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Chairman: Mr. SOBHY (Egypt)

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SYSTEM FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS
(continued)

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The meeting was called to order at 3.10 p.m.

AGENDA ITEM 87: 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.3/34/L.15/Rev.2, L.16/Rev.1, L.19 to L.22, L.25, L.32)

1. Mrs. FLORES (Cuba) said that the sponsors of draft resolution A/C.3/34/L.15/Rev.2 had accepted the amendment to paragraph 9 as proposed by Ireland at the 35th meeting to the effect that the word "study" should be replaced by "consider". On the other hand, they had been unable to accept the proposal by the representative of Austria for the insertion, in the third line of paragraph 12, of the word "first" before the word "study". Nor had they been in a position to accept either the amendment to paragraph 8 put forward by the delegation of the Federal Republic of Germany, or the various amendments proposed by the delegation of the United States. The spirit of co-operation and understanding that existed among the sponsors of draft resolution A/C.3/34/L.15/Rev.2 had been demonstrated throughout the debate in the Committee, both by the two revisions which had been made to the initial draft and by the later acceptance of various suggestions. The sponsors hoped that the Committee would adopt the draft resolution by consensus.
2. Mrs. SIBAL (India) introduced two revisions to draft decision A/C.3/34/L.32: in the second line, the word "study" should be replaced by the word "consideration" to bring the text into line with the amendment to paragraph 9 agreed to by the sponsors of draft resolution A/C.3/34/L.15/Rev.2; and in the fifth line of the English text, the words "these proposals" should be changed to "this proposal".
3. Mr. DANOVI (Italy) considered that the proposal submitted by India in document A/C.3/34/L.32 constituted an abdication on the part of the Committee of its capacity to adopt decisions, no matter how modest. To refer the proposal in document A/C.3/34/L.16/Rev.1 to the Commission on Human Rights was tantamount to postponing a decision on the matter.
4. Referring to the statement made by the representative of Brazil at the 35th meeting, he explained that there was no contradiction between his delegation's submission of draft resolution A/C.3/34/L.16/Rev.1 and the position taken by the representative of Italy in the Fifth Committee the previous year. On that occasion, his delegation had voiced alarm on seeing certain units of the Secretariat attempting to change their designation in order to obtain more resources. It had submitted draft resolution A/C.3/34/L.16/Rev.1 at the present session because the redesignation of the Division of Human Rights as a Centre would help it to obtain the resources which most delegations, including that of India, had recognized as being necessary. For that reason, his delegation proposed the following amendments to the text of draft decision A/C.3/34/L.32: in the fourth line of the text, the words "to examine also" should be replaced by the words "to consider"; and in the fifth and sixth lines, the words "together with the views expressed on these proposals in the thirty-fourth session of the General Assembly and thereafter to make" should be replaced by the words "if adopted by the General Assembly, and to take due account of it in formulating".

5. Mr. VOICU (Romania) speaking as one of the sponsors of draft resolution A/C.3/34/L.15/Rev.2, said that the draft resolution was a logical continuation of General Assembly resolutions 32/130 and 33/104 and contributed to their implementation. In particular, he stressed the importance of the references to the new international economic order and to the right to development. He also emphasized the relevance of the matters dealt with in paragraph 7, which mentioned the need to guarantee the right to work, the right to education, health and proper nourishment, through the adoption of measures at the national and international levels, including the establishment of the new international economic order.
6. His delegation considered that the study requested in paragraph 12 referred to subjects essential to the promotion of human rights. The preparation of that study and the discussion of it in the United Nations would contribute to a better international dialogue on the promotion and protection of human rights.
7. His delegation maintained the position it had adopted during the general debate on the proposals contained in documents A/C.3/34/L.16/Rev.1 and A/C.3/34/L.19, and supported the draft decisions submitted by India in document A/C.3/34/L.32.
8. The CHAIRMAN announced that the representative of the United States had requested recorded votes on all the draft resolutions relating to agenda item 87.
9. Mr. CARDWELL (United States of America) said that his delegation had submitted amendments to draft resolution A/C.3/34/L.15/Rev.2 unofficially in order to give the sponsors time to consider them. The many resolutions already adopted on the subject had not yielded the desired results because some States had been unable to participate in their implementation owing to their disagreement of principle with the basic text and with provisions of the resolutions. Failure to adopt the draft resolution by consensus would only add it to the growing heap of unproductive resolutions.
10. Unfortunately, draft resolution A/C.3/34/L.15/Rev.2 did not reflect the concerns of principle of a number of delegations, despite the efforts of the Western Group and the United States to persuade the sponsors to take them into account. He appealed to the sponsors and to the Committee to accommodate those concerns of principle in the draft resolution so as to obtain the support of all Member States. If it was not adopted by consensus, the draft resolution would be of disservice to the majority of developing nations, which would be affected by the implementation of its provisions.
11. The amendments that the United States was seeking to introduce and which it would submit officially that same day, Tuesday, 6 November, were not a reflection of his country's policy with regard to the situation, but represented the minimum requirements for the United States to be able to join in a consensus.
12. Mrs. AKAMASU (Japan) said that draft resolution A/C.3/34/L.16/Rev.1 represented a valuable contribution to the strengthening of United Nations organs in the field of human rights. She also stated that Japan fully supported the amendment proposed by the representative of Italy.

13. Mrs. SIBAL (India) explained that the question would be considered in the Commission on Human Rights by a working group only.

14. Her delegation accepted the amendment to draft decision A/C.3/34/L.32 proposed by the representative of Italy and suggested a subamendment to his second amendment, namely, that the words "if adopted by the General Assembly" should be deleted.

15. Mrs. FLORES (Cuba) said that the representative of the United States had indicated that he intended to submit amendments officially, but had not done so. Despite that fact, the sponsors of draft resolution A/C.3/34/L.15/Rev.2 had met on several occasions to consider his proposal but had been unable to accept it. She asked for a vote on the draft resolution as she considered that amendments should not be introduced at the current stage of the debate.

16. Mr. CARDWELL (United States of America) withdrew his amendments.

17. Mr. BA (Mali) said that his delegation was one of the sponsors of draft resolution A/C.3/L.15/Rev.2. It would vote against draft resolution A/C.3/34/L.16/Rev.1 since it considered that the redesignation of the Division of Human Rights offered no advantages. With regard to draft resolution A/C.3/34/L.19, he was of the opinion that, since the question was under study, it would be preferable to wait for the study to be completed. He had no objections to draft resolution A/C.3/34/L.20.

18. Ms. RICHTER (Argentina) said that her delegation supported the draft decision proposed by the delegation of India in document A/C.3/34/L.32. On the other hand, draft resolution A/C.3/34/L.16/Rev.1 raised many questions, such as who the proposed Centre would report to, as compared with the Division of Human Rights; whether the Centre would come under the Department of International Economic and Social Affairs; what the relationship between the proposed Centre and the Centre at present responsible for humanitarian affairs would be; what increase of personnel the establishment of the proposed Centre would involve; and what the administrative and financial implications of the draft resolution would be. The Committee needed more information before it could take a decision.

19. The Indian proposal would give delegations sufficient time before having to decide on an intricate question. Once the Commission on Human Rights received the information requested of the Secretary-General in the draft resolution, the hesitation would disappear and a decision on the matter could be taken with greater assurance.

20. Mr. DANOVI (Italy) said that his delegation accepted the subamendment proposed by the representative of India, with a slight modification which would involve replacing the words "to examine also" in the fourth line of the English text by the words "to consider". Thus the last four lines of draft decision A/C.3/34/L.32 would read: "resolution A/34..., to consider the proposal in resolution A/34/... /A/C.3/34/L.16/Rev.1/ and to take due account of it in formulating recommendations to the General Assembly at its thirty-fifth session".

21. Mr. MAKKI (Oman) said that the Committee should vote first on draft resolution A/C.3/34/L.15/Rev.2 and then return to consideration of the Indian draft decision.

22. After a procedural discussion, in which Mr. OKOTE (Uganda) and Mr. MAKSIMOV (Byelorussian Soviet Socialist Republic) took part, the CHAIRMAN, speaking on behalf of the officers of the Committee, suggested that the Committee should consider all the draft resolutions submitted on agenda item 87 and vote on them together.

23. Mr. BERGTHUN (Norway) said that his delegation wished to be added to the sponsors of draft resolution A/C.3/34/L.20. The basic ideas in that draft resolution were important to the promotion and protection of human rights. His delegation looked forward with interest to the discussion that would take place at the following session on the subitem the inclusion of which in the agenda was envisaged in paragraph 2 of the draft resolution.

24. Mr. O'DONOVAN (Ireland) and Mr. EDIS (United Kingdom) supported the proposal of Oman that each draft resolution should be considered separately.

25. The CHAIRMAN reiterated the view of the officers of the Committee that all the draft resolutions should be voted on together. However, if the Committee wished to consider them separately, there was no reason why that could not be done. If there was no objection, he would take it that the Committee decided to adopt that procedure.

26. It was so decided.

27. Mr. SENE (Senegal) said that his delegation supported the idea of the creation of a post of United Nations High Commissioner for Human Rights, which would give greater moral authority to the institution responsible for the defence of human rights. As the Canadian delegation had withdrawn its draft resolution A/C.3/34/L.18, which provided for the creation of such a post, his delegation would vote in favour of draft resolution A/C.3/34/L.19, which would make it possible to continue consideration of the question. He would also vote in favour of draft resolution A/C.3/34/L.20 on the establishment of national institutions for the promotion and protection of human rights. Draft resolution A/C.3/34/L.16/Rev.1 should be studied in detail in the Committee before any decision was taken to transmit it to the Commission on Human Rights. Draft resolution A/C.3/34/L.15/Rev.2 should be adopted by consensus.

28. Mr. MAKSIMOV (Byelorussian Soviet Socialist Republic) said that the discussion had demonstrated the constructive attitude of the delegations which had sponsored draft resolution A/C.3/L.15/Rev.2. With respect to draft resolution A/C.3/34/L.16/Rev.1, he said that the usefulness of measures taken should not depend on the designation of units of the Secretariat but on their efficient functioning. In resolution 1979/36, the Economic and Social Council had already requested a study on the resources needed by the human rights sector of the Secretariat. In the circumstances, it was not appropriate to take other steps now that might interfere with those approved by the Economic and Social Council. He therefore supported the draft decision submitted by India.

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(Mr. Maksimov, Byelorussian SSR)

29. Turning to draft resolution A/C.3/34/L.19, he said that the proposal to include an item in the agenda of the following session of the General Assembly had no legal basis. At the twenty-ninth session it had already been decided that the question of appointing a United Nations High Commissioner for Human Rights should be dealt with as part of the present agenda item 87. The question of a High Commissioner for Human Rights had been studied by the Commission on Human Rights and the views of its members had been divided. The Commission on Human Rights would continue to study the proposal. The adoption of draft resolution A/C.3/34/L.19 would indicate a lack of confidence in the Commission on Human Rights. Furthermore, any delegation could ask that the item should be included in the agenda of the thirty-fifth session of the General Assembly. Accordingly, he urged the delegation of Costa Rica to withdraw draft resolution A/C.3/34/L.19.

30. Mr. PAPADEMAS (Secretary of the Committee) announced that Equatorial Guinea, Guinea-Bissau and Mali should be added to the sponsors of draft resolution A/C.3/34/L.15/Rev.2.

31. The CHAIRMAN invited the Committee to vote on draft resolution A/C.3/34/L.15/Rev.2, and called on delegations to explain their vote before the vote.

32. Mr. VERKERCKE (Belgium) said that his delegation would abstain in the vote, although it appreciated the importance of the work being done to promote human rights and study new and effective methods directed towards that end. Belgium had been unable to give full support to General Assembly resolution 32/130, which had failed to achieve a balance between collective and individual rights; and it considered that that tendency had been accentuated in draft resolution A/C.3/34/L.15/Rev.2. The sponsors had made a laudable effort to incorporate the various suggestions aimed at reducing the imbalance, but there had not been time to complete the dialogue that might have made a consensus possible.

33. His delegation could not support the references to the right to development and its application to both nations and individuals in the eighth preambular paragraph and in paragraph 3. It was an interesting and important concept, but its definition and content required a more detailed study in the Commission on Human Rights. The inclusion in paragraph 7 of a reference to the right of workers to participate in management related to a concept in economic and social policy that did not constitute a human right recognized in international instruments, and many Member States would not be in a position to ensure it. The request in paragraph 12 was repetitive, too broad, and, at the same time, incomplete. He noted with interest the view of the sponsors that the study referred to in that paragraph might be supplemented by an analysis of other obstacles that interfered with the realization of human rights.

(Mr. Verkercke, Belgium)

34. The global study that the Commission on Human Rights had undertaken was being carried out in a spirit of consensus that correctly reflected the principles and views of all Member States. Belgium understood that the sponsors of the draft resolution under consideration shared a desire to continue in that manner and hoped that the dialogue which it had not been possible to complete on the present occasion would continue subsequently.

35. Ms. RASI (Finland) said that her delegation would vote in favour of draft resolution A/C.3/34/L.15/Rev.2. The most effective measures for the protection of human rights were those which had the broad support of Governments. General Assembly resolution 32/130, which emphasized the indivisibility and interdependence of civil and political, and economic, social and cultural rights, was the basic framework for further action in that field.

36. However, the draft resolution contained some elements which did not enjoy broad international support and which should not have been included in the text. Paragraph 12 listed a number of conditions which were not favourable for the realization of human rights and fundamental freedoms. Her Government was firmly convinced that the realization of human rights and fundamental freedoms was an unconditional responsibility of all Governments and one which they had assumed as Members of the United Nations. Finland could not share the view that human rights and fundamental freedoms could only be promoted in particular circumstances.

37. Paragraph 7 contained elements, such as worker participation in management, which could not be accepted by all countries. It belonged to the sphere of social policy and to the prerogatives of the International Labour Organisation (ILO) rather than to that of human rights. Paragraph 8 recognized the right to development as a human right, yet there did not yet exist a universally accepted definition of that concept. Her delegation would state its views on that matter at a later date.

38. The Commission on Human Rights and the international community should concentrate their efforts on ensuring a better implementation of human rights. She hoped that the redesignation of the Division of Human Rights as the Centre for Human Rights, which was supported by her delegation, would enhance the possibilities of the United Nations in that field.

39. Mr. O'DONOVAN (Ireland) said that his delegation would vote for draft resolution A/C.3/34/L.15/Rev.2, although it would have preferred to see it adopted by consensus.

40. Ireland had reservations concerning a number of aspects of the text. The question of the right to development, which was mentioned in the eighth preambular paragraph and operative paragraph 8, had not yet been adequately defined, and any future discussion of the concept would therefore have to be based on existing international instruments. Worker participation in management was not recognized as a right in any international instrument, and the international community was not in a position to guarantee it. With regard to paragraph 9 of the draft resolution,

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(Mr. O'Donovan, Ireland)

he said that his delegation would welcome any measures tending to improve the effectiveness of the Division of Human Rights. The administration of the Division was, however, the prerogative of the Secretary-General, as stipulated in the Charter.

41. His delegation had abstained in the vote on decision 1979/30 of the Economic and Social Council, relating to the seminar referred to in paragraph 10, and had stated its reasons for so doing. The study requested of the Secretary-General in paragraph 12 of the draft resolution was unnecessary, in view of the various studies which the Secretariat had already carried out on similar or related subjects.

42. The Commission on Human Rights, in the course of its on-going work on the over-all analysis referred to in paragraph 2 of the draft resolution, should bear General Assembly resolution 33/105 in mind as an important element in that analysis. That resolution requested the Commission on Human Rights to take into account, inter alia, the proposal for a post of United Nations High Commissioner for Human Rights. It was gratifying to note that the representative of the Byelorussian SSR shared that view.

43. Mr. VOLLERS (Federal Republic of Germany) welcomed the fact that draft resolution A/C.3/34/L.15/Rev.2 embodied provisions, such as paragraphs 3 and 5, which were fully consonant with the principles that would ensure universal respect for human rights and support for the Universal Declaration of Human Rights and the International Covenants on Human Rights. On the other hand, it had not been possible to clarify certain other issues in the draft resolution sufficiently to avoid possible misunderstandings.

44. Lengthy discussions had been held within United Nations bodies with a view to achieving a fair compromise between the divergent views of States. His delegation had proceeded from the assumption that, with Economic and Social Council resolution 1979/36, the over-all analysis had been brought to a successful conclusion. Yet it would seem that the intention was to reopen the discussion.

45. He regretted that the sponsors of the draft resolution had been unable to accept his delegations's proposed amendment to paragraph 8. With that amendment, the notion of the right to development would have been given a minimum basis and framework, which would have been in the interest of all those who wanted to develop such a human right. Moreover, it would have been appropriate to provide all interested States with a broader opportunity to co-operate in the elaboration of the study referred to in paragraph 12. The Secretary-General had to face an extremely comprehensive task, which included issues that were subject to divergent interpretations. It would have been preferable to agree on specific items in advance.

46. His delegation would therefore abstain in the vote.

47. Mr. CARDWELL (United States) said his delegation regretted that it would have to vote against draft resolution A/C.3/34/L.15/Rev.2. The resolution was fundamentally defective because some had taken the question of the relevance of economic development as an opportunity to press for perceptions of human rights in which the individual was not the basic social unit.

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(Mr. Cardwell, United States)

48. Unfortunately, draft resolution A/C.3/34/L.15/Rev.2 sought to put the nation and the group ahead of the individual. That was particularly apparent from paragraph 8, which stated that a particular right was as much a prerogative of nations as of individuals; in his delegations's view, the right was solely that of individuals. In addition to that basic problem, his delegation was opposed to the unnecessary additions that jeopardized agreement on the basic issues; a case in point was the insistence by some on the inclusion of the need to guarantee worker participation in management. His delegation felt that a ground for consensus had not been reached, owing to the lack not of time but of will.

49. Mrs. KEKEDO (Papua New Guinea) said that, in view of her Government's position on human rights, her delegation would vote in favour of draft resolution A/C.3/34/L.15/Rev.2, although it had some reservations about the wording of certain paragraphs.

50. Mrs. WARZAZI (Morocco) said that her delegation would vote, with some reservations, for draft resolution A/C.3/34/L.15/Rev.2, provided that the French translation of paragraph 7 was improved. She asked that the Committee's report should reflect the fact that her delegation had used the Spanish text as a basis when voting on paragraph 7.

51. Mrs. MORRISON (Lesotho) said that her delegation would vote for draft resolution A/C.3/34/L.15/Rev.2 but in some of the operative paragraphs, it would have preferred a simpler wording which certain delegations, including her own, could have understood fully. With regard to the wording of paragraph 8, she pointed out that agenda item 87 was concerned with the promotion of the effective enjoyment of the rights of human beings, which were completely different from those of nations. A guarantee of the rights of human beings would automatically assure the rights of nations.

52. Mr. NSAHLAI (United Republic of Cameroon) said that his delegation would have no difficulty whatever in voting for draft resolution A/C.3/34/L.15/Rev.2 and wished to congratulate the sponsors. He regretted that the Committee had been obliged to vote on the draft resolution, and he hoped that important draft resolutions could in future be adopted by consensus.

53. Mr. HOLLWAY (Australia) said that his delegation supported the objectives of draft resolution A/C.3/34/L.15/Rev.2 and would therefore vote in favour of it. Australia had been a supporter of resolution 32/130 when it had been adopted by the General Assembly in 1977 and had played an active role in the negotiations on the over-all analysis that had taken place since then. The negotiations had been characterized by a desire to work for a consensus, since all delegations recognized that general agreement on the basic principles of human rights was vital. His delegation had participated in the search for a consensus and was gratified to note the efforts that had been made in that direction.

54. Draft resolution A/C.3/34/L.15/Rev.2 in no way detracted from the principles laid down in the Universal Declaration of Human Rights, and it should be understood that paragraph 9 did not impinge on the Secretary-General's

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(Mr. Hollway, Australia)

responsibilities under the Charter but referred to the adequacy of the human and other resources of the Secretariat for the implementation of the General Assembly's resolutions.

55. His delegation considered the over-all analysis requested under resolution 32/130 to have been completed; it interpreted paragraph 2 of the draft resolution as suggesting that it was necessary to proceed to negotiation and settlement on those issues which the over-all analysis had revealed as being worthy of further study. With regard to the study requested in paragraph 12, it was necessary to bear in mind the statement in paragraph 3 that all human rights and fundamental freedoms were indivisible and interdependent; it should also be noted that the list of situations enumerated in paragraph 12 was not exhaustive.

56. While his delegation supported the general thrust of paragraph 10, it could not agree with the breadth of its range. The inequities in the present international economic order were being studied in detail by the United Nations, and it could not be said that that order was totally flawed. His delegation could support the paragraph on condition that the Secretary-General discussed the terms of the projected seminar with the Special Rapporteur whose appointment had been suggested to the Commission on Human Rights by the Sub-Commission.

57. Mr. NORDENFELT (Sweden) said that his delegation, wishing to promote the pre-conditions for the more equitable economic world order required for a fuller respect of human rights, had participated in preparing and had been one of the co-sponsors of General Assembly resolution 32/130. That resolution emphasized the indivisibility and interdependence of all human rights and did not give priority to any particular category of those rights.

58. Draft resolution A/C.3/34/L.15/Rev.2 seemed to lay emphasis on rights of a collective nature rather than on individual rights, which were the very essence of the concept of human rights. Moreover, the draft resolution departed from the concept of the interdependence and equal importance of all categories of human rights, as laid down in General Assembly resolution 32/130.

59. Nevertheless, his delegation would vote for draft resolution A/C.3/34/L.15/Rev.2 because it believed that the implementation of economic, social and cultural rights on an equal footing with civil and political rights was essential for the protection of the human rights of the individual.

60. Mr. HEINEMANN (Netherlands) said that his delegation would vote in favour of draft resolution A/C.3/34/L.15/Rev.2 but that such a vote should not be interpreted as an endorsement of all the points raised in the operative part of the draft.

61. Paragraph 8 mentioned the right to development as a human right; however, the process of defining that right had only recently commenced. With regard to paragraph 7, since the idea of worker participation in management had not been recognized as a human right in any international instrument, his delegation wondered whether it was appropriate for the General Assembly to take a position at present on the guaranteeing of that right.

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(Mr. Heinemann, Netherlands)

62. Paragraph 12 posed problems for his delegation because the Secretary-General, in view of his politically neutral role, could not take a position on the catalogue of evils mentioned in that paragraph. The Netherlands also had reservations concerning the mention of "intervention and interference in the internal affairs of States". The General Assembly and other organs of the United Nations were competent to discuss grave violations of human rights and to make pronouncements on them, in order to bring pressure to bear upon certain Governments, without being deemed to contravene the principle laid down in Article 2, paragraph 7, of the Charter.

63. If the study required from the Commission on Human Rights was to become a meaningful contribution, an even more positive spirit than that shown by many sponsors of the draft resolution would be necessary.

64. Mr. WIESNER (Austria) said that his delegation would have preferred a consensus on draft resolution A/C.3/34/L.15/Rev.2. It would also have liked to see some improvements in the text and had, to that end, participated actively in the consultations with the sponsors. Nevertheless, his delegation's proposals had not been accepted, and it would therefore abstain in the vote on the draft resolution.

65. Mrs. AKAMATSU (Japan) said that her delegation would vote in favour of draft resolution A/C.3/34/L.15/Rev.2, just as it had previously voted in favour of General Assembly resolution 32/130. However, she wished to place on record her delegation's reservations with regard to the eighth preambular paragraph and to paragraphs 8 and 12.

66. Ms. FAWTHORPE (New Zealand) said that her delegation was seriously committed to the creation of conditions within the United Nations that would enable all Member States to take part in the debate aimed at improving the effective enjoyment of human rights. New Zealand continued to attach great value to the provision, envisaged in General Assembly resolution 32/130, of a balance between civil and political rights, on the one hand, and economic, social and cultural rights, on the other. Neither category of rights could be fully enjoyed without simultaneous implementation of the other.

67. Draft resolution A/C.3/34/L.15/Rev.2 reaffirmed several of the principles embodied in General Assembly resolution 32/130. Nevertheless, she had certain reservations concerning the draft resolution.

68. New Zealand was sympathetic to the statement, in paragraph 8, that the right to development was a human right. However, there was no internationally recognized and accepted "right to development" as such. At the present stage, New Zealand could not support an endorsement by the General Assembly of the affirmation of the existence of the right to development as a human right without having a clear understanding of what was meant by it.

69. Paragraph 12 concerned a study of various international conditions that affected human rights and fundamental freedoms. Her delegation did not support the request for that study because it would divert resources of the Division of Human Rights from tasks to which higher priority should be given. Furthermore, it was still the primary duty of Governments to protect the human rights of their own citizens.

(Ms. Fawthorpe, New Zealand)

70. Lastly, the reference in paragraph 7 to a right to worker participation in management conflicted with the domestic policy of New Zealand, which held that that was a matter for voluntary decision by employers.

71. For all those reasons, her delegation would abstain in the vote on the draft resolution.

72. Mr. DYRLUND (Denmark) expressed regret at the fact that draft resolution A/C.3/34/L.15/Rev.2 had not been adopted by consensus. In spite of certain reservations, his delegation would vote in favour of the draft resolution in consideration of the importance it attached to the endeavour to establish as wide a support as possible for the universal realization of respect for human rights and fundamental freedoms.

73. His delegation saw the draft resolution as a confirmation, like General Assembly resolution 32/130, of the fact that equal importance should be attached to civil and political rights and to economic, social and cultural rights.

74. His delegation would have liked to see a clearer emphasis on human rights as such, in other words, as rights of the individual. Certain of the operative paragraphs reflected a tendency to condition the implementation of human rights on the solution of a number of very complex international issues. Respect for human rights and fundamental freedoms should be considered an end in itself, towards which every State was obliged to strive.

75. Miss CAO PINNA (Italy) said she appreciated the efforts made by the sponsors of the draft resolution under consideration to achieve a consensus, although she found it unfortunate that they had not included in the text certain proposals which would have made consensus possible. Italy would vote in favour of the draft resolution, despite reservations concerning some of its provisions.

76. The idea of the right to development as a human right had not yet been defined clearly enough; in the meantime, any listing of human rights should be restricted to those covered by instruments currently in force. Similarly, worker participation in management should not be included in paragraph 7. With regard to paragraph 9, she pointed out that the organization of the Division of Human Rights was the responsibility of the Secretary-General, and the Commission on Human Rights should not concern itself with that matter. As to paragraph 12, her delegation would have preferred a more concise definition of the subject-matter that was to be covered by the study requested of the Secretary-General. She hoped the study would not unnecessarily duplicate work that had already been done.

77. Mr. EDIS (United Kingdom of Great Britain and Northern Ireland) said that his delegation would have preferred to see such an important draft resolution adopted without a vote. It was regrettable that the sponsors had not accepted the proposals made by the United States delegation, which would have helped make a consensus possible. Although significant improvements had been made in the revised version of the draft resolution, his delegation did not find it totally satisfactory and would be obliged to abstain in the vote. It was worth noting that several countries which had announced that they would vote in favour of the draft resolution had placed on record their reservations regarding it.

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(Mr. Edis, United Kingdom)

78. He saw no need for reopening the work on the over-all analysis as envisaged in paragraph 2 of the draft resolution. Economic and Social Council resolution 1979/36 made it clear that that work had been completed. The right to work was not one which any State could fully guarantee, and the formulation of that right in paragraph 7 was different from the formulation in the International Covenant on Economic, Social and Cultural Rights. His delegation was also puzzled by the reference to worker participation in management which appeared in that paragraph. Although his delegation had no objection in principle to such a policy, which was applied in the United Kingdom, the right mentioned was one which had never been listed previously among human rights.

79. In paragraph 8 there was a reference to the right to development as a human right. It was not at all clear what that meant in a legal sense. The concept was not defined in any international instrument, and work was going on in a number of bodies to define it. It would therefore be premature to include it in the draft resolution. The request, in paragraph 9, to the Commission on Human Rights to assess the resources of the Division of Human Rights was not a proper one and might encroach on the established prerogatives of the Secretary-General and of the Fifth Committee. With regard to paragraph 10, he said his delegation had already made it clear that it did not support the holding of a seminar based on a premise which it did not accept. His delegation doubted the value of the study requested of the Secretary-General in paragraph 12. Much of the ground had already been covered in separate studies, and if there was to be a new study of such broad scope, there were many other concepts which his delegation would like to see taken into account in it, such as the disappearance of persons.

80. At the request of the representative of the United States of America, a recorded vote was taken on draft resolution A/C.3/34/L.15/Rev.2.

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 Republic, Chad, Chile, China, Colombia, Comoros, Congo, Costa Rica, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Ethiopia, Fiji, Finland, Gabon, German Democratic Republic, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran, Iraq, Ireland, Italy, Ivory Coast, Jamaica, Japan, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Nepal, Netherlands, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Romania, Rwanda, Samoa, Sao Tome and Principe, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic,

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Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, 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: United States of America

Abstaining: Austria, Belgium, France, Germany, Federal Republic of, Israel, Luxembourg, New Zealand, Uganda, United Kingdom of Great Britain and Northern Ireland.

81. Draft resolution A/C.3/34/L.15/Rev.2 was approved by 132 votes to 1, with 9 abstentions.

82. Mrs. SIBAL (India) proposed that, in accordance with rule 131 of the rules of procedure of the General Assembly, the Committee should decide to give priority to draft decision A/C.3/34/L.32, since that proposal was based on paragraphs 2 and 9 of the resolution which had just been approved by an overwhelming majority.

83. The CHAIRMAN said that, if he heard no objection, he would take it that the Committee adopted the proposal of the representative of India.

84. It was so decided.

85. Mr. PAPADEMAS (Secretary of the Committee) read out the text of draft decision A/C.3/34/L.32 as amended. The text read:

"The General Assembly,

"Requests the Commission on Human Rights, in the context of the over-all analysis and of the study it is to undertake at its thirty-sixth session in pursuance of, respectively, operative paragraphs 2 and 9 of General Assembly resolution A/34/..., to consider the proposal contained in resolution A/34/..., and take due account of it in formulating recommendations to the thirty-fifth session of the General Assembly."

86. In reply to a question from Mrs. SIBAL (India), he explained that if the proposal mentioned was not adopted by the General Assembly, the mention of a resolution would be deleted and replaced by the document symbol A/C.3/34/L.16/Rev.1.

87. Mr. GONZALEZ DE LEON (Mexico), supported by Mr. DABO (Guinea) said that it would be logical for a resolution which referred to another resolution to be voted on second; for that reason draft resolution A/C.3/34/L.16/Rev.1 should be voted on first.

88. Mr. NABHAN (Iraq) said that his delegation supported the proposal of India in document A/C.3/34/L.32 and felt that the Commission on Human Rights should carry out a study of the proposals, analyse them and make recommendations to the following session of the General Assembly. The adoption of the Indian draft decision would obviate the difficulties surrounding an issue on which countries' opinions differed. He believed that the draft decision submitted by India should be voted on first.

89. Mr. DANOVI (Italy) said that the proposal of India could, in his opinion, be approved without a vote.

90. Mr. MAKSIMOV (Byelorussian Soviet Socialist Republic) said that his delegation understood that the draft decision of India was a proposal based on rule 131 of the rules of procedure. If that was so and if it was approved, it would be unnecessary to put draft resolution A/C.3/34/L.16/Rev.1 to a vote.

91. Mrs. SIBAL (India) explained that, under draft decision A/C.3/34/L.32, what would be transmitted to the Commission on Human Rights would be the proposal in document A/C.3/34/L.16/Rev.1, which contained three operative paragraphs.

92. Mr. O'DONOVAN (Ireland) pointed out that document A/C.3/34/L.16/Rev.1 contained at least three proposals. Furthermore, if the General Assembly adopted that draft resolution, the proposals which it contained would be converted into a decision, a fact which should be borne in mind in drafting the final text.

93. The CHAIRMAN said that, if he heard no objection, he would take it that the Committee approved draft decision A/C.3/34/L.32 subject to the amendments and subamendments which had been made to the text.

94. Draft decision A/C.3/34/L.32, as orally amended and subamended, was approved without a vote.

95. Mrs. SIBAL (India) said that the Committee had just decided to request the Commission on Human Rights to consider the proposals in document A/C.3/34/L.16/Rev.1. Accordingly, in accordance with rule 131 of the rules of procedure, her delegation proposed that, in view of the fact that the Committee had decided to transmit the proposals in document A/C.3/34/L.16/Rev.1 to the Commission on Human Rights for consideration, it should decide not to vote on the proposals in that document.

96. Mr. DANOVI (Italy) said that it was his delegation's understanding that the Committee had decided to request the Commission on Human Rights to consider the proposals in resolution A/34/... and to take due account of them in making recommendations to the thirty-fifth session of the General Assembly. The Committee had not decided to transmit document A/C.3/34/L.16/Rev.1 to the Commission on Human Rights.

97. After a procedural discussion in which Mr. DANOVI (Italy), Mr. O'DONOVAN (Ireland), Miss BOA (Ivory Coast), Mrs. MORRISON (Lesotho), Mr. SENE (Senegal), Mr. CARDWELL (United States of America), Mr. EDIS (United Kingdom), Mr. WAGY (Hungary) and Mr. DESKER (Singapore) took part, Mr. AL-KUTTAB (United Arab Emirates) suggested that the meeting should be adjourned.

98. Mr. CARDWELL (United States of America) said that his delegation supported the suggestion made by the representative of the United Arab Emirates and was making a formal proposal to the same effect.

99. The CHAIRMAN said that, if he heard no objection, he would, in accordance with rules 118 and 119 of the rules of procedure, put the proposal of the United States to adjourn the meeting to a vote.

100. A non-recorded vote was taken on the United States proposal.

101. The proposal was adopted by 75 votes to 45, with 10 abstentions.

The meeting rose at 7.05 p.m.