

**GENERAL
ASSEMBLY**

THIRTY-SECOND SESSION

*Official Records **



THIRD COMMITTEE

68th meeting

held on

Monday, 5 December 1977

at 3 p.m.

New York

SUMMARY RECORD OF THE 68th MEETING

Chairman: Mrs. MAIR (Jamaica)

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**AGENDA ITEM 76: ALTERNATIVE APPROACHES AND WAYS AND MEANS WITHIN THE UNITED NATIONS
SYSTEM FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS
(continued)**

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Distr. GENERAL

A/C.3/32/SR.68

9 December 1977

ORIGINAL: ENGLISH

77-58616

(23 p.)

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The meeting was called to order at 3.20 p.m.

AGENDA ITEM 76: 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.3/32/L.17/Rev.1, L.25/Rev.1, L.28, L.32, L.33, L.34, L.35/Rev.1, L.36/Rev.1, and L.44)

1. Mrs. de BARISH (Costa Rica) said that as the promotion of human rights was universal in character, so, too, should be their application in all spheres of human activity. Human dignity depended upon a minimum of rights which had to be respected jointly if they were to retain their integrity; the international community's present need for economic and social development led more emphasis to be placed on economic, social and cultural rights than purely civil and political ones, and that emphasis was understandable as long as it was not used as an excuse for the suppression of civil and political rights in the name of development. Her delegation believed that the solution to the major problems of humanity lay not in the suppression of some rights in favour of others but in a progressive advance towards the complete enjoyment of all rights.

2. Draft resolution A/C.3/32/L.17/Rev.1 was the result of the efforts of its sponsors to make their original text more widely acceptable. Those of the Moroccan amendments (A/C.3/32/L.33) which had been accepted made the draft resolution a more balanced one and she would accordingly be able to support it.

3. Her delegation was a sponsor of draft resolution A/C.3/32/L.25/Rev.1 which in no way conflicted with draft resolution A/C.3/32/L.17/Rev.1, since it comprised a concrete proposal for the establishment of machinery which would without doubt contribute to the promotion of human rights. The revised text represented the work of many delegations and included ideas expressed and comments made throughout the long course of the debate on the subject since the twentieth session of the General Assembly. It was impossible to find in the proposal the threat which some delegations feared of interference in the internal affairs of States, since the functions of the High Commissioner, according to operative paragraph 1, would be carried out with discretion and impartiality. It was to be hoped, therefore, that the Committee could make clear once and for all whether it wished to establish a High Commissioner for Human Rights or not, without any obstacles being placed in the way of its taking a definite stand.

4. For the same reasons, her delegation hoped that the indefinite postponement of the establishment of the High Commissioner for Human Rights proposed in the amendments in document A/C.3/32/L.35/Rev.1, which was tantamount to a General Assembly veto, would not be adopted.

(Mrs. de Barish, Costa Rica)

5. The amendments proposed in document A/C.3/32/L.36/Rev.1 would distort draft resolution A/C.3/32/L.25/Rev.1, entirely changing its substance and objectives. No one could doubt that the Commission on Human Rights possessed the prestige and integrity required for the performance of its functions, but it was a body made up of representatives of States, not independent experts, and its power to investigate complaints of violations of human rights had been curtailed by a decision taken in the Economic and Social Council in 1947. A High Commissioner for Human Rights would expedite the work of the United Nations in the search for positive solutions to the problems of ensuring respect for human rights.

6. Her delegation would vote in favour of draft resolution A/C.3/32/L.28, but stressed that if an ad hoc working group was established it should be able, under its mandate, to deal consistently rather than selectively with the complaints it received. Its mandate should be more clearly defined so that it would not exceed its powers and intervene in matters which did not concern it.

7. Mrs. BEN-AMI (Israel) said that the Universal Declaration of Human Rights was the Magna Carta of mankind. The value of its principles was undeniable, but they were effective only because of the consensus they commanded among Member States, despite the diversities existing within the United Nations.

8. The problem now before the Committee was delicate and complicated and some delegations had voiced objections to certain proposals on the ground of disparities in the economic and social circumstances of different States. It was hard to reconcile that approach with the aim of the original proposal, namely, to satisfy the natural desire of peoples for freedom of thought, expression and movement and for equality and justice.

9. The United Nations was neither a court nor a parliament. It could not enact laws; it could not impose penalties. The only means of action open to it was to seek international consensus. Her delegation hoped that the Committee would be able to demonstrate such a consensus by adopting draft resolution A/C.3/32/L.17/Rev.1, the amendments to that draft resolution proposed in document A/C.3/32/L.33, and draft resolution A/C.3/32/L.25/Rev.1 without the amendments proposed in documents A/C.3/32/L.35/Rev.1 and L.36/Rev.1.

10. Mr. ABOUL-NASR (Oman) said that the explanations given by the representative of Italy at the 67th meeting with regard to draft resolution A/C.3/32/L.25/Rev.1 were not entirely satisfactory. The reference to "any State" in paragraph 2 (b) was still unacceptable, for it was not clear, despite the Italian representative's explanation, whether the request mentioned could be made by a third State, or whether the consent of the State in which violations were alleged to have taken place would also be required.

11. His delegation was not opposed to the establishment of a High Commissioner on Human Rights but believed that States had to be protected against intervention in

(Mr. Aboul-Nasr, Oman)

their affairs. It should, therefore, be made perfectly clear what were the areas in which the proposed High Commissioner could take action. He accordingly wished to propose, as an oral amendment, the insertion of a new paragraph, to become operative paragraph 2, which would read: "The primary function of the High Commissioner will be to ensure the implementation of the resolutions of the United Nations regarding the fulfilment of the legitimate human rights of the people of Palestine, the people of Namibia, the people of Zimbabwe and the people of South Africa to self-determination, equality and human dignity."

12. Miss SHAHKAR (Iran) noted that the text of draft resolution A/C.3/32/L.17/Rev.1 was the result of long negotiations between the sponsors and struck a very delicate balance between their views. For that reason any amendment to the text would be unacceptable to them. She therefore appealed to the delegation of Morocco to withdraw those of its amendments which had not been incorporated in the proposals in draft resolution A/C.3/32/L.17/Rev.1.

13. It was her delegation's hope that draft resolution A/C.3/32/L.17/Rev.1 would be adopted by consensus, since it would add a new dimension to United Nations action in the field of human rights: adoption by consensus would enhance the prospects for its effective implementation.

14. Mr. BISHARA (Kuwait) said that draft resolution A/C.3/32/L.29/Rev.1, while superficially attractive, was actually both unnecessary and dangerous. It was a cold-war proposal which would only cause disruption in relations between nations. It was a Trojan horse from which sallies would be made against developing countries, against the Soviet Union for its treatment of Jews, and against Iraq for its treatment of Kurds; as to his own country, while it had no reason to fear the proposal, it could not condone such blatant warmongering. All countries spoke of human rights, but when it came to implementing them they were always ready with eloquent excuses.

15. The proposal was an elitist one which would have little bearing on the lot of the millions of people throughout the world who were concerned with the problem of their very existence rather than the enjoyment of particular rights. There was consensus among many developed and developing countries that it was not a good proposal. For that reason, his delegation would vote in favour of draft resolution A/C.3/32/L.17/Rev.1 and against draft resolution A/C.3/32/L.25/Rev.1.

16. The CHAIRMAN announced that Guinea had become a sponsor of draft resolution A/C.3/32/L.17/Rev.1. She then invited delegations that so wished to explain their vote before the vote on that draft resolution and on the second, third, fourth, eighth and ninth Moroccan amendments thereto submitted in document A/C.3/32/L.33, the remaining amendments in that document having been withdrawn or accepted by the sponsors of the draft resolution.

17. Mrs. SAENZ de MIERA (Mexico) said that her delegation supported draft resolutions A/C.3/32/L.17/Rev.1 and L.25/Rev.1.

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18. Miss MAIRIE (United Republic of Cameroon) said that draft resolution A/C.3/32/L.17/Rev.1 appeared to be more constructive than draft resolution A/C.3/32/L.25/Rev.1 since, while it took account of the diversity of States, it was designed to foster true international co-operation in the human rights field. Like the sponsors, her delegation recognized that all human rights were indivisible and interdependent and that the full enjoyment of civil and political rights was dependent upon the realization of economic, social and cultural rights, as recognized by the Proclamation of Teheran.

19. Her delegation considered that, as a matter of priority, the attention of the United Nations human rights organs should be drawn to the causes which prevented the enjoyment of economic, social and cultural rights, with a view to eliminating them.

20. Mr. ALFONSO (Cuba) said that his delegation would vote against all of the five remaining amendments submitted by Morocco in document A/C.3/32/L.33, since he felt that they would upset the balance of draft resolution A/C.3/32/L.17/Rev.1. The second amendment would weaken the idea of the realization of the economic, social and cultural rights in developing countries by implying that the old unjust order could contribute to the realization of those rights in some degree. The third amendment would confine the implementation of human rights and fundamental freedoms to the individual. The fourth amendment, in his view, would likewise tend to restrict the promotion of human rights to individuals. With regard to the eighth and ninth amendments, he preferred the paragraphs as they stood, and would therefore also oppose those amendments.

21. Mr. SOBHY (Egypt), speaking as a sponsor of draft resolution A/C.3/32/L.17/Rev.1, explained that the second and third Moroccan amendments in document A/C.3/32/L.33 limited the scope of the ideas expressed in the paragraphs in question. With regard to the fourth Moroccan amendment, the sponsors had accepted part of it; the remainder, however, consisted of drafting changes, and he did not see any need for them. As to the eighth Moroccan amendment, he noted that, although there was no disagreement over the responsibility of States for ensuring social progress and well-being, that idea was mentioned elsewhere in the draft resolution. Rather, the sponsors sought to emphasize the relationship between the new international economic order and the enjoyment of human rights. The ninth Moroccan amendment upset the balance of paragraph 1 (g), and the sponsors had therefore rejected it.

22. He appealed to the Moroccan delegation to withdraw those amendments; otherwise the sponsors would have to vote against them.

23. Mr. TSHERING (Bhutan) said that his delegation would vote in favour of draft resolution A/C.3/32/L.17/Rev.1, and against the remaining Moroccan amendments in document A/C.3/32/L.33, since it felt that they would upset the delicate balance reached in the revised draft resolution.

24. Mr. VELA (Guatemala) said that he would vote in favour of draft resolution A/C.3/32/L.17/Rev.1, the wording of which he considered to be very well balanced. He would, however, also vote in favour of the remaining five Moroccan amendments, since they helped to resolve a certain incongruity in the text: while the eleventh preambular paragraph referred to the continuing existence of an unjust economic order, paragraph 1 (f) declared that the realization of the international economic order should be accorded priority. Yet it was hardly possible to accord priority to the new order when it had not yet even been defined, in the Third Committee or elsewhere.

25. The CHAIRMAN invited the Committee to vote on the second amendment in document A/C.3/32/L.33.

26. At the request of the representative of Morocco, a recorded vote was taken.

In favour: Australia, Austria, Belgium, Bolivia, Canada, Chile, Colombia, Costa Rica, Denmark, Dominican Republic, Ecuador, El Salvador, France, Germany, Federal Republic of, Ghana, Guatemala, Honduras, Iceland, Ireland, Israel, Italy, Japan, Lebanon, Lesotho, Liberia, Luxembourg, Mauritania, Mexico, Morocco, Netherlands, Nicaragua, Nigeria, Norway, Panama, Paraguay, Rwanda, Senegal, Singapore, Spain, Surinam, Swaziland, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America, Upper Volta, Uruguay, Venezuela, Zaire.

Against: Algeria, Angola, Argentina, Bahrain, Bangladesh, Benin, Bhutan, Brazil, Bulgaria, Burundi, Byelorussian Soviet Socialist Republic, Cape Verde, Comoros, Congo, Cuba, Cyprus, Czechoslovakia, Democratic Yemen, Egypt, Equatorial Guinea, Ethiopia, Fiji, Finland, German Democratic Republic, Guinea, Guinea-Bissau, Hungary, India, Iran, Iraq, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Libyan Arab Jamahiriya, Madagascar, Maldives, Mali, Mongolia, Mozambique, New Zealand, Pakistan, Papua New Guinea, Peru, Philippines, Poland, Qatar, Samoa, Saudi Arabia, Somalia, Sudan, Sweden, Syrian Arab Republic, Trinidad and Tobago, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Tanzania, Viet Nam, Yemen, Yugoslavia, Zambia.

Abstaining: Afghanistan, Bahamas, Barbados, Burma, Central African Empire, Chad, Gambia, Greece, Grenada, Haiti, Indonesia, Ivory Coast, Jamaica, Malawi, Malaysia, Nepal, Niger, Oman, Portugal, Romania, Sierra Leone, Thailand, Tunisia, United Republic of Cameroon.

27. The second Moroccan amendment was rejected by 63 votes to 48, with 24 abstentions.*

28. Mrs. ABENG (Gabon) said that her delegation had voted in favour of paragraph 2 but that her vote had not been recorded by the voting machine.

* See para. 28 below.

29. The CHAIRMAN invited the Committee to vote on the third amendment in document A/C.3/32/L.33.

30. At the request of the representative of Morocco, a recorded vote was taken.

In favour: Australia, Austria, Belgium, Bolivia, Canada, Chile, Colombia, Costa Rica, Denmark, Dominican Republic, Ecuador, El Salvador, France, Gabon, Gambia, Germany, Federal Republic of, Ghana, Grenada, Guatemala, Honduras, Iceland, Ireland, Israel, Italy, Ivory Coast, Japan, Lebanon, Lesotho, Liberia, Luxembourg, Malawi, Mauritania, Mexico, Morocco, Netherlands, Nicaragua, Nigeria, Norway, Panama, Paraguay, Rwanda, Senegal, Sierra Leone, Singapore, Spain, Surinam, Swaziland, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America, Upper Volta, Uruguay, Venezuela, Zaire.

Against: Algeria, Angola, Argentina, Bahrain, Bangladesh, Benin, Bhutan, Brazil, Bulgaria, Burundi, Byelorussian Soviet Socialist Republic, Cape Verde, Comoros, Cuba, Cyprus, Czechoslovakia, Democratic Yemen, Egypt, Equatorial Guinea, Ethiopia, Fiji, Finland, German Democratic Republic, Guinea, Guinea-Bissau, Hungary, India, Iran, Iraq, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Libyan Arab Jamahiriya, Madagascar, Maldives, Mali, Mongolia, Mozambique, New Zealand, Pakistan, Papua New Guinea, Peru, Philippines, Poland, Qatar, Samoa, Saudi Arabia, Somalia, Sri Lanka, Sudan, Sweden, Syrian Arab Republic, Trinidad and Tobago, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Tanzania, Viet Nam, Yemen, Yugoslavia, Zambia.

Abstaining: Afghanistan, Bahamas, Barbados, Burma, Central African Empire, Chad, Congo, Greece, Haiti, Indonesia, Jamaica, Malaysia, Nepal, Niger, Oman, Portugal, Romania, Thailand, Tunisia, United Republic of Cameroon.

31. The third Moroccan amendment was rejected by 63 votes to 54, with 20 abstentions.

32. The CHAIRMAN invited the Committee to vote on the fourth amendment in document A/C.3/32/L.33.

33. At the request of the representative of Morocco, a recorded vote was taken.

In favour: Australia, Austria, Belgium, Bolivia, Canada, Chile, Colombia, Costa Rica, Denmark, Dominican Republic, Ecuador, El Salvador, France, Gabon, Germany, Federal Republic of, Ghana, Guatemala, Iceland, Ireland, Israel, Italy, Ivory Coast, Japan, Lebanon, Lesotho, Liberia, Luxembourg, Malawi, Mauritania, Mexico, Morocco, Netherlands, Nicaragua, Nigeria, Norway, Panama, Paraguay, Rwanda, Senegal, Singapore, Spain, Surinam, Swaziland, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Zaire.

Against: Algeria, Angola, Argentina, Bahrain, Bangladesh, Benin, Bhutan, Brazil, Bulgaria, Burundi, Byelorussian Soviet Socialist Republic, Cape Verde, Comoros, Cuba, Cyprus, Czechoslovakia, Democratic Yemen, Egypt, Equatorial Guinea, Ethiopia, Fiji, Finland, German Democratic Republic, Guinea, Guinea-Bissau, Hungary, India, Iran, Iraq, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Libyan Arab Jamahiriya, Madagascar, Maldives, Mali, Mongolia, Mozambique, New Zealand, Pakistan, Papua New Guinea, Peru, Philippines, Poland, Qatar, Samoa, Saudi Arabia, Somalia, Sri Lanka, Sudan, Sweden, Syrian Arab Republic, Trinidad and Tobago, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Tanzania, Viet Nam, Yemen, Yugoslavia, Zambia.

Abstaining: Afghanistan, Bahamas, Barbados, Burma, Central African Empire, Chad, Congo, Gambia, Greece, Haiti, Honduras, Indonesia, Jamaica, Malaysia, Nepal, Niger, Oman, Portugal, Romania, Sierra Leone, Thailand, United Republic of Cameroon, Upper Volta.

34. The fourth Moroccan amendment was rejected by 63 votes to 49, with 23 abstentions.

35. The CHAIRMAN invited the Committee to vote on the eighth amendment in document A/C.3/32/L.33.

36. At the request of the representative of Morocco, a recorded vote was taken.

In favour: Australia, Austria, Belgium, Bolivia, Canada, Chile, Colombia, Costa Rica, Denmark, Dominican Republic, Ecuador, El Salvador, France, Gabon, Germany, Federal Republic of, Ghana, Guatemala, Iceland, Ireland, Israel, Italy, Ivory Coast, Lebanon, Liberia, Luxembourg, Mauritania, Morocco, Netherlands, Nicaragua, Norway, Panama, Paraguay, Rwanda, Senegal, Singapore, Spain, Surinam, Swaziland, Turkey, United Kingdom of Great Britain and Northern Ireland, Upper Volta, Uruguay, Venezuela, Zaire.

Against: Algeria, Angola, Argentina, Bahrain, Bangladesh, Benin, Bhutan, Brazil, Bulgaria, Burundi, Byelorussian Soviet Socialist Republic, Cape Verde, Comoros, Congo, Cuba, Cyprus, Czechoslovakia, Democratic Yemen, Egypt, Equatorial Guinea, Ethiopia, Fiji, Finland, German Democratic Republic, Guinea, Guinea-Bissau, Hungary, India, Iran, Iraq, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Libyan Arab Jamahiriya, Madagascar, Maldives, Mali, Mongolia, Mozambique, New Zealand, Niger, Nigeria, Pakistan, Papua New Guinea, Peru, Philippines, Poland, Qatar, Samoa, Saudi Arabia, Somalia, Sri Lanka, Sudan, Sweden, Syrian Arab Republic, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Tanzania, Viet Nam, Yemen, Yugoslavia, Zambia.

Abstaining: Afghanistan, Bahamas, Barbados, Burma, Central African Empire, Chad, Gambia, Greece, Grenada, Haiti, Honduras, Indonesia, Jamaica, Japan, Malawi, Malaysia, Nepal, Oman, Portugal, Romania, Sierra Leone, Thailand, Trinidad and Tobago, United Republic of Cameroon, United States of America.

37. The eighth Moroccan amendment was rejected by 65 votes to 44, with 25 abstentions.

38. The CHAIRMAN invited the Committee to vote on the ninth amendment in document A/C.3/32/L.33.

39. At the request of the representative of Morocco, a recorded vote was taken.

In favour: Australia, Austria, Belgium, Bolivia, Canada, Chile, Colombia, Costa Rica, Denmark, Dominican Republic, Ecuador, El Salvador, France, Gabon, Gambia, Germany, Federal Republic of, Ghana, Guatemala, Iceland, Ireland, Israel, Italy, Ivory Coast, Japan, Lebanon, Lesotho, Liberia, Luxembourg, Malawi, Mauritania, Morocco, Netherlands, Nicaragua, Nigeria, Norway, Panama, Paraguay, Rwanda, Senegal, Singapore, Spain, Surinam, Swaziland, Tunisia, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America, Upper Volta, Uruguay, Venezuela, Zaire.

Against: Algeria, Angola, Argentina, Bahrain, Bangladesh, Benin, Bhutan, Brazil, Bulgaria, Burundi, Byelorussian Soviet Socialist Republic, Cape Verde, Comoros, Congo, Cuba, Cyprus, Czechoslovakia, Democratic Yemen, Egypt, Equatorial Guinea, Ethiopia, Fiji, Finland, German Democratic Republic, Guinea, Guinea-Bissau, Hungary, India, Iran, Iraq, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Libyan Arab Jamahiriya, Madagascar, Maldives, Mali, Mexico, Mongolia, Mozambique, New Zealand, Pakistan, Papua New Guinea, Peru, Philippines, Poland, Qatar, Samoa, Saudi Arabia, Somalia, Sri Lanka, Sudan, Sweden, Syrian Arab Republic, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Tanzania, Viet Nam, Yemen, Yugoslavia, Zambia.

Abstaining: Afghanistan, Bahamas, Barbados, Burma, Central African Empire, Chad, Greece, Grenada, Haiti, Honduras, Indonesia, Jamaica, Malaysia, Nepal, Niger, Oman, Portugal, Romania, Sierra Leone, Thailand, Trinidad and Tobago, United Republic of Cameroon.

40. The ninth Moroccan amendment was rejected by 64 votes to 51, with 22 abstentions.

41. The CHAIRMAN asked if the Committee wished to adopt draft resolution A/C.3/32/L.17/Rev.1 by consensus.

42. Mr. FAURIS (France) asked that the draft resolution should be put to the vote.

43. At the request of the representative of Cuba, a recorded vote was taken.

In favour: Afghanistan, Algeria, Angola, Argentina, Australia, Bahamas, Bahrain, Bangladesh, Barbados, Benin, Bhutan, Bolivia, Botswana, Brazil, Bulgaria, Burma, Burundi, Byelorussian Soviet Socialist Republic, Canada, Cape Verde, Central African Empire, Chad, Chile, Colombia, Comoros, Congo, Costa Rica, Cuba, Cyprus, Czechoslovakia, Democratic Yemen, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Ethiopia, Fiji, Finland, Gabon, Gambia, German Democratic Republic, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran, Iraq, Israel, Ivory Coast, Jamaica, Japan, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mexico, Mongolia, Mozambique, Nepal, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Romania, Rwanda, Samoa, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Sri Lanka, Sudan, Surinam, Swaziland, Sweden, Syrian Arab Republic, Thailand, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Cameroon, United Republic of Tanzania, Upper Volta, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia.

Against: None.

Abstaining: Austria, Belgium, France, Germany, Federal Republic of, Ireland, Italy, Luxembourg, Netherlands, Spain, United Kingdom of Great Britain and Northern Ireland, United States of America.

44. Draft resolution A/C.3/32/L.17/Rev.1 was adopted by 126 votes to none, with 11 abstentions.

45. The CHAIRMAN invited those delegations that wished to do so to explain their votes.

46. Mrs. SATO (Japan) said that in voting for the draft resolution just adopted it was her delegation's understanding that paragraph 1 (b) in no way contradicted the proposition clearly reflected in paragraph 1 (a) to the effect that the full realization of economic, social and cultural rights without the enjoyment of political and civil rights was neither possible nor consistent with human dignity. Her delegation was convinced that every Government should endeavour to guarantee all human rights and fundamental freedoms, and although it was true that they could be exercised only within the context of efforts to promote public welfare in general, there was seldom any justification for their being arbitrarily violated by any Government, even under extreme circumstances.

47. With respect to paragraph 1 (e), she noted that the enumeration of situations was illustrative rather than exhaustive because systematic or widespread oppression of people for their political or religious beliefs also affected human rights. Although paragraph 1 (e) accorded priority to the search for solutions to mass and flagrant violations of human rights, it was her delegation's understanding that that did not mean that the United Nations should not give equally serious attention to violations of the human rights of individuals, an understanding which was based upon the clear statement contained in paragraphs 1 (c) and 1 (d).

48. Finally, Japan supported the concept that the establishment of a fair and equitable economic order enabling States to attain maximum development would contribute substantially to the realization of human rights. With respect to paragraph 1 (e), she noted that there had been no change in the position of the Japanese Government concerning national sovereignty over natural resources.

49. Mr. O'DONOVAN (Ireland) said that his delegation had abstained in the vote on the draft resolution just adopted and that it endorsed the views which had been expressed at a previous meeting by the representative of Belgium speaking on behalf of the nine member countries of the European Community.

50. His delegation agreed with much of the content of the draft resolution and appreciated the efforts which had been made to accommodate its views, but regretted that there were serious omissions in the text. It was particularly sorry that the Moroccan amendments in document A/C.3/32/L.33 which had just been voted on had been rejected, thus leaving a draft resolution which stressed economic rights to the detriment of civil and political rights. His delegation rejected the notion that the enjoyment of economic and social rights had to be secured before civil and political rights could be enjoyed. Furthermore, civil and political rights were not the exclusive concern of wealthy countries. Many poor countries respected civil and political rights, just as many wealthy ones did not. Collective rights need not take priority over the rights of the human person.

(Mr. O'Donovan, Ireland)

51. Furthermore, a proper United Nations approach to human rights could not be developed in one General Assembly session. The draft resolution just adopted ignored the compromise language in which agenda item 76 had been framed, i.e., "alternative approaches and ways and means". His delegation reserved the right to submit relevant human rights proposals in the future, whether or not they were consistent with the provisions of the draft resolution just adopted.

52. Mr. de PINIES (Spain) said that paragraph 1 (a) made it clear that all human rights and fundamental freedoms were indivisible and interdependent, and that therefore equal attention should be given to civil, political, social, economic and cultural rights. His delegation agreed that that important principle should underlie the United Nations approach to human rights. Paragraphs 1 (e) and 1 (f), however, could easily be misinterpreted because they allowed for stressing certain concepts over others. His delegation therefore had had to abstain in the vote on the draft resolution.

53. Mr. FAURIS (France) said that his delegation had already stated its views, which were also reflected in the statement made at a previous meeting by the representative of Belgium on behalf of the nine countries of the European Community. His delegation regretted that its suggestions had not been incorporated in the draft resolution just adopted, which it felt was ambiguous, and it had therefore abstained in the vote.

54. Mr. EDIS (United Kingdom) said that his delegation had difficulty with many parts of the draft resolution just adopted and that it endorsed the statement made at a previous meeting by the representative of Belgium on behalf of the nine members of the European Community. Under the United Nations Charter and the International Covenants on Human Rights, economic, social, cultural and civil rights were clearly linked and equally important. His delegation reserved its position with respect to paragraph 1 (f) and regretted that the sponsors had been unable to accommodate its views sufficiently to enable it to support the draft resolution.

55. Mr. McGREGOR (Canada) said that his delegation had voted for the draft resolution despite certain reservations, especially with respect to the implication that there were prerequisites for the enjoyment of certain rights and freedoms. It was true that favourable economic and social conditions were necessary for the enjoyment of civil rights, but all human rights and fundamental freedoms were interdependent. The draft resolution was imprecise in that connexion. His delegation did not agree with the priority indicated in paragraph 1 (e) as it was worded, and with respect to paragraph 1 (f) it felt that although the new international economic order was extremely important for the effective promotion of human rights, the enjoyment of human rights was possible at any stage of development.

56. Mr. YOUNG (United States of America) said that his delegation regretted that it had had to abstain in the vote on the draft resolution, because it supported many of its provisions. Some provisions, however, were subject to misinterpretation. Paragraphs 1 (e) and 1 (f), for example, implied stressing certain human rights over others, thereby contradicting paragraph 1 (a). The rights listed in paragraph 1 (e) must be given great attention, but not a higher priority than was accorded to the promotion of vital rights of the individual. If individual human rights violations occurred, the United Nations must respond.

57. His delegation interpreted the mass and flagrant violations of human rights referred to in paragraph 1 (e) as including violations of the rights of the individual. Also, reference in the draft resolution to the rights of States to sovereignty over their natural resources and wealth must be understood to mean that that sovereignty must be exercised in accordance with the principles of international law. Furthermore, paragraph 1 (f) should not imply that the new international economic order was a prerequisite for the enjoyment of other rights. One group of rights could not be downgraded pending the establishment of the enjoyment of another group.

58. His delegation whole-heartedly supported paragraphs 1 (a), 1 (g) and 1 (h). He drew particular attention to paragraph 1 (a), which stated that all human rights and fundamental freedoms were indivisible and interdependent.

59. The CHAIRMAN said that the Committee had concluded its consideration of draft resolution A/C.3/32/L.17/Rev.1.

60. Mr. BAROODY (Saudi Arabia), speaking on a point of order, said that he wished to submit two amendments to draft resolution A/C.3/32/L.25/Rev.1. Although the debate on that draft resolution had already been concluded, until it was put to a vote it was subject to amendments, including oral ones. That was not a privilege but rather a right sanctioned by both practice and precedent. The Committee was in any case the master of its own procedure.

61. Mr. ALFONSO (Cuba) suggested, in accordance with rule 131 of the rules of procedure, that the Committee should not vote on draft resolution A/C.3/32/L.25/Rev.1. It was clear that a number of positions were emerging on that draft resolution. One group of delegations favoured the establishment of a High Commissioner for Human Rights without reservation. Another group, however, had practical or conceptual objections to establishing a structure which would replace existing bodies. A third group favoured establishing a High Commissioner, but wanted further clarification regarding his mandate and the limitations which would be placed on his activities. The fourth and largest group included both delegations which were against the proposal and delegations which favoured it in principle but felt that by its very nature it would lead to divisions which would only hamper the implementation of human rights in practice. The latter group understood that unity and international co-operation were essential for the implementation of human rights

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(Mr. Alfonso, Cuba)

and that without them the High Commissioner could accomplish nothing. He therefore proposed that the Committee should adopt the following decision: "The Committee decides not to vote on the draft resolution contained in document A/C.3/32/L.25/Rev.1 on the understanding that draft resolution A/C.3/32/L.29/Rev.1 and all documents related to it that have been before the Third Committee during the thirty-second session of the General Assembly, as well as the opinions advanced in the course of the debate on that proposal, are to be transmitted to the Commission on Human Rights to be considered at its coming thirty-fourth session during the over-all analysis it should undertake on the alternative approaches and ways and means for improving the effective enjoyment of human rights and fundamental freedoms."

62. Mr. DIOM (Senegal) said that many thousands of people languishing in intolerable conditions were looking to the international community for assistance. His delegation was among those which felt that they did not have the right to turn their backs on those unfortunate people. The international community should face up to its obligations: it should not turn its back on those people simply because a small number of delegations did not wish the international community to go to their aid. International co-operation did not mean asking a country to be silent and to waive its rights and concern itself only with the rights of others; such an interpretation was not acceptable. His delegation had spoken of hunger as a major concern of the developing countries. However, it could not agree that securing the exercise of human rights should be secondary to combating hunger. He reserved the right to speak again on the subject if necessary.

63. Mr. WILSON (Liberia), speaking on a point of order, suggested that the Committee should proceed to vote on draft resolution A/C.3/32/L.25/Rev.1, in accordance with rule 128 of the rules of procedure.

64. Mr. BAROODY (Saudi Arabia) said that, as draft resolution A/C.3/32/L.25/Rev.1 had not yet been put to the vote, he believed he was entitled to submit further amendments to it.

65. The CHAIRMAN said that, provided the Committee agreed, oral amendments to draft resolution A/C.3/32/L.25/Rev.1 which the Saudi Arabian representative wished to submit would be considered, together with other amendments, at the appropriate time.

66. Mr. BAROODY (Saudi Arabia) said that his proposed oral amendments referred to paragraphs 1 and 4 of the draft resolution. First the following phrase should be added after the word "functions" at the end of paragraph 1: "taking into account that, notwithstanding all these high qualities, he will do his utmost to be impervious to any campaign that may be waged by a State or its mass media aimed at besmirching the reputation of another State member of the United Nations". Second,

(Mr. Baroody, Saudi Arabia)

in paragraph 4, the following wording should be added after the word "countries": "taking into account that, in the discharge of his duties, he will refrain from resorting to any action which may jeopardize the development of friendly relations among nations and he should scrupulously observe paragraph 7 of Article 2 of the Charter of the United Nations which states: 'Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any State or shall require the Members to submit such matters to settlement under the present Charter'."

67. Mr. KAUFMANN (Netherlands) suggested that draft resolution A/C.3/32/L.25/Rev.1 should be put to the vote as provided in the rules of procedure. He believed it would be desirable to suspend the meeting briefly so that the sponsors of the draft resolution and of the various amendments to it might have an opportunity to work out their differences.

68. The CHAIRMAN said that the request which had just been made was for a brief suspension of the meeting and was not a formal proposal to suspend the meeting under rule 118.

69. Mr. de PINIES (Spain) said that in view of the lateness of the hour and as the documents containing the latest proposals would be available the following day, the meeting should be adjourned in accordance with rule 119.

70. After a procedural discussion in which Mr. ABOUL-NASR (Oman), Mr. SMIRNOV (Union of Soviet Socialist Republics), Mrs. WARZAZI (Morocco), Mr. ALFONSO (Cuba) Mr. AL-HUSSAMY (Syrian Arab Republic), Mr. de PINIES (Spain) and Miss ILIĆ (Yugoslavia) took part, the CHAIRMAN suggested that the meeting should be suspended for half an hour.

71. It was so decided.

The meeting was suspended at 6.20 p.m. and resumed at 7 p.m.

72. Mr. ALFONSO (Cuba) said that his proposal under rule 131 of the rules of procedure was quite simple. The first part of the motion invoked the latter part of rule 131, under which the Committee would decide not to proceed to a vote on draft resolution A/C.3/32/L.25/Rev.1. If the Committee adopted his proposal, it would do so on the understanding that draft resolution A/C.3/32/L.25/Rev.1 and all documents related to it that had been before the Committee during the current session of the General Assembly as well as the opinions on it advanced in the course of the debate were to be transmitted to the Commission on Human Rights for consideration at its thirty-fourth session during the over-all analysis it should undertake on alternative approaches and ways and means for improving the effective enjoyment of human rights and fundamental freedoms.

73. Mr. ALGARD (Norway) said that the sponsors of draft resolution A/C.3/32/L.25/Rev.1 considered that the Saudi Arabian amendment to paragraph 1 of the draft was acceptable. However, the proposed Saudi Arabian amendment to

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(Mr. Algard, Norway)

paragraph 4 was unnecessary, since the question was dealt with in paragraph 3 of the draft resolution as it stood. It went without saying that any United Nations official was bound by the provisions of the Charter.

74. The sponsors had also noted the oral amendment proposed by the representative of Oman. They appreciated the spirit in which it had been made but would prefer to retain the text as it stood.

75. With regard to the Cuban proposal, he appealed to the Cuban representative to withdraw it in a spirit of co-operation. If the Cuban representative pressed the proposal, he would request that it should be put to the vote immediately without a procedural debate.

76. Mr. SOBHY (Egypt) said that the question of the establishment of a United Nations High Commissioner for Human Rights deserved a greater in-depth study, particularly on the basis of the general principles set forth in draft resolution A/C.3/32/L.17/Rev.1. His delegation therefore supported the Cuban proposal that the Committee should not proceed to vote on draft resolution A/C.3/32/L.25/Rev.1, and that the question should be entrusted to the Commission on Human Rights for consideration at its forthcoming session.

77. He stressed that his delegation was not opposed to the idea of establishing a United Nations Commissioner for Human Rights but felt that certain procedures must be followed in order to ensure that the Commissioner would be able to achieve the best possible results.

78. Mr. de PINIES (Spain) said that if the Committee was going to apply rule 131 of the rules of procedure, it should adhere strictly to its provisions.

79. Mr. SMIRNOV (Union of Soviet Socialist Republics) noted that the Committee had just adopted an important resolution, contained in document A/C.3/32/L.17/Rev.1. If that draft resolution was adopted by the General Assembly, it would constitute a new approach within the United Nations system in the field of human rights. The draft resolution was based on the experience acquired by the United Nations in the light of recent trends. Many delegations had expressed the view that the draft resolution would lay the foundations for significant improvements in the activities carried out by the United Nations in the field of human rights. The draft resolution should therefore be taken into account in the discussion of the proposals now before the Committee.

80. Mr. DIOM (Senegal), speaking on a point of order, said that it appeared to his delegation that the USSR representative had reverted to the discussion of a draft resolution no longer under consideration.

81. The CHAIRMAN reminded the USSR representative that the text under consideration was draft resolution A/C.3/52/L.25/Rev.1.

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82. Mr. SMIRNOV (Union of Soviet Socialist Republics) said that in his delegation's view, the Cuban proposal was most timely. A High Commissioner would be called upon to apply certain standards. He wondered what those standards were supposed to be. It was known that many Governments regarded the provisions of the Universal Declaration of Human Rights as recommendations and not binding. Reference was made in draft resolution A/C.3/32/L.25/Rev.1 to the United Nations Charter. In that connexion, he recalled that in a memorandum sent to the United States Attorney General in connexion with certain cases before the United States Supreme Court, the Department of State had said that it interpreted Articles 55 and 56 of the United Nations Charter as not having legally binding force with regard to the question of human rights and fundamental freedoms.

83. The draft resolution also mentioned other instruments of the United Nations. The Soviet Union and other States were parties to such instruments, but many other countries, including sponsors of the draft resolution, were not. Consequently, what standards were to be implemented by the future High Commissioner? Standards differed from country to country and each State had its own obligations. His country was a party to the Covenants on Human Rights, but countries which had not acceded to the Covenants were not subject to their provisions.

84. His delegation considered that the Cuban proposal was prompted by the belief that draft resolution A/C.3/32/L.25/Rev.1 was not yet ripe for adoption and required careful study from both the procedural and the substantive points of view.

85. The representative of Italy had said that the proposed High Commissioner would not rank higher than an Under-Secretary-General. Therefore, it was not clear whether the High Commissioner would be a Secretariat official or a High Commissioner. The Italian representative had also said that the time had come to advance beyond the codification stage and to implement the Human Rights Covenants. However, the Covenants already provided for a system of implementation. There was already a Committee which dealt with the question of the implementation of the provisions of the Covenants. According to the Italian representative, the High Commissioner would report to the General Assembly on the situation of human rights throughout the world. However, it was not clear on the basis of what information the High Commissioner would submit reports to the General Assembly. In that respect, there were many gaps in the draft resolution. If it implied that the information was to come from private individuals and non-governmental organizations, that would be contrary to the provisions of Economic and Social Council resolution 1503 (XLVIII), which established a system for considering such reports.

86. The representative of Italy had said further that if the draft resolution was adopted, the Secretariat would study the possibility of regrouping under the authority of the High Commissioner various Secretariat services now concerned with the protection of human rights. However, no mention was made of that in the draft resolution. Thus it could be seen that the draft resolution was very vague

(Mr. Smirnov, USSR)

and must be clarified. Serious negotiations would have to be conducted before a generally acceptable decision could be reached.

87. He stressed that his Government supported the search for ways and means within the United Nations system, such as the establishment of new bodies or new posts within the Secretariat, of promoting the effective enjoyment of human rights. It was prepared to participate in that process. However, it categorically rejected any attempt to impose the proposal of one group of States on another group.

88. The sponsors of the draft resolution were well aware that their text left open the possibility of varying interpretations. In his delegation's view, the proposed High Commissioner would interfere in the internal affairs of States. Why was that concealed by generalities such as the statement that the High Commissioner would act within the framework of the Charter of the United Nations?

89. The draft resolution gave rise to many doubts. His delegation therefore called on the sponsors to show a sense of responsibility and not to press their text. He stressed the need for a serious exchange of views and said that the question should be considered in the Commission on Human Rights with a view to finding an acceptable solution.

90. Mr. VINCI (Italy) said that the representative of the Soviet Union seemed to have misinterpreted the statement he had made at the preceding meeting with regard to the role of the proposed United Nations High Commissioner for Human Rights. In his view, the High Commissioner could, *inter alia*, assist States in ensuring implementation of the existing human rights instruments. Furthermore, the High Commissioner could provide a valuable service in preparing an annual report on the human rights situation throughout the world, which would be consistent with the provisions of the Charter and with draft resolution A/C.3/32/L.17/Rev.1 just adopted by the Committee. He had not intended to imply that the High Commissioner should assume control over or attempt to regroup all of the United Nations bodies concerned with human rights; in his view, the High Commissioner would simply maintain close contact with all such bodies.

91. Mr. YOUNG (United States of America) said that the world had been waiting for 30 years for the vote on draft resolution A/C.3/32/L.25/Rev.1, as there was still no completely effective mechanism for preventing gross violations of human rights. The Committee now had before it an opportunity to vote for the advance of humanism by establishing, at the highest level in the United Nations, an office whose main concern would be to guarantee human rights, whether those of individuals or of groups. Such an official would serve, *inter alia*, as a human rights consultant to Governments. All States, including his own, needed assistance in the human rights field, especially where national priorities seemed to compete with concern for the rights of individuals. His own country was vulnerable to criticism, but was attempting to move forward and could learn from the experiences of other States.

92. In his view, the appropriate candidate for such a high office as the proposed High Commissioner would be a person who had himself experienced the denial of his own human rights and those of his people, such as Mangaliso Sobukwe or Nelson Mandela; such a person would not be confused by the distinctions between individual and group rights which seemed to preoccupy the Committee.

93. It should be noted that there had been a shift in United States public opinion

(Mr. Young, United States)

with regard to United States involvement in the human rights situation abroad. President Carter had become increasingly aware, through discussions with the people of the United States and the leaders of other nations, of the importance of human rights at home and abroad and of the depth of the desire of the people of the United States that their Government should not appear to be acting to deny human rights abroad. In that connexion, he noted that President Carter had signed the International Covenants on Human Rights during the current session.

94. Draft resolution A/C.3/32/L.25/Rev.1 did not provide all the answers to the world's human rights needs but it was an important step in the process of advancing United Nations human rights activities.

95. Mr. ABOUL-NASR (Oman) said that his delegation rejected all attempts to pressure delegations to adopt draft resolution A/C.3/32/L.25/Rev.1 and attempts to categorize those who supported or rejected the draft resolution or the Cuban procedural motion as supporters or opponents of human rights. All States were in favour of promoting the exercise of human rights but they had different approaches and solutions to such problems. In the view of his delegation, the most effective action that the United Nations could take in the human rights field would be to ensure the better functioning of existing machinery.

96. With regard to the statement made by the representative of Italy, he could not see how the proposed High Commissioner could help States to implement the various human rights instruments. Neither the implementation procedures in the Human Rights Covenants nor the functions of the Secretary-General made provisions for such assistance. There was the further problem of States which had not acceded to the Covenants.

97. He agreed with the representative of Norway that time should not be lost on a procedural debate and he therefore appealed to the representative of Spain not to insist on a vote on the draft resolution and to allow a vote on the Cuban procedural motion.

98. Mr. BAROODY (Saudi Arabia) said that there were many loop-holes in draft resolution A/C.3/32/L.25/Rev.1 and it required more study, in particular by the Commission on Human Rights. There was no consensus on the draft resolution in the Committee and it would not be opportune to attempt to force a decision by resorting to a vote.

99. Furthermore, the mandate of the proposed High Commissioner was not well defined. The representative of the United States had just spoken of the High Commissioner as a sort of consultant whose services would be available to States if requested. The idea was interesting but needed further study. In any case, the exact functions of such an official should be studied carefully and made explicit. There was the further danger pointed out by the representative of the Soviet Union that such an official, a member of the Secretariat and under the authority of the Secretary-General, might become politicized, even unwittingly,

(Mr. Baroody, Saudi Arabia)

which would pose an additional problem for the Secretary-General in the exercise of his own functions. The proposed High Commissioner could also be influenced by mass media and national interests. Furthermore, the very title "High Commissioner" was perhaps unfortunate in view of its associations with colonial administration.

100. In view of the adoption of draft resolution A/C.3/32/L.17/Rev.1, the Committee should not act hastily and should consider alternative approaches. No decision taken under pressure and without unanimity could be implemented. If a High Commissioner was established in such conditions of disunity and confusion, he would never have the co-operation of Member States and would be entirely ineffective. His delegation therefore supported the Cuban procedural motion and favoured requesting the Commission on Human Rights to examine all the relevant proposals, including the one contained in document A/C.3/32/L.25/Rev.1.

101. Mr. RAKOTONAIVO (Madagascar) said that his delegation supported the Cuban procedural motion. Before acting on draft resolution A/C.3/32/L.25/Rev.1, the Committee should await the results of the study which was to be undertaken by the Commission on Human Rights under paragraph 2 (a) of draft resolution A/C.3/32/L.17/Rev.1, during the course of which proposals such as those contained in draft resolution A/C.3/32/L.25/Rev.1 would be analysed.

102. Mr. NTAKIBIROPA (Burundi) said that his delegation was surprised at the haste with which some delegations were seeking to put draft resolution A/C.3/32/L.25/Rev.1 to the vote, for there were many unanswered questions in connexion with that text. He shared the views of the representative of Madagascar and supported the Cuban procedural motion.

103. Mr. De FINIÉS (Spain) expressed his delegation's concern that what was supposed to be an essentially procedural debate had turned into a discussion of substance. The question before the Committee was whether it would vote on draft resolution A/C.3/32/L.25/Rev.1 or whether, acting under rule 131 of the rules of procedure, it would not vote on the draft resolution. He urged the Committee to close the procedural debate and take action.

104. Mr. ALFONSO (Cuba) said that his delegation's proposal was quite clear and had many precedents. Under rule 131 the Committee, once it had taken a decision on a draft resolution concerning a certain question, could decide not to vote on a subsequent proposal on that question. His delegation insisted on its procedural motion and urged the Committee to proceed to a vote on it immediately.

105. The CHAIRMAN said that the Committee would proceed to vote on the Cuban procedural motion. She invited members to speak in explanation of vote before the vote if they so wished.

106. Mrs. SATO (Japan) said that her delegation felt that draft resolutions A/C.3/32/L.17/Rev.1 and L.25/Rev.1 were not related and did not address the same question; rule 131 of the rules of procedure could not, therefore, be applied. Furthermore, many States had expressed their views on draft resolution A/C.3/32/L.25/Rev.1 and it would be unfair and against the spirit of the Organization for the draft resolution not to be put to a vote. Her delegation would therefore vote against the Cuban procedural motion.

107. Mr. VERRÉT (Haiti) said that his delegation would support the Cuban procedural motion. His delegation had no objection to the United Nations efforts to promote human rights throughout the world but it should be remembered that the concept of human rights had emerged over a long period of time and through a difficult historical struggle. The experience of his country with bodies dealing with human rights was negative, as such bodies were often used by certain Governments to make accusations against other Governments, which led to a deterioration in the relations between Governments and human rights bodies and had a negative effect on human rights as a whole. His delegation had serious difficulties with certain features of draft resolution A/C.3/32/L.25/Rev.1 and favoured postponement of consideration of the draft resolution until the thirty-third session of the General Assembly.

108. The CHAIRMAN invited the Committee to vote on the Cuban procedural motion.

109. At the request of the representative of Oman, a recorded vote was taken on the procedural motion proposed by Cuba.

In favour: Algeria, Angola, Argentina, Bahrain, Bangladesh, Bhutan, Brazil, Bulgaria, Burundi, Byelorussian Soviet Socialist Republic, Cape Verde, Central African Empire, Comoros, Congo, Cuba, Czechoslovakia, Egypt, Equatorial Guinea, Ethiopia, Fiji, Gabon, German Democratic Republic, Guinea, Guinea-Bissau, Haiti, Hungary, Indonesia, Iraq, Jamaica, Kuwait, Leo People's Democratic Republic, Libyan Arab Jamahiriya, Madagascar, Malaysia, Maldives, Mali, Mongolia, Mozambique, Oman, Papua New Guinea, Peru, Philippines, Poland, Qatar, Romania, Samoa, Saudi Arabia, Sierra Leone, Sri Lanka, Sudan, Syrian Arab Republic, Trinidad and Tobago, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Tanzania, Viet Nam, Yemen, Yugoslavia, Zambia.

Against: Australia, Austria, Bahamas, Belgium, Bolivia, Canada, Chile, Colombia, Costa Rica, Denmark, Dominican Republic, El Salvador, Finland, France, Gambia, Germany, Federal Republic of, Ghana, Honduras, Iceland, Ireland, Israel, Italy, Ivory Coast, Japan, Kenya, Lesotho, Liberia, Luxembourg, Malawi, Mauritania, Morocco, Netherlands, New Zealand, Nicaragua, Niger, Norway, Panama, Paraguay, Portugal, Senegal, Spain, Surinam, Swaziland, Sweden, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Zaire.

Abstaining: Afghanistan, Barbados, Benin, Burma, Chad, Cyprus, Ecuador, Greece, India, Iran, Jordan, Lebanon, Mexico, Nepal, Nigeria, Rwanda, Singapore, Thailand, Tunisia, Turkey, United Republic of Cameroon, Upper Volta.

110. The proposal was adopted by 61 votes to 49, with 22 abstentions.*

* See paragraph 111 below.

111. Mrs. HOUNGAVOU (Benin) said that she had inadvertently pressed the wrong button, thus registering an abstention. She had intended her vote to be in the affirmative.

112. The CHAIRMAN said that the vote would be amended to read: "The proposal was adopted by 62 votes to 49 with 21 abstentions."

113. Mr. PASTINEN (Finland) said that he had voted against the Cuban motion concerning draft resolution A/C.3/32/L.25/Rev.1, which his delegation had co-sponsored. The text complemented draft resolution A/C.3/32/L.17/Rev.1 which he had also co-sponsored, and the object of the two draft resolutions was unquestionably to advance respect for human rights. He did not accept the view that the time was not propitious for a decision on the proposal contained in draft resolution A/C.3/32/L.25/Rev.1. He interpreted the Cuban procedural motion to mean that serious and full consideration would be given to the establishment of a United Nations High Commissioner for Human Rights, and he was confident that the Commission on Human Rights, when it considered the matter, would make a favourable recommendation.

114. Mr. DAGRA (Niger) said that without prejudice to the position his delegation would have taken on draft resolution A/C.3/32/L.25/Rev.1, he had voted against the Cuban proposal because he considered it important that the draft resolution should be put to the vote.

115. Mr. VALDERRAMA (Philippines) said that he had voted to defer consideration of the draft because the adoption of draft resolution A/C.3/32/L.17/Rev.1 made consideration of draft resolution A/C.3/32/L.25/Rev.1 unnecessary. He did not regard the establishment of a United Nations High Commissioner for Human Rights as opportune in view of the controversy which the proposal had raised. Draft resolution A/C.3/32/L.25/Rev.1 contained ambiguities, particularly in the sixth preambular paragraph and in paragraph 2 (b). The mandate of the proposed High Commissioner was only vaguely stated, and the effect of the present draft might be to encroach on the mandate of the Committee on the Elimination of Racial Discrimination, the Special Committee against Apartheid and the Council for Namibia, all of them bodies which derived their mandates direct from the General Assembly. The Committee should await the analysis which the Commission on Human Rights was required by paragraph 2 (a) of draft resolution A/C.3/32/L.17/Rev.1 to undertake.

116. Mrs. WILMOT (Ghana) said that she was particularly concerned to dispel any notion that her vote against the Cuban proposal meant that her delegation was apathetic to the substance of draft resolutions A/C.3/32/L.17/Rev.1 and L.25/Rev.1. She had voted for the former, and for the amendments to it contained in A/C.3/32/L.33, because she believed that individual human rights were as important as collective human rights and because she was convinced that the ideas set forth in the draft resolution were worthy of consideration. She had voted against the Cuban procedural motion because she believed that every delegation or group of delegations had the right to put forward a resolution, and delegations should have the opportunity to pronounce themselves on those texts. She hoped that when the item was considered again it would command a greater measure of support.

117. Miss SHAHKAR (Iran) said that she had abstained on the Cuban procedural motion. Several years previously when the proposal to appoint a United Nations High Commissioner for Human Rights had first been mooted her delegation had supported it but it had subsequently become less enthusiastic when discussions in the Commission on Human Rights and the Third Committee indicated that the proposal might not receive the wide measure of support which was essential for its success; her delegation had, however, supported the proposal at the current session. Therefore, her abstention on the Cuban motion must not be interpreted as indicating opposition in principle; it was rather a reflection of her delegation's expectation that when the proposal for a High Commissioner had been thoroughly studied by the Commission on Human Rights, it would find a broad basis of support which would make it truly effective.

The meeting rose at 8.35 p.m.