision I.

152. It was so decided.

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 21) (continued) (E/CN.4/1984/L.29, L.30/Rev.1, L.64, L.65 and L.70).

153. The CHAIRMAN invited the Commission to consider the draft resolutions submitted under agenda item 21. The draft resolution contained in document E/CN.4/1984/L.29 had been withdrawn by its sponsor, the United States of America. The Commission would therefore not consider the proposed amendments to that draft resolution (E/CN.4/1984/L.64, L.65 and L.70). The Commission accordingly had before it only draft resolution E/CN.4/1984/L.30/Rev.1.

154. Mr. KHMEL (Ukrainian Soviet Socialist Republic), introducing draft resolution E/CN.4/1984/L.30/Rev.1 on behalf of the 16 sponsors, said that the text was a synthesis of document L.30 containing the draft resolution originally submitted by the same sponsors and document L.71 containing amendments thereto submitted by the delegations of the Netherlands and the United Kingdom. As a result of consultations which, he was glad to report, had taken place in a spirit of tolerance and constructive co-operation, the sponsors of the draft resolution and of the amendments had succeeded in producing the combined text now before the Commission. It should be noted that operative paragraphs 4 and 8 of the draft resolution should include a reference to operative paragraph 2 as well as to operative paragraph 1; the last part of paragraphs 4 and 8 should therefore read: "... including those described in paragraphs 1 and 2 above".

155. The preamble to the draft resolution referred to a number of General Assembly and Commission resolutions, a resolution adopted by the General Conference of UNESCO and various normative documents of the United Nations. The vital importance of those documents to the cause of human rights and, in particular, to that aspect of human rights which formed the subject of the draft resolution needed little emphasis. References to the events of the Second World War were confined to the first few paragraphs of the preamble; important though it was that the history of the Second World War should not be forgotten, much the greater part of the text was concerned not with the past but with burning issues of the present and the future.

156. The new elements of the text were: the reference to the UNESCO resolution and decision in the eleventh preambular paragraph and operative paragraph 13; operative paragraph 9 welcoming General Assembly decision 38/455; operative paragraph 11 which, by analogy with UNESCO resolution 19, called upon all States to commemorate the victory of the freedom-loving peoples in the Second World War and to give expression to the respect felt today for the veterans who had been the architects of that victory; operative paragraph 12, included at the behest of the Netherlands and United Kingdom delegations, invited all States to renew their efforts to counter the spread of totalitarian ideologies and practices and thereby to help to maintain international peace and avoid future conflict; operative paragraph 14 recommending to the Economic and Social Council that it request the General Assembly to hold a special commemorative meeting to celebrate the fortieth anniversary of the conclusion of the Second World War and the founding of the United Nations; and operative paragraph 15, also included at the suggestion of the Netherlands and United Kingdom delegations, further recommending to the Council that it request the General Assembly to hold a discussion designed to consider ways and means of taking effective measures in order to avoid the spread of all forms of totalitarian ideologies or practices in the contemporary world.

157. In view of the acutely sensitive nature of the subject dealt with in the draft resolution and of the different interpretations existing in respect of that subject, the sponsors had taken a great deal of trouble to ensure that the text should correctly reflect not only their own views but also those of other interested delegations, especially those which had submitted amendments. In conclusion, he expressed the hope that, as on similar occasions in the past, the draft resolution would be adopted without a vote.

158. Mr. DICHEV (Bulgaria), speaking as a sponsor of draft resolution L.30/Rev.1, drew particular attention to its operative paragraph 11, the first in resolutions of that kind to refer expressly to veterans of the Second World War. In recommending the draft to the Commission, he paid a tribute to four representatives attending the present session of the Commission whom he knew to be Second World War veterans, namely, Mr. Beaulne of Canada, Mr. Bykov and Mr. Linkov of the Soviet Union, and Mr. Khmel of the Ukrainian SSR. Like the previous speaker, he expressed the hope that the draft resolution would be adopted by consensus.

159. Mr. CHARRY SAMPER (Colombia) said that his delegation did not wish to delay the adoption by consensus of draft resolution E/CN.4/1984/L.30/Rev.1 but felt obliged to point out that it had not received the text in its working language.

160. The CHAIRMAN expressed regret at the fact that the Spanish version of the draft resolution had not yet been circulated and thanked the Spanish-speaking delegations for their understanding. In the absence of a request for a vote he would take it that the Commission wished to adopt draft resolution E/CN.4/1984/L.30/Rev.1.

161. It was so decided.

162. Mr. SCHIFTER (United States of America) said that his delegation also counted among its members a few remaining veterans of the Second World War, including himself.

163. Referring to the resolution just adopted, he said that, in order to simplify the work of the Commission, his delegation had withdrawn its draft resolution (E/CN.4/1984/L.29) and had not asked for a vote on draft resolution E/CN.4/1984/L.30/Rev.1. If, however, there had been a vote on that draft resolution, his delegation would have voted against it. The explanation was similar to that given by his delegation at the three previous sessions of the Commission when similar draft resolutions had been submitted. The position of his delegation had then been made very clear and, in view of the lateness of the hour, he would refrain from repeating it.

164. Mr. COLLIARD (France) said that there were two veterans of the Second World War in the French delegation as well.

HUMAN RIGHTS AND SCIENTIFIC AND TECHNOLOGICAL DEVELOPMENTS (agenda item 15) (continued)
(E/CN.4/1984/3, chap. I.A, draft resolution XVII)

165. The CHAIRMAN invited the Commission to vote on draft resolution XVII as recommended by the Sub-Commission. In connection with the problem of its financial implications, he recalled the ingenious proposal made by the delegation of Brazil when draft resolution XVII had been discussed earlier. That delegation had proposed an amendment to foot-note 31 which would replace the word "Ibid." - and hence the implied reference to document E/CN.4/Sub.2/1983/17 and Add.1 - by the words "E/CN.4/Sub.2/1983/17". The adoption of that amendment would mean that the Special Rapporteur's study (E/CN.4/Sub.2/1983/17) would be distributed without its annexes (E/CN.4/Sub.2/1983/17/Add.1). As far as the financial implications were concerned, he had been informed that they would amount to \$147,400 under the original draft resolution, and only \$37,400 in accordance with the Brazilian amendment.

166. Mr. BYKOV (Union of Soviet Socialist Republics) recalled that the General Assembly had adopted the United Nations biennial budget in 1983. The adoption at the present session of many resolutions originating in the Sub-Commission was creating difficulties, because it was not clear how the proposed new programmes were to be financed. His delegation felt that, although the financial implications of draft resolution XVII would be substantially cut by the Brazilian amendment, the expenditure involved remained very substantial. That expenditure was unjustified, in his delegation's view, particularly since the United Nations budget was already overburdened.

167. The proposed study contained elements extraneous to the subject with which it dealt. Among other things it included medical data which could be understood only by specialists. In the circumstances it was difficult to judge whether the publication and distribution of the study, as proposed in the draft resolution, were justified. Possibly some aspects of the study were more suitable for consideration by other organizations, in particular WHO. Furthermore, some of the views expressed

in the study appeared to his delegation to be insufficiently supported. Lastly, in accordance with earlier decisions of the Commission, work was still proceeding in the Sub-Commission on the formulation of appropriate principles in the field under consideration. It would therefore be logical to await the completion of that work and to take a decision at that time on the publication of the study. The Commission would thus be acting in conformity with its own precedents.

168. For those reasons, his delegation could not support draft resolution XVII and requested a vote thereon.

169. Sir Anthony WILLIAMS (United Kingdom) recalled that the question was one which in the past had been the subject of consensus. He therefore suggested that the vote should be postponed in order to see if the principle of consensus could be preserved.

170. The CHAIRMAN said that, if there was no objection, he would take it that the Commission wished to adopt the suggestion that consideration of draft resolution XVII and the Brazilian amendment thereto should be postponed, in order to ascertain whether a consensus could be achieved.

171. It was so decided.

The meeting rose at 8.05 p.m.