



UN/AS-3/CONF.1

SUMMARY RECORD OF THE 61st MEETING

Chairman: Mr. CALERO RODRIGUES (Brazil)

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Distr. GENERAL
A/C.3/37/SR.61
10 December 1982

ORIGINAL: ENGLISH

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The meeting was called to order at 3.15 p.m.

AGENDA ITEM 94: ALTERNATIVE APPROACHES AND WAYS AND MEANS WITHIN THE UNITED NATIONS SYSTEM FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS (continued) (A/C.3/37/L.31/Rev.1, L.41)

1. The CHAIRMAN invited delegations to explain their votes on draft resolutions A/C.3/37/L.31/Rev.1 and A/C.3/37/L.41.
2. Mr. TOPÇUOĞLU (Turkey) said that his delegation would have preferred a single draft resolution which would have brought together the elements widely accepted in both draft resolutions. It had voted for draft resolution A/C.3/37/L.41 because the necessary balance between civil and political rights and economic and social rights, on the one hand, and between individual rights and collective rights, on the other, had been well maintained in the draft.
3. Although draft resolution A/C.3/37/L.31/Rev.1 contained many elements to which his delegation subscribed, it was not as balanced as it should be and contained certain concepts that were not sufficiently clear or precisely formulated. In particular, the draft should have reflected more clearly the basic concept of the classical theory of human rights, according to which those inalienable rights were inherent in human nature and existed independently of all other factors. While fundamental human rights could be greatly facilitated through economic well-being and social justice, those factors were neither the decisive cause nor the sine qua non condition of the existence of and respect for human rights. Social and economic rights, whose importance must be recognized, were complementary to the exercise of the fundamental rights. That idea was not adequately expressed in draft resolution A/C.3/37/L.31/Rev.1.
4. Mr. BELL (Canada) said that his delegation had abstained on draft resolution A/C.3/37/L.31/Rev.1 and had voted in favour of draft resolution A/C.3/37/L.41. If only one substantive resolution was to be adopted, it should focus on the improvement of economic, social and cultural rights as well as civil and political rights. Canada was in favour of the international covenants on both types of rights, which it considered to be inseparable. Since draft resolution A/C.3/37/L.31/Rev.1 asserted only one set of rights and neglected the other, Canada could not support it. Moreover, in the tenth preambular paragraph and paragraph 7, the draft referred to the right to development. Since the Working Group of the Commission on Human Rights was in the process of defining the scope and content of the right to development, it was difficult to accept its existence and its inalienability. Moreover, the right to development would have to apply to individuals as well as to peoples, a point which was ambiguous in the draft resolution. He expressed disappointment that a balanced resolution had not been put forward and adopted by consensus. His delegation had supported draft resolution A/C.3/37/L.41, in which an attempt had been made to reflect broader views with regard to the question of human rights.

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5. Mr. SOERIAATMADJA (Indonesia) said that his delegation had abstained from voting on draft resolution A/C.3/37/L.41. Although he could agree with the general thrust of the draft resolution, he had difficulties with some paragraphs, in particular paragraphs 2, 11, and 12 and had expressed his position in the separate votes on those paragraphs.

6. Ms. GAUCH (Brazil) said that her delegation agreed with the main thrust of draft resolution A/C.3/37/L.31/Rev.1 and had voted in favour of it. Nevertheless, it was the understanding of her delegation that the provisions contained in paragraph 2 did not interfere with the prerogatives of any sovereign State concerning accession to or ratification of any international instruments.

7. Mr. JOHNSON (United States of America) said that his delegation had voted against draft resolution A/C.3/37/L.31/Rev.1 for both substantive and procedural reasons. Substantively, the draft was unacceptable because it had attempted to shift the attention and the priorities of the Third Committee and the Commission on Human Rights away from individual human rights to what were described as so-called "collective human rights". The United States viewed the "right to development" as the individual human right of personal development. It was questionable whether the "right to development", which had yet to be defined by any international body, could be characterized as "an inalienable human right". His delegation also rejected the effort in that draft resolution to establish prerequisites to the enjoyment of human rights and fundamental freedoms.

8. Specifically, his delegation could not accept the reference in paragraph 1 to General Assembly resolution 32/130, which his delegation had never accepted. Nor could it accept the implication in paragraph 3 that priority should be given to the violations of human rights mentioned in paragraph 1 (e) of General Assembly resolution 32/130, which omitted important instances of gross violations of human rights. His delegation was also unable to accept paragraphs 5, 8, 11 and 12, for the reasons he had stated and because of their unclear language.

9. Furthermore, his delegation believed that the draft resolution was procedurally inappropriate. Reference to the "right to development" was totally inconsistent with the mandate given to the Working Group of Government Experts by the Commission on Human Rights, pursuant to resolution 36 (XXXVII). Since the scope and content of that so-called right were still undecided, his delegation could not support provisions in a draft resolution which assumed that the right existed and that its content was clear and accepted. A substantive draft resolution such as A/C.3/37/L.31/Rev.1 was premature, since it was an attempt to influence and prejudice the work of the Working Group.

10. His delegation had been glad to vote in favour of draft resolution A/C.3/37/L.41 which represented a far more constructive approach to a genuine improvement of the effective enjoyment of human rights and fundamental freedoms than draft resolution A/C.3/37/L.31/Rev.1. Since a statement of financial implications had not been submitted to the Committee in connection with that resolution, his delegation assumed that there were no such implications.

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11. Mr. MASSMANN (Federal Republic of Germany) welcomed the fact that the United Nations had repeatedly stressed the importance of human rights. There was no doubt that the success of development efforts depended on the enjoyment of civil and political rights as well as of economic, social and cultural rights by all members of a society. He also welcomed the efforts to arrive at an exact definition of the scope and content of the right to development and supported the decision that the Working Group of the Commission on Human Rights should continue its work towards that goal. Unfortunately, draft resolution A/C.3/37/L.31/Rev.1, in declaring in the tenth preambular paragraph that the right to development was an inalienable human right, had largely prejudged the conclusion of the Working Group's deliberations.

12. His delegation could not accept making the establishment of certain conditions a prerequisite for the realization of human rights and fundamental freedoms, as indicated in the eighth preambular paragraph of the draft resolution. It was regrettable that the sponsors of the draft resolution had not been able to elaborate a draft on the basis of generally respected principles, which would have made it possible to arrive at a consensus. His delegation had therefore abstained on draft resolution A/C.3/37/L.31/Rev.1.

13. Mr. ALMOSLECHNER (Austria) said that the most important document on alternative approaches and ways and means for improving the effective enjoyment of human rights and fundamental freedoms remained General Assembly resolution 32/130, on the basis of which a comprehensive framework should be developed for the implementation both of civil and political rights and of economic, social and cultural rights. His delegation believed that all human rights were indivisible and interdependent and should be respected everywhere without qualifications or conditions. The protection of individual rights, including the basic right to life, was a serious concern in his country. On the other hand, the right to development was still being studied by a Working Group of the Commission on Human Rights; for that reason and the reasons he had stated earlier, his delegation had abstained on draft resolution A/C.3/37/L.31/Rev.1 but had voted in favour of draft resolution A/C.3/37/L.41.

14. Mr. DERESSA (Ethiopia) said that his delegation found no difficulty with the major ideas and principles embodied in draft resolution A/C.3/37/L.41. It would therefore have liked to cast an affirmative vote on that text. However, it felt compelled to raise the philosophical question whether a common denominator to the respective perceptions, needs and aspirations of various nations could be found or whether differences among them would continue to widen; in its view, the negotiations and consultations on draft resolution A/C.3/37/L.41 had not been conducted in a spirit that would encourage mutual confidence and co-operation. The approach to the adoption of the draft resolution had been based on a misunderstanding, and the entire process of negotiations had been misleading.

15. Apart from the disturbing question of good faith, consultations had indicated that it would be difficult in the future to reach understanding through negotiations unless some of the terms and concepts used in the Organization were redefined. It was also disturbing that delegations which had accepted General Assembly resolution 36/133 in 1981 had felt a need to reverse their position.

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(Mr. Deressa, Ethiopia)

16. In view of those broad considerations, the troublesome procedures followed in the adoption of draft resolution A/C.3/37/L.41 and the specific formulation of some of its paragraphs, his delegation had felt obliged to vote against the text.

17. Mr. FURSLAND (United Kingdom) said that his delegation had abstained on draft resolution A/C.3/37/L.31/Rev.1 and had voted in favour of draft resolution A/C.3/37/L.41 because it shared the views so eloquently expressed by the representative of Canada.

18. Mrs. MASMOUDI (Tunisia) said that, although her delegation would have preferred being able to vote on a single resolution, it had voted for both, since they both contained very interesting and complementary ideas. It was obvious that the right to development of individuals was hampered in countries where material insecurity and underdevelopment and political instability prevailed, even when the State concerned was endeavouring to promote human rights. Her delegation therefore hoped that the discussion of the right to development would be pursued in all United Nations bodies.

19. Mr. MITREV (Bulgaria) said that his delegation had voted against draft resolution A/C.3/37/L.41 and against each of those paragraphs on which separate votes had been taken. Among its many obvious defects, the draft resolution was unbalanced and presented a unilateral approach to human rights. It was inconsistent with many international instruments on human rights and tried to prejudge the work of the Commission on Human Rights in substantive areas. Moreover, the Committee had not even been given the opportunity to propose amendments to the draft resolution. It was his conviction that the rules of procedure of the General Assembly must govern the deliberations of the Committee. For those reasons, his delegation would not feel bound by the provisions of the draft resolution in its participation in the work of the Commission on Human Rights.

AGENDA ITEM 12: REPORT OF THE ECONOMIC AND SOCIAL COUNCIL (continued) (A/36/855; A/37/3/Parts I, II and III, A/37/178, 188 and Corr.1 and Add.1, 201, 259, 310, 333, 412, 419, 420, 422, 452, 495, 500, 519, 521, 540, 556, 564, 611, 618; A/C.3/37/1, 5, 9; A/C.3/37/L.5, L.6, L.48, L.52 and Corr.1, L.63, L.65, L.66)

20. Mr. GERSHMAN (United States of America), introducing the amendment to draft resolution A/C.3/37/L.5 contained in document A/C.3/37/L.63, said that his delegation fully supported the activities of the United Nations Fund for Drug Abuse Control, the Division of Narcotic Drugs and the International Narcotics Control Board. The United States had endorsed draft resolution A/C.3/37/L.5 in both the Commission on Narcotic Drugs and the Economic and Social Council, on the understanding that it could and would be implemented without additional financial requirements. He had therefore been surprised to learn from document A/C.3/37/L.6 that an additional \$266,100 would be required for that purpose. After giving much consideration to the question, his delegation maintained that the current difficult economic situation made it necessary for the United Nations to implement Commission projects within available resources. The achievement of that objective would also require the continued rationalization of the Division's programmes.

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(Mr. Gershman, United States)

21. His delegation agreed with the Director of the Division of Narcotic Drugs that the Division had been "overprogrammed" during 1982 and supported her suggestion that two projects scheduled to be implemented as a matter of priority in 1983 should be eliminated or have their implementation postponed. He asked the Director to confirm the possibility and advisability of that action, which was fully consistent with the international strategy and policies for drug control. The elimination of the two projects would reduce the amount of additional financial requirements by \$98,900 and would free \$128,700 in regular-budget resources that had been earmarked for those projects. Further savings could be made by carrying over into 1983 the funds remaining from projects which had not been fully implemented in 1982, thereby reducing the financial implications of draft resolution A/C.3/37/L.5 to approximately \$127,200. Significant savings could also be made by a redeployment of personnel that would not affect project implementation.

22. The Director's report had noted that during 1982, only about two thirds of all professional posts within the Division had been occupied, while the laboratory, which had been relatively inactive, had remained without a director. He commended the Director of the Division for solving those problems through an active recruitment programme and asked whether the lack of substantial personnel costs and laboratory activity during 1982 might not have resulted in savings that could be used to reduce the amount of additional resources needed for 1983.

23. He welcomed the guidelines which the Commission had provided for the implementation of its projects, particularly the stipulation that approved projects should be funded in each year according to indicated priorities and sources of finance. The Commission had also indicated that projects should be financed through reallocation within the United Nations budget of the funds necessary. Those conditions had been intended to eliminate the need for any additional funds. While unfortunate circumstances had led to financial implications in 1981 despite the Commission's intentions, it appeared that a resolution not involving additional expenditures could be adopted in 1982. Consequently, his delegation proposed that paragraph 1 of draft resolution A/C.3/37/L.5 should be amended to read, "Approves the projects recommended by the Commission on Narcotic Drugs in its resolution 1 (S-VII), as set out in the report of the Commission on its seventh special session, for implementation in 1983 within available United Nations resources and, to the extent possible, in order of priority". The amendment would enable the Division to continue its rational approach to programme implementation but would not adversely affect the control of international drug abuse. The need to maximize the effectiveness of the international effort to control drug abuse and the need to contain the budget of the United Nations within its existing limits were not necessarily conflicting goals but were of the highest importance to his delegation and to the United Nations.

24. Mr. BELL (Canada) said that he wished to emphasize the importance of the amendment proposed by the representative of the United States, since many other delegations took a serious view of financial implications. His delegation felt that it would be useful if the Director of the Division of Narcotic Drugs would comment on the proposed amendment, particularly with regard to its practical effect on the implementation of the International Drug Abuse Control Strategy.

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25. Mrs. OPPENHEIMER (Director, Division of Narcotic Drugs) reminded Committee members that the resource requirements in question were for the second year of the five-year programme of action. An additional \$275,000 had been appropriated during the thirty-sixth session of the General Assembly, following recommendations from the Commission on Narcotic Drugs and the Economic and Social Council. At its seventh special session, the Commission had suggested a number of projects for implementation during the second year of the five-year programme of action and had clearly indicated their financial implications. Those financial implications were discussed in paragraphs 101 and 111 of the report on the seventh special session of the Commission; she was therefore surprised that the representative of the United States had been unaware of that information and had thought that the projects for 1983 could be implemented without additional financial resources.

26. It would be a matter for the Third Committee to decide whether projects A.2 and A.5 for 1983 should be deferred on the basis of the reports concerning them. Since the representative of the United States had indicated specific figures, she wished to draw attention to the fact that if the Committee deferred projects A.2 and A.5, the resource requirements implied in draft resolution A/C.3/37/L.5 would be reduced by \$98,900, while overall requirements would be reduced from \$266,100 to \$167,200. Costs of \$28,900 which the Secretary-General had proposed might be absorbed, would be redeployed to complete work on 1982 projects which had been delayed because of staff shortages in the laboratory. She agreed with the representative of the United States that paragraph 111 was somewhat difficult to understand but pointed out that all costs to be absorbed within existing resources had been clearly marked by a/.

27. With regard to the practical effects of the proposed amendment on the International Drug Abuse Control Strategy, she said that the resources available to the Division of Narcotic Drugs were programmed for 1983, which was not only the second year of the five-year programme of action but also the second year of the current financial biennium. Thus, possibilities for the redeployment of resources were reduced. The projects listed in paragraph 1 of the draft resolution were additional projects whose financial implications had been fully known at the time of their approval. If the Third Committee approved the projects but limited the amount of resources available for their implementation, most of them could not be implemented.

28. Mrs. WARZAZI (Morocco) said that, as Chairman of the open-ended Working Group on the elaboration of the draft declaration on the human rights of non-citizens, she wished to summarize briefly the contents of the Working Group's report, since it had not yet been issued. As was its custom, the Working Group had provisionally adopted six articles after a first reading; the articles related to the economic and social rights which non-citizens would be able to enjoy if the articles were adopted upon second reading. She mentioned in particular article 6, which stipulated that aliens could not be subjected to torture or to cruel, inhuman or

(Mrs. Warzazi, Morocco)

degrading treatment or punishment and could not be made the subjects of medical or scientific experiments without their free consent. That article was noteworthy because it had been provisionally adopted without objections or amendments. A proposed new article advocated the right of any State to establish differences between its nationals and aliens, provided that those differences were not incompatible with the specific provisions of international legal instruments applicable to that State. The definition of aliens had been discussed at length, and articles 1 and 7 had been given further consideration. Although complete agreement in those areas had not been possible, she hoped that the Working Group would be able to complete its task during its next session.

29. Mr. JOHNSON (United States of America) proposed that a new operative paragraph should be added to draft resolution A/C.3/37/L.48 concerning the report of the Working Group. The new paragraph would follow paragraph 1 and would read "Requests the Secretary-General to transmit to Governments, competent organs of the United Nations system and international organizations concerned the reports of the open-ended working groups established at the thirty-fifth, thirty-sixth and thirty-seventh sessions and to invite them to update the comments they submitted in accordance with Economic and Social Council decision 1979/36 or to submit new comments on the basis of the above-mentioned reports". Footnotes following those three sessions of the General Assembly would refer to the relevant reports of the Working Group.

30. Mrs. WARZAZI (Morocco), speaking as Chairman of the Working Group, said that, in the spirit of consensus and co-operation which had characterized that body, she accepted the amendment proposed by the representative of the United States on behalf of the sponsors of the draft resolution. However, she wished to add the words "by 30 June 1983" to the end of the proposed paragraph.

31. Mr. JOHNSON (United States of America) said that his delegation agreed to the modification of its amendment proposed by the Chairman of the working Group.

32. Mr. NORDENFELT (Sweden) commended the Chairman of the Working Group on her efforts but pointed out that the large amount of bracketed material in the report indicated many areas on which the members of the Working Group had been unable to agree. His delegation believed that some of the problematic areas might be more appropriately discussed by the Working Group on the elaboration of a convention to protect the rights of migrant workers. In order to facilitate the reaching of an agreement as soon as possible, he proposed that paragraph 2 of draft resolution A/C.3/37/L.48 should be amended to read "Decides to consider, at its thirty-eighth session, in an open-ended working group, the draft declaration on the human rights of individuals who are not citizens of the country in which they live".

33. Mrs. WARZAZI (Morocco) felt that the amendment proposed by the representative of Sweden would make substantive changes in the draft resolution and was consequently unacceptable. She believed it was essential that the Working Group should be established during the thirty-eighth session of the General Assembly, so that its work might be concluded.

34. Mr. NORDENFELT (Sweden) explained that his amendment was not intended to prevent the Working Group from existing but rather had as its objective a broadening of the scope of the Working Group. Specifically, his delegation wanted the Working Group to discuss the draft Code of Medical Ethics, as well as the declaration on the human rights of non-citizens.
35. Mr. ASANTE (Ghana) said that it should be made clear that the United States amendment, if adopted, would have no financial implications. Also, the submission of comments to Governments would not be a precondition for the beginning of the work of the Working Group. If those conditions were met, his delegation could accept the United States amendment.
36. The CHAIRMAN said that as he understood it, the proposed amendment would have no financial implications, nor would the submission of comments be a precondition for the start of the work of the Working Group.
37. Mr. WALKATE (Netherlands) said that the draft resolution took note of a report of the Working Group which was not yet issued. That was not a good procedure and should not be taken as a precedent. His delegation was not convinced by the argument put forward by the representative of Sweden and, accordingly, saw no need to amend operative paragraph 2. The work of the Working Group should be continued because it was not yet completed.
38. Mr. JOHNSON (United States of America) said that his delegation appreciated the acceptance of its amendment by the representative of Morocco and could accept her sub-amendment. He supported the proposal by the representative of Sweden because it would prevent misunderstanding and would give the Committee some flexibility in its work.
39. The CHAIRMAN said that it appeared that the sponsors did not accept the Swedish proposal and, accordingly, it would have to be put to the vote.
40. Mr. NORDENFELT (Sweden) said that his proposal was intended to give the Committee some flexibility in its work. He wished to remind the Committee that in 1980 the Working Group had taken up two items and he saw no reason why it could not do the same in 1983.
41. Mr. KABIA (Sierra Leone) said that perhaps operative paragraph 2 should remain as it stood and the representative of Sweden could propose a new operative paragraph.
42. Mr. RUIZ CABAÑAS (Mexico) said that he was surprised that the representative of Sweden, after commending the work of the Working Group under the chairmanship of the representative of Morocco, was now proposing an amendment.
43. Mr. DERESSA (Ethiopia) suggested that the words "for the purpose of" should be replaced by "with a view to". That might meet the wishes of the representative of Sweden and the sponsors.

44. Mr. NORDENFELT (Sweden) said that regardless of the outcome of the vote on his amendment, his delegation would still support the draft resolution. However, to meet the wishes of the sponsors, he would change his amendment and would suggest that operative paragraph 2 should read: "Decides to continue at its thirty-eighth session in an open-ended working group the elaboration of the draft declaration on the human rights of individuals who are not citizens of the country in which they live with a view to concluding this task".

45. The CHAIRMAN said it was clear that the Swedish amendment would have to be put to the vote.

46. He then drew attention to draft resolution A/C.3/37/L.52 and Corr.1 and the financial implications set forth in document A/C.3/37/L.66 and announced that Ecuador had become a sponsor of the draft resolution. If there were no further comments, the Committee could begin voting on the draft resolutions before it.

Draft resolution A/C.3/37/L.5

47. The CHAIRMAN drew attention to draft resolution A/C.3/37/L.5 and the amendment proposed by the United States in document A/C.3/37/L.63. The representative of the United States had stated that he hoped that his amendment would be adopted without a vote.

48. The United States amendment (A/C.3/37/L.63) was adopted without a vote.

49. Draft resolution A/C.3/37/L.5, as amended, was adopted without a vote.

Draft resolution A/C.3/37/L.48

50. The CHAIRMAN said that the amendment proposed by the United States had been accepted by the sponsors and was now part of the draft resolution. The amendment proposed by the representative of Sweden had not been accepted by the sponsors and, accordingly, he would now put it to the vote.

51. The Swedish amendment was rejected by 41 votes to 9, with 61 abstentions.

52. The CHAIRMAN announced that Cyprus had become a sponsor of the draft resolution.

53. Draft resolution A/C.3/37/L.48, as amended, was adopted without a vote.

Draft resolution A/C.3/37/L.52

54. Mrs. DOWNING (Secretary of the Committee) announced that in addition to Cape Verde, which had earlier become a sponsor, Bangladesh, Ecuador, Greece, Mali, the Philippines and Spain had joined in sponsoring the draft resolution.

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

56. It was so decided.

57. Mr. NORDENFELT (Sweden), speaking in explanation of vote on behalf of his own delegation and those of Denmark, Finland, Iceland and Norway on draft resolution A/C.3/37/L.5, said that having listened to the representative of the United States and the Director of the Division of Narcotic Drugs, it was clear to the Nordic countries that the Division had not fully utilized its resources for 1982 and could economize on projects in 1983. It was also clear that the additional projects decided on at the seventh special session of the Commission on Narcotic Drugs as referred to in paragraph 1 of the draft resolution would have financial implications. As a result of the adoption of the United States amendment in document A/C.3/37/L.63, it was clear that most of those projects would not be implemented. What was not clear was what would have been the financial implications of draft resolution A/C.3/37/L.5 if it had not been amended. The Committee would normally have asked for a new statement of financial implications in that event. While the Nordic countries did not wish to stand in the way of a consensus, they would have voted against the United States amendment had it been put to a vote.

58. Ms. GAUCH (Brazil) said that her delegation had favoured the adoption of draft resolution A/C.3/37/L.5 because Brazil supported the implementation of the projects recommended by the Commission on Narcotic Drugs in its resolution 1 (S-VII). Nevertheless, it reiterated its reservations concerning the "task force" referred to in the second and fourth preambular paragraphs and operative paragraph 2 of the draft that had just been adopted. Not only was the establishment of the task force unnecessary, since its functions could be carried out by the Commission on Narcotic Drugs itself, but the task force as established by the Commission's resolution 1 (S-VII), appeared to be discriminatory. According to operative paragraph 2 of that resolution, the composition of the task force would be reviewed at the Commission's next session. Her delegation hoped that the Commission's review would lead to a more representative and equitable distribution of seats on the task force.

59. Mr. JOHNSON (United States of America) said that his delegation had reluctantly joined the consensus on draft resolution A/C.3/37/L.48. While appreciating the efforts of the Chairman of the Working Group and feeling that the report should be studied closely by Governments, he was disturbed at the direction in which the drafting exercise was moving and at the efforts in the Working Group to deviate significantly from the mandate under which the Special Rapporteur had drafted the original text. Since the first reading of the draft declaration had been completed, it was a logical time for Governments to review and evaluate carefully the reports of the Working Group in order to determine what future action, if any, should be taken on the draft. Consequently, his delegation felt that a decision to establish a working group for that item at the thirty-eighth session was premature.

60. He recalled that the original mandate had been assigned to Baroness Elles in response to the expulsion of thousands of lawful resident aliens from a particular country. Baroness Elles had carried out her mandate by drafting a text covering only lawful residents of a foreign country. That text, revised by the Sub-Commission on Prevention of Discrimination and Protection of Minorities, had appeared in document E/CN.4/1336 and had been the basis for discussion in the

(Mr. Johnson, United States)

Working Group from the outset. Article 1 of that text defined the term "non-citizen" as including only lawful residents of a foreign country, and the succeeding articles all flowed from that premise. The Sub-Commission, the Commission on Human Rights and the Economic and Social Council had all endorsed that concept of dealing only with lawful residents by forwarding and recommending action on the draft declaration to the next higher body. Unfortunately, efforts had been made in the Working Group to change radically the fundamental nature of the draft declaration and to deviate substantially from the earlier approach. In particular, the draft declaration might be made applicable to all aliens in a country regardless of their legal status. That, of course, presented no difficulty where basic human rights and fundamental freedoms were concerned, but some proposals made in the Working Group would, for example, allow social welfare and other government benefits to non-citizens or aliens on the same basis as to citizens of the country concerned. His delegation therefore had serious reservations about the wisdom of continuing work on the draft declaration.

61. The Committee could accommodate only two working groups during each session, and the draft declaration had already taken up the time of one working group for three sessions. He actually wondered whether the draft declaration was necessary at all, given the protections granted to everyone by the Universal Declaration of Human Rights. He believed that the time of the Committee's second working group could be spent in far better ways than in again dealing with the draft declaration at another session of the General Assembly.

62. Regarding the financial implications of draft resolution A/C.3/37/L.48, he said that past experience had shown that the approval of each statement indicating conference-servicing requirements contributed to an appropriation of an as yet unknown magnitude that would come before the Fifth Committee towards the end of the session. His delegation had supported the resolution on the understanding that the Secretary-General would fully absorb the conference-servicing costs when presenting his consolidated statement of conference servicing.

63. Turning to draft resolution A/C.3/37/L.52, he said that the Working Group in question had made good use of the time allotted to it and had adopted an accurate, complete and detailed report (A/C.3/37/7). However, with regard to article 44 (1) of the proposed convention provisionally adopted by the Group, he said that his delegation could not accept the phrase "equal to that given to nationals" at the end of the paragraph. Moreover, paragraph 88 of the report stated that the Group had provisionally agreed on the text of article 45. His delegation understood that article 45 was still under consideration in first reading, and would be discussed at the next meeting of the Working Group. Notwithstanding the improved atmosphere and progress in the Working Group, the United States remained convinced that the International Labour Organisation was the most appropriate forum for substantive discussion on the labour and social welfare rights as well as the human rights of migrant workers and for the drafting of new international instruments on those subjects. ILO had already worked extensively on the subject of migrant workers and, if indeed another convention was needed, it should be given the responsibility of drafting it. The United States had participated actively in the Working Group

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and had tried to be as forthcoming and constructive as possible. It endorsed the unquestioned principle that the human rights of migrant workers and their families must be respected, as must the human rights of all persons. Noting, however, that the decision to hold the inter-sessional meeting of the Working Group in New York would constitute an exception to the relevant provisions of General Assembly resolution 31/140, he said that the United States opposed such exceptions.

64. His delegation was pleased to have been able to join the consensus on draft resolution A/C.3/37/L.5 because it believed very strongly in the importance of drug abuse control. It also appreciated the support given to its draft amendment in document A/C.3/37/L.63. He noted that it was the apparent sense of the Committee to eliminate or postpone projects A.2 and A.5 included in the list of projects for implementation in 1983. He was confident that the Division would be able to implement all the remaining projects within the resources provided. In conclusion, he pointed out that when his delegation called for a reprogramming of funds to finance drug abuse control activities, it was referring to the use of the entire Secretariat budget and not just to that of the Division. He therefore hoped that additional resources could be found, if needed, from those sources or from voluntary sources.

65. Mr. RUIZ CABAÑAS (Mexico), supported by Mr. RIACHE (Algeria) and Mr. VILLAGRA DELGADO (Argentina), disagreed with the statement in paragraph 5 of document A/C.3/37/L.66 that a decision to hold the inter-sessional meeting of the Working Group in New York would constitute an exception to the relevant provision of General Assembly resolution 31/140, since the Working Group was a body of the General Assembly and not of the Commission on Human Rights. Its headquarters was therefore in New York, not Geneva. The Secretariat had not been asked to give details of the cost of holding the meeting in Geneva and should confine itself to what was requested of it.

66. Mrs. WARZAZI (Morocco) said she could not understand how experts could submit a financial statement along the lines of that in document A/C.3/37/L.66. The in-session documentation had been estimated at 40,000 words in New York but only 33,000 in Geneva. Did the Secretariat expect the Working Group to be more voluble in New York?

67. Mr. BELL (Canada) said that, since the Director of the Division on Narcotic Drugs had said that amendment A/C.3/37/L.63 had financial implications for the International Drug Abuse Control Strategy his delegation would have abstained if a vote had been taken on that amendment.

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AGENDA ITEM 90: OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES
(continued)

(c) ASSISTANCE TO REFUGEES IN AFRICA: REPORT OF THE SECRETARY-GENERAL (continued)
(A/C.3/37/L.43 and L.61)

68. Mr. BURWIN (Libyan Arab Jamahiriya) said that, following consultations, the sponsors had made the following revisions in draft resolution A/C 3/37/L.43: in the third preambular paragraph the words "growing number" had been changed to the words "present influx"; in the fourth preambular paragraph, the words "of the African countries" had been added after the words "fallen short of expectations"; and operative paragraph 5 (b) had been changed to read "consider the continuing need for assistance with a view to providing as necessary additional assistance to refugees and returnees in Africa for the implementation of programmes for their relief, rehabilitation and resettlement". Since the African countries attached great importance to the question, he appealed to the Committee to adopt the draft resolution without a vote.

69. Mrs. WARZAZI (Morocco) suggested that, in order to reach a consensus on the draft resolution, the words "and for this purpose to reallocate existing resources" should be added at the end of operative paragraph 6.

70. Mr. GERSHMAN (United States of America) said that, while his delegation was prepared to join in a consensus on the draft resolution, it would request a separate vote on paragraph 5.

71. Mr. BURWIN (Libyan Arab Jamahiriya) said that those delegations which had taken part in the consultations could accept the amendments proposed by the representative of Morocco. However, since he had not had an opportunity to consult the majority of African delegations, the door remained open for further comments on the proposed amendment.

72. Mr. DERESSA (Ethiopia) said he was puzzled by the proposed amendment to the third preambular paragraph, but, in the spirit of brotherhood, he could accept it. The other amendments had already been brought to his attention, and his delegation was willing to join a consensus on the draft.

73. Mr. KABIA (Sierra Leone), referring to the third preambular paragraph, said that the use of the word "influx" might suggest that refugees were leaving other continents to come to Africa. He therefore suggested that it should be changed to "number".

74. Mr. ADAN (Somalia) said that he was concerned not only with the present number of refugees but also with those people who might become refugees in the future. He could not understand why the phrase "growing number" had been changed. While agreeing that the word "influx" might create the wrong impression, he felt that the word "number" by itself was not an adequate substitute.

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75. Mrs. WARZAZI (Morocco) said that, to avoid misinterpretation in the third preambular paragraph, the phrase "influx of refugees" could be changed to "influx of African refugees".

76. Mr. BURWIN (Libyan Arab Jamahiriya) said that he had no objection to the comments made by the representative of Somalia, but that the changes had been introduced after consultations.

77. Mr. FERGUSON (Australia) said that, while he had no objection to the original wording, it might be possible to delete the word "growing" to accommodate all delegations.

78. Mr. ADAN (Somalia) said he could not understand why the word "growing" was causing such difficulties, since it was a simple fact that the number of refugees in Africa was increasing. However, in order to facilitate the Committee's work, he could go along with the use of the words "present influx", as suggested by the Chairman of the African Group, since that formulation was preferable to a simple mention of "the number".

79. Mr. KABIA (Sierra Leone) said that his delegation felt strongly that the word "influx" should not be used.

80. Mr. ADAN (Somalia) said that, if the delegation of Sierra Leone had difficulties with the word "influx", it might be possible to say "present exoduses within Africa" or to go back to the original text. However, if there was general agreement on the use of the word "number" alone, his delegation would join in that consensus. It must, however, be clear exactly what the draft resolution was referring to, and whether it would cover those who would become refugees in the future.

81. The CHAIRMAN suggested that, in view of the lateness of the hour the Committee might agree to use the words "present influx", although it might not be the best possible formulation. The Committee should proceed immediately to a vote.

82. Mrs. DOWNING (Secretary of the Committee) reminded the Committee that the sponsors of the draft resolution had previously inserted a new paragraph 11 which read: "Stresses that any additional assistance provided for the refugee-related projects should not be at the expense of the concerned countries' own development needs."

83. The CHAIRMAN recalled that the representative of the United States had requested a separate vote on paragraph 5.

84. Paragraph 5 was adopted by 105 votes to none, with 4 abstentions.

85. Draft resolution A/C.3/37/L.43, as revised, was adopted as a whole without a vote.

The meeting rose at 6.25 p.m.