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SECOND (SOCIAL) COMMITTEE

SUMMARY RECORD OF THE 19th MEETING

Held at Headquarters, New York,  
on Thursday, 27 April 1978, at 10.30 a.m.

Chairman: Mr. ENSASSI (Iran)

CONTENTS

Human rights questions (continued)

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The meeting was called to order at 11.15 a.m.

HUMAN RIGHTS QUESTIONS (continued) (E/1978/34, E/1978/45)

1. Mr. MEZVINSKY (United States of America), speaking in exercise of his right of reply with reference to the statement made by the Chinese delegation at the 16th meeting concerning the human rights situation in Cambodia and United States involvement in Cambodia prior to 1975, said that he did not wish to debate the history of the Indo-Chinese war. He would point out that many of those who had opposed that war both in the United States and abroad, including many in the present United States Administration, had based their opposition on human rights considerations. Were those considerations no longer valid?
2. No country wished lightly to discuss the situation prevailing in another. The situation in Cambodia, however, was such that it was not possible in good conscience to remain silent. Thousands of refugees from Cambodia had accused their Government of inflicting death on hundreds of thousands of Cambodians over the past three years. In a recent statement, the full text of which his delegation would circulate to members of the Committee, President Carter had termed Cambodia the worst violator of human rights in the world.
3. Under Chapter I of the Charter, all Members of the United Nations accepted, as a fundamental principle of the Organization, the promotion and encouragement of "respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion". All were confronted, in the Committee and in their other diplomatic activities, with a fundamental question, namely, how they could carry out their Charter obligations in a way which could alleviate the suffering of the Cambodian people. Thus, it was a question not of his country's right to act in condemnation of human rights violations anywhere in the world but of the common responsibility of Member States to do so when the evidence of mass violations was so pervasive.
4. His delegation hoped that all Members of the United Nations would work in their own way to play a constructive role. It hoped that political debate could end and a common human concern could begin.
5. Ms. HUANG Kuo (China), speaking in exercise of her right of reply, said that the Ministry of Foreign Affairs of Democratic Kampuchea had sent a note to the Secretary-General requesting that its reply of 22 April on the issue concerned should be circulated as an official United Nations document. She believed that, on the basis of that document, delegations would be able to make their own correct judgement, and she would not elaborate on that point.
6. With regard to the statement made by the United States representative, she said that all were familiar with the human rights problems within the United States, particularly the question of the fundamental rights of the black population. She advised the United States representative to face up to the problems of his own country first.
7. The CHAIRMAN invited the Committee to consider the draft resolutions and draft decisions recommended for adoption by the Council in the report of the Commission on Human Rights (E/1978/34, chap. I).

Draft resolution I

8. Mr. BYKOV (Union of Soviet Socialist Republics) said that the General Assembly had carefully studied all aspects of the question of priorities in programming and had adopted its resolution 32/201 in order to ensure that new programmes would be financed from resources freed through the abolition of programmes that were obsolete, of marginal usefulness or ineffective. It had also adopted resolution 32/206 drawing the attention of all subsidiary bodies to the role of CPC as the main subsidiary body of both the Economic and Social Council and the General Assembly for making recommendations on the relative priorities of United Nations programmes. The advisory services programme to which draft resolution I related was of great importance to the human rights activities of the United Nations, and his delegation had always advocated the strengthening of such services in the field of human rights. However, in the light of the General Assembly resolutions he had mentioned, his delegation proposed that operative paragraph 1 of the draft resolution should be replaced by the following:

"1. Proposes to the Committee for Programme and Co-ordination that it study the possibility of financing the advisory services programme in the field of human rights from the budget of the human rights programme of the United Nations."

In addition, the reference to General Assembly resolution 32/123 in the first preambular paragraph was superfluous, since that resolution did not mention the advisory services programme; he therefore proposed its deletion.

9. Mr. MEZVINSKY (United States of America) said that his delegation was strongly committed to the draft resolution proposed by the Commission on Human Rights and hoped that it would not be watered down by amendment. The normal procedures already provided for review by CPC.

10. Mr. MERKEL (Federal Republic of Germany) recalled that the advisory services programme was already financed from the regular budget, under the section relating to the Office of Public Information. What was at issue was the transfer of that programme to the budget of the human rights programme.

11. Mrs. SIBAL (India), supported by Mr. NORDENFELT (Sweden), said that General Assembly resolution 32/123 was indeed relevant, since it referred to the holding of a seminar on national and local institutions in the field of human rights as part of the advisory services programme. The reference should therefore be retained.

12. Miss RICHTER (Argentina) said that her delegation did not hold any strong view one way or the other regarding the inclusion of a reference to resolution 32/123 in draft resolution I. Although the strengthening of advisory services was not the specific subject-matter of resolution 32/123, it would be one of the results of the series of measures which that resolution envisaged.

13. Miss SHANKAR (Iran) recalled that a consensus had emerged in the Commission on Human Rights on the need to strengthen the advisory services programme and increase

(Miss Shahkar, Iran)

the limited resources at its disposal. Her delegation favoured retaining the reference to General Assembly resolution 32/123, which, inter alia, called upon the Secretary-General to organize a special seminar within the programme of advisory services on the subject of national and local institutions for the promotion and protection of human rights. She did not quite understand the reason for the other Soviet amendment, since numerous delegations had expressed concern in the Commission that the advisory services should have an adequate budget to enable them to carry out their important task.

14. Mr. SAHRAJ (United Arab Emirates) appealed to the representative of the Soviet Union to withdraw his proposal that the reference to resolution 32/123 should be deleted.

15. Mr. BYKOV (Union of Soviet Socialist Republics) said it had become clear from the statements of previous speakers that the reference to resolution 32/123 had a place in the draft resolution; he therefore withdrew his proposal for its deletion. As to operative paragraph 1, his delegation's concern was that the requirements laid down by the General Assembly should be respected by having CPC study the matter, and its amendment did not in any way water down the draft resolution.

16. Mr. VAN BOVEN (Director, Division of Human Rights) said that the advisory services programme had been started in the 1950s for the purpose of educating and training government officials in the human rights field. In previous years, the programme had entailed the holding of two seminars and one training course and the provision of fellowships. Thus, draft resolution I did not relate to a new programme. The aim of the Commission on Human Rights had been to highlight the activities of an existing programme. The advisory services programme had been seriously jeopardized because of the arrangement whereby it was financed under section 21 of the budget. Obviously, it was difficult for the Division of Human Rights to make plans for the programme if it could not be sure in advance what resources would be placed at its disposal for that purpose. The aim of the draft resolution was therefore to transfer the financing of the programme to section 18 of the budget (Division of Human Rights).

17. Mrs. SIBAL (India) asked how that change would affect the consideration of the advisory services programme in the field of human rights by ACABQ and CPC.

18. Mr. VAN BOVEN (Director, Division of Human Rights) said that, if operative paragraph 1 was adopted as it stood, ACABQ and CPC would study the advisory services programme not as a separate matter but in the context of the human rights programme as a whole.

19. Mr. TERADA (Japan) said that his delegation would have difficulty in accepting the Soviet amendment. It supported the draft resolution as it stood, on the understanding that the financing of the advisory services programme would be considered by the Fifth Committee of the General Assembly and by ACABQ.

20. Mr. RICHTER (Argentina) pointed out that, if the draft resolution was adopted in its original form, there could be no change in the financing of the advisory services programme before 1980. However, if the amendment proposed by the Soviet Union was accepted, it was possible that CPC would recommend to the General Assembly some kind of financial arrangement which would guarantee the Division of Human Rights the necessary funds for the advisory services programme as from 1977.
21. Mr. VAN BOVEN (Director, Division of Human Rights) said that it was difficult for him to predict what action CPC might take. However, he pointed out that United Nations budgeting was a biennial exercise and that no structural change could be made in the budget before the biennium 1980-1981. Moreover, a sum of \$200,000 was in fact available for advisory services under section 23 of the budget for the current biennium, and the General Assembly had also adopted an ad hoc arrangement for financing the 1978 seminar on national and local institutions for the promotion and protection of human rights.
22. Mr. BELYAEV (Observer for the Byelorussian Soviet Socialist Republic) stressed that, as the Director of the Division of Human Rights had indicated, advisory services were already being provided within the human rights programme and had been allocated the necessary financial and human resources. The issue was whether such resources should be transferred to section 18 of the budget. CPC was responsible for concentrating resources and ensuring that they were used effectively, and it should therefore be in favour of any measure designed to avoid dissipation of resources and duplication of effort. Only one or two Secretariat units were directly concerned with the human rights programme, and the others involved in that programme were simply duplicating their work. His delegation was therefore in favour of transferring the resources in question to section 18. However, it was not enough for the Economic and Social Council simply to express support for such a transfer, as the unit to which the resources in question were at present allocated was hardly likely to give up those resources willingly. The Council must expressly request CPC to settle the issue.
23. Mr. HORDENFELT (Sweden) said that, in the light of the statement made by the observer for the Byelorussian SSR, he wished to propose, as a compromise, a minor subamendment to the Soviet amendment. He proposed that operative paragraph 1 of the draft resolution should read
- "Proposes to the Committee for Programme and Co-ordination that it study the possibility that the financing of the advisory services programme in the field of human rights be arranged as a part of the human rights programme of the United Nations."
24. Mr. BYKOV (Union of Soviet Socialist Republics) said that he could accept the Swedish proposal, which was in keeping with the substance of his own amendment.
25. Mr. MEZVINSKY (United States of America) said that he saw no need for the amendment, as the question of resources for the advisory services programme would in any event be discussed by CPC. In recommending the adoption of draft resolution I, the Commission on Human Rights had simply been trying to show that

(Mr. Mezvinzky, United States)

there should be a strong commitment to the advisory services programme. He hoped that members of the Council who were also members of the Commission, particularly the original sponsors of the draft resolution, would stand by their commitment.

26. Mr. AYENI (Nigeria) said that he felt some apprehension about the proposed amendment. Those members of the Commission on Human Rights who had helped to draft the resolution had fully understood the explanation given by the Director of the Division of Human Rights and had worded the operative part of the text accordingly. His delegation supported the original version of the draft resolution and hoped that the representative of Sweden would withdraw his proposal. CPC would be discussing the issue of the advisory services programme in any case, and there was no need to request it to do so.

27. Miss SHAHKAR (Iran) endorsed the comments made by the representative of Nigeria, and recalled that draft resolution I had been adopted by consensus in the Commission on Human Rights. She could not see why any of the original sponsors should wish to change it, and she therefore appealed to the representative of Sweden to withdraw his proposal, which would not contribute in any way to strengthening advisory services in the field of human rights.

28. Mr. NORDENFELT (Sweden) withdrew his subamendment.

29. Mr. BELYAEV (Observer for the Byelorussian Soviet Socialist Republic) said that he was rather surprised at the remarks of previous speakers. In its resolution 32/206, the General Assembly had urged subsidiary bodies to refrain from making recommendations on the relative priority of major programmes and had requested them to propose, through the Committee for Programme and Co-ordination, relative priorities for the various subprogrammes. The Soviet amendment was designed simply to bring the draft resolution into line with those provisions so that, when CPC came to discuss the issue, it would not be able to say that the Commission on Human Rights had failed to comply with General Assembly resolution 32/206.

30. Mrs. SIBAL (India) pointed out that what the Committee had to decide was whether the advisory services programme should be treated as part of the general human rights programme or as a separate item, and not whether CPC should consider that issue. In that connexion, she wished to know whether the provisions of General Assembly resolution 32/206 would prevent the Council from taking a decision as to the section of the budget under which advisory services in the field of human rights should be classified in the future.

31. Mr. VAN BOVEN (Director, Division of Human Rights) said that the Commission on Human Rights, in recommending the adoption of draft resolution I, had been aware that the Council would not take a decision on the issue but would simply request that the financing of the advisory services programme should be arranged as a part of the budget of the human rights programme.

32. Mr. BYKOV (Union of Soviet Socialist Republics) expressed surprise at the various reactions to his amendment, which did not alter the substance of the draft resolution but simply brought it into line with General Assembly resolution 32/206.

33. The CHAIRMAN suggested that the Committee should proceed to a vote on the Soviet amendment.

34. Ms. RICHTER (Argentina), speaking in explanation of her vote, said that, in the light of General Assembly resolution 32/206, section I, paragraph 1, and section III, paragraph 2, which she interpreted as meaning that CPC was responsible for making recommendations on financial programming and that any recommendations it made with regard to programme transfers would be discussed by the General Assembly at its thirty-third session, she would vote in favour of the Soviet amendment, which appeared to reflect the wishes of the General Assembly.

35. Ms. BEAGLE (New Zealand) said that her delegation would vote against the Soviet amendment because New Zealand had supported resolution 11 (XXXIV) in the Commission on Human Rights, which had adopted it by consensus. It believed that the amendment would weaken draft resolution I, and that the budgetary considerations would be taken care of at a later stage by the competent bodies.

36. Mr. EYKOV (Union of Soviet Socialist Republics) said that so as not to complicate the work of the Council he would withdraw his amendment, on the understanding that the study he had recommended would in any event be undertaken by CPC, in accordance with the wishes of the Council.

37. Draft resolution I was adopted without a vote.

#### Draft resolution II

38. The CHAIRMAN drew attention to the note by the Secretary-General on proposals for management rules for the operation of the United Nations Trust Fund for Chile (E/1978/45).

39. Mr. TERADA (Japan) said that Japan's position on the situation of human rights in Chile had been explained clearly in his delegation's statement at the 14th meeting. His Government was not convinced of the need to set up a trust fund for Chile at the present stage, as it doubted whether that would help to attain the objectives sought. It appreciated the humanitarian nature of draft resolution II recommended by the Commission, but felt that it must be considered in the light of the need to improve the human rights situation not only in one country, but throughout the world. His delegation was therefore unable to support the draft resolution.

40. Mr. NORDENFELT (Sweden) said that the attention of the world community had been drawn to the situation in Chile as a result of the mass of evidence which existed of grave and flagrant violations of human rights in that country since September 1973. The humanitarian purpose of the draft resolution was to ease the plight of those who were suffering, and his delegation therefore hoped that it would command the wide support it deserved.

41. Draft resolution II was adopted by 33 votes to 2, with 6 abstentions.

Draft resolutions III, IV, V and VI

42. Draft resolutions III, IV, V and VI were adopted without a vote.

Draft decision 1

43. The CHAIRMAN recalled that, at the 12th meeting, the representative of Argentina had orally proposed an amendment to draft decision 1.

44. Miss SHAHKAR (Iran) said that, if the purpose of the amendment was to ensure that General Assembly resolution 32/130 would be duly respected, she still did not see why the progress report on the work of the Commission should be limited to the context of what was requested in that resolution.

45. Ms. RICHTER (Argentina) said that, from that standpoint, the draft decision was already in line with resolution 26 (XXXIV) of the Commission on Human Rights. The intention behind the amendment was that the Council should, at the interim stage, request the Secretary-General to transmit to the General Assembly the results of the Commission's deliberations to date. Resolution 26 (XXXIV) was drafted in those terms, and her delegation therefore considered it appropriate that the Council should expressly confirm that point in its draft decision.

46. Mr. LAMB (Observer for Australia) said that the Commission had already requested the Secretary-General to take such action in resolution 26 (XXXIV), paragraph 5. That resolution had been drafted in the light of the General Assembly's instructions to the Commission to report to the Assembly on its work; thus, the requirements of the General Assembly were already satisfied in resolution 26 (XXXIV).

47. Mr. NORDENFELT (Sweden) endorsed the remarks made by the representative of Australia. Furthermore, if the amendment were adopted, there would be no purpose in convening the working group a week before the Commission's thirty-fifth session.

48. Mr. MEZVINSKY (United States of America) said that it would be helpful to have the Argentine amendment in writing.

49. Miss SHAHKAR (Iran) felt that the amendment was unnecessary in view of the terms of resolution 26 (XXXIV), paragraph 3 (b).

50. Mr. LEITE DE FARIA (Portugal) said it appeared that, if the amendment were adopted, the draft decision would authorize the convening of a working group but would not state what it should do. He too would like to see the amendment in writing.

The meeting rose at 1.05 p.m.