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COMMISSION ON HUMAN RIGHTS

Thirty-seventh session

SUMMARY RECORD OF THE 1595th MEETING

held at the Palais des Nations, Geneva,
on Wednesday, 11 February 1981, at 10 a.m.

Chairman:

Mr. CALERO RODRIGUES

(Brazil)

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The meeting was called to order at 10.10 a.m.

REPORT OF THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION
OF MINORITIES ON ITS THIRTY-THIRD SESSION (agenda item 23) (continued)
(E/CN.4/1413; E/CN.4/1420)

1. Mr. von TREESKOW (Federal Republic of Germany) said that the Commission not only owed a debt of gratitude to Mrs. Daes, the Special Rapporteur, for her excellent study (E/CN.4/Sub.2/432/Rev.1 and Add.1-7), but also owed her an apology for having paid relatively little attention to the study itself, electing instead to criticize the work of the Sub-Commission as a whole. His delegation wished to express its deep appreciation of the work done by Mrs. Daes and her colleagues, and of the conclusions which she had reached. Almost every item on the Commission's agenda could be reduced to the permanent conflict between the human rights of the individual and the authority of the State. Those problems were discussed not only in the Commission and Sub-Commission, but in many other forums, including the Conference on Security and Co-operation in Europe, currently meeting in Madrid. That Conference, together with other future regional conferences on human rights, would appreciate and make use of Mrs. Daes' study. His own Government would not fail to give the study further careful consideration.
2. He also thanked the Brazilian delegation for its analysis of the Sub-Commission's report (E/CN.4/1413), which would provide a valuable basis for the discussions in the Commission on agenda items 11 and 23. However, before criticizing the work of the Sub-Commission, the Commission should take into consideration the fact that, over the past two or three years, it had virtually ignored the proceedings of the Sub-Commission. The Sub-Commission had nevertheless done excellent work, which should be encouraged. Some adjustment might be necessary where the Sub-Commission, deprived of the necessary guidance from the Commission, might have exceeded its competence. Such problems, if and when they existed, should also be discussed in connection with item 11 of the agenda. He felt sure that a solution could be found, without actually limiting the mandate of the Sub-Commission.
3. Referring to the resolutions adopted by the Sub-Commission at its thirty-third session, he said that his delegation had certain reservations concerning the proposal that the Sub-Commission should meet twice a year, and doubted whether such a change would result in an increase in efficiency. His delegation was also opposed to the holding of sessions of the Sub-Commission alternately in New York and Geneva, a measure which would serve only to increase the cost of its sessions.
4. However, his delegation could agree with the renaming of the Sub-Commission, provided that the independence of its members was maintained. He also underlined ~~what had already been said regarding the participation of alternates in sessions of the Sub-Commission in place of elected members, a practice which should be discontinued.~~ His delegation also found it difficult to accept the proposal contained in part I of resolution 8(XXXIII) regarding the establishment of a human rights assistance fund. Nor could it agree with the suggestion, in

Sub-Commission resolution 17(XXXIII), that a group of five of its members should meet prior to its sessions, as such a group could not and should not limit the work of such a valuable human rights organ as the Sub-Commission.

5. As Mrs. Daes had been obliged to listen to so much criticism of the Sub-Commission's work, criticism which she would no doubt have an opportunity to pass on to the future members of the Sub-Commission, his delegation would be grateful if she would also pass on the words of appreciation, expressed by so many delegations, of the Sub-Commission's work in recent years.

6. Mr. SALAH-BEY (Algeria) said that the many references made by previous speakers to the procedural aspects of the Sub-Commission's work were fully justified.

7. He noted that the annotated agenda listed a number of the Sub-Commission's resolutions as requiring action by the Commission. However, some of the resolutions in question were not addressed to the Commission.

8. The report of the Sub-Commission raised two fundamental questions. The first was the approach to be adopted by the Commission in considering the Sub-Commission's report, since many of the points dealt with covered, partly or wholly, items included in the agenda of the Commission's current session. His delegation, while welcoming the fact that more time than usual was to be accorded to consideration of the Sub-Commission's report, felt that the discussion of the report under a separate item could lead to duplication with various other agenda items. For example, Sub-Commission resolution 24(XXXIII) raised many questions which must be discussed in detail by the Commission. Accordingly, the Commission must decide whether to discuss them under item 23 or under the relevant agenda item. It would seem to be impossible to hold a detailed discussion of the question under item 23 in the short time available, and therefore impossible to reach a decision on that part of the Sub-Commission's report. On the other hand, in adopting the second approach, the Commission would be obliged to fragment consideration of the Sub-Commission's report. In general, the Secretariat should endeavour to establish more precise correlations than those contained in the annotated agenda between the work of the Sub-Commission and the items on the agenda of the Commission.

9. The second question raised by the report was that of the competence and functions of the Sub-Commission. Like the representative of Brazil, he had doubts as to the capacity of the Sub-Commission to address itself directly to the Secretary-General or Governments, or to adopt specific positions on given issues.

10. In general, the Commission should give very serious consideration to the need to avoid duplication between its own work and that of the Sub-Commission. The difference in the composition of the Sub-Commission, a group of experts elected for their expertise, on an equitable geographical basis, and the Commission, a body composed of representatives of States, and the fact that the one was subordinate to the other, meant that a solution concerning the functions of the two bodies must be found.

11. The Sub-Commission should be concerned with the detailed and objective consideration of selected topics of far-reaching importance such as the subject of the study prepared by Mrs. Daes. Another possible topic for in-depth consideration by the Sub-Commission was that of the new international economic order and the promotion of human rights, which was closely related to the substance of item 8 of the Commission's agenda, and, in particular, the question of the right to development. In that connection, he noted that the developments dealt with in chapter IV of the Sub-Commission's report did no more than skim the surface of a vast and complex topic, the importance of which had not escaped the Commission. Although his delegation's position on a number of questions dealt with in the Sub-Commission's report was well-known, the report also included other questions on which his delegation could not define its position without more comprehensive consideration.
12. Mr. SOYER (France) said that the Sub-Commission had consistently made an irreplaceable contribution to the cause of human rights.
13. Referring to the report of the Sub-Commission on its thirty-third session, he noted that, in resolution 17 (XXXIII), the Sub-Commission requested the Secretary-General to invite Governments and public and private international institutions to provide information on persons subjected to detention, for transmission to the Sub-Commission. That request should have been submitted, in the first instance, to the Commission for consideration. It was, in fact, possible that it duplicated similar requests made by the Commission on behalf of another group and thus could detract to some extent from the effectiveness of that group.
14. Sub-Commission resolution 23 (XXXIII) was also addressed directly to Governments and other institutions. There again, the approval of the Commission should have been sought, since the measure in question concerned a Government.
15. Similar criticisms could be made of resolutions 14 (XXXIII), 15 (XXXIII) and 20 (XXXIII). Again, although the action proposed in Sub-Commission resolution 22 (XXXIII) was no doubt desirable, the decision as to whether the human rights situation in any given country should be subjected to first-hand examination must be left, in each individual case, to the Commission itself. Similar observations could be made in respect of resolution 25 (XXXIII).
16. His delegation was prepared to consider favourably any initiative calculated to strengthen the international protection of human rights. However, he wondered to what extent the freedom of action for which the Sub-Commission appeared to be pressing would be effective in that direction. Like the Commission itself, the Sub-Commission was not empowered to deal with individual cases and could consider violations of human rights only in the form of "situations". His delegation was convinced that, under current circumstances, the consideration of "situations", to be effective, should be initiated and carried out by international governmental bodies. Although States had a general reluctance to be subjected to scrutiny by international bodies, it was a mistake to conclude that the task of protecting human rights should

be entrusted to organs comprised of experts acting in a personal capacity, rather than to governmental bodies. While there was a case for arguing that such protection might more effectively be afforded by highly competent individuals, States must first be willing to accept such a procedure, and such acceptance did not seem likely at the present time. Moreover, with regard to individual States in which the human rights situation was called into question, his delegation was of the view that action undertaken by governmental bodies would be more effective than that initiated and conducted by experts acting in a personal capacity. In the current circumstances, the Commission on Human Rights was the best hope of persons and peoples who were victims of violations. Its role must therefore be strengthened, rather than reduced.

17. The Sub-Commission was a tool of which the Commission should make full use. The high level of expertise and experience of its members, and their dedication to human rights, enabled it to act for both the protection and the promotion of such rights. As far as violations of human rights were concerned, the function of the Sub-Commission was to gather and analyse all information from private sources, particularly information from non-governmental organizations, to inform the Commission of situations which gave cause for concern, and to suggest the measures to be taken.

18. In carrying out its functions between sessions, the Commission could and should make full use of the resources offered to it by the Sub-Commission, acting at the request and under the supervision of the Commission.

19. Mr. OGURTSOV (Byelorussian Soviet Socialist Republic) said that document E/CN.4/1413 showed a clear tendency on the part of the Sub-Commission to exceed its mandate, a tendency to which his delegation strenuously objected. One questionable practice of the Sub-Commission had been to take decisions without consulting the Commission on Human Rights, thus going far beyond, not only its own competence, but also that of the Commission itself. The Sub-Commission had, for example, proposed the establishment of special machinery for gathering information on the human rights situation throughout the world. The members of the Sub-Commission even claimed the right to visit any country in which they felt infringements of human rights had taken place. Such actions on the part of the Sub-Commission clearly ran counter to relevant decisions of the United Nations.

20. Sub-Commission resolution 17 (XXXIII) contained a recommendation that its Chairman should be authorized to appoint a group of five of its members to meet prior to each session of the Sub-Commission to analyse material relating to the human rights of persons subjected to any form of detention. In resolution 25 (XXXIII) the Sub-Commission had exceeded its competence by addressing itself directly to the Secretary-General, the General Assembly, the Security Council and the Economic and Social Council. Those proposals, together with others contained in resolution 27 (XXXIII), represented an attempt to transform the Sub-Commission into a

body which would act independently of the Commission. His delegation opposed all such unjustified claims. The Sub-Commission must adhere to its mandate, which was to undertake studies and make recommendations to the Commission and to perform any other tasks entrusted to it by the Economic and Social Council and the Commission.

21. In its resolution 23 (XXXVI), the Commission had requested the Sub-Commission to continue its examination of the question of the individual's duties to the community and the limitations on human rights and freedoms under article 29 of the Universal Declaration of Human Rights, and to report to the Commission on its conclusions and recommendations. In that same resolution, the Commission had emphasized that, in the exercise of rights and freedoms, everyone was subject only to such limitations as were determined in the Charter of the United Nations, the Universal Declaration, the Covenants on Human Rights and other relevant instruments. However, in its resolution 7 (XXXIII) the Sub-Commission instead of adopting the normal procedure of asking the Commission to consider the study and to make the necessary observations on it, had decided to request the Secretary-General to provide any necessary assistance to the Special Rapporteur and to ask that the study be given the widest possible distribution. The financial implications of that proposal amounted to \$US 123,950. It was doubtful whether the General Assembly would agree to such expenditures for a study on which the Commission had reached no conclusion.

22. In addition, the Sub-Commission had taken a decision on a further study on the status of the individual in contemporary international human rights law. His delegation found it surprising that the Sub-Commission had approved the recommendation concerning the second study without having submitted the first study to the Commission for its consideration. At the thirty-sixth session of the Commission, his delegation had taken an active part in the drafting of resolution 23 (XXXVI), which had been adopted unanimously. However, neither resolution 6 (XXXIII) nor resolution 7 (XXXIII) referred to that resolution.

23. At its thirty-third session, the Commission on Human Rights had adopted a resolution on the item "Human rights and scientific and technological developments", in which it had instructed the Sub-Commission to examine, in the light of the provisions of the Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of Mankind, studies relating to the subject and to submit its observations to the Commission. However, such an examination had not yet been made.

24. At its thirty-third session, the Sub-Commission had adopted two resolutions on the question of human rights and scientific and technological developments (resolutions 11 (XXXIII) and 12 (XXXIII)) which covered a number of subjects but did not deal with the substance of the task with which the Sub-Commission had been entrusted.

25. It seemed to his delegation that many of the Sub-Commission resolutions had been adopted without sufficient study since otherwise it could not explain the fact that the Sub-Commission, acting through the Commission, had requested the Secretary-General to invite Governments, specialized agencies, regional intergovernmental organizations and non-governmental organizations to transmit to the Commission at its thirty-seventh session, through the Secretary-General, information, views or comments on certain matters (resolution 18 (XXXIII), operative paragraph 5). It could be asked what decision authorized the Sub-Commission to make requests on behalf of the Commission? No such decision existed.

26. He considered that the Office of Legal Affairs had done itself a disservice by its unjustified opinion (E/CN.4/1413, p.53) which distorted the facts and gave an arbitrary interpretation of the provisions of the Charter of the United Nations. In that connection, he failed to see how it was possible to conclude that Article 98 of the Charter did not mean that subsidiary organs were not entitled to request the assistance of the Secretary-General, when that provision mentioned only the main organs of the United Nations. Nor was he convinced by the efforts of the Office of Legal Affairs to justify the Sub-Commission's activities which exceeded its mandate by stating that those activities were in line with developments in practice. His delegation strongly objected to such developments.

27. In his opinion, the time had come for the Sub-Commission to justify its title by adhering strictly to its mandate and fulfilling the tasks assigned to it by the Commission on Human Rights, whose subsidiary organ it was.

28. Ms. von ROEMER (International Confederation of Free Trade Unions) said that the important work which the Sub-Commission had accomplished during its thirty-third session, particularly the adoption of a number of resolutions designed to make United Nations action for the protection of human rights more effective were a source of hope at a time when violations of human and trade-union rights were increasing.

29. Her delegation had therefore been somewhat dismayed by the criticisms levelled at the Sub-Commission. In its view, any action aimed at weakening the Sub-Commission or impeding its progress would do serious harm to the cause of human rights throughout the world.

30. As to the resolutions requiring action by the Commission under the item under consideration, her delegation expressed its full support for those relating to the question of slavery, a phenomenon which continued to exist in horrifying proportions. It also felt that the proposed study on the status of the individual in contemporary international human rights law could be a valuable contribution to a cause which the international free trade union movement had always supported. However, it had serious misgivings about the proposal contained in resolution 7 (XXXIII) regarding the elaboration of a draft declaration confirming common United Nations principles and standards defining limitations and restrictions on the exercise of certain human rights. It was no secret that the limitation clauses contained in existing human rights instruments tended to be interpreted rather broadly by Governments and were constantly evoked as justification for various kinds of repressive measures. Moreover, temporary restrictions had a way of becoming permanent, as had been observed in numerous cases, including one which had been on the agenda of United Nations bodies for some years.

31. Her organization had also repeatedly warned against the danger of regarding civil and political rights as luxuries which only the affluent could afford. It therefore strongly disagreed with the proposition that economic and social development could be accelerated by imposing temporary restrictions on human rights. On the contrary, basic human rights such as freedom of assembly and expression and the right to form and join trade unions were essential to the attainment of economic and social development.

32. It was therefore difficult to see how the proposed declaration could make a positive contribution to the promotion of human rights and fundamental freedoms. It would be preferable to authorize the Sub-Commission to prepare a study on the inter-relationship between the promotion of the human rights of the individual and the promotion of general welfare. That could serve to deepen the understanding of a principle that was a daily reality in the life of every trade unionist, namely that human rights were indeed indivisible.

33. Mrs. DAES, Special Rapporteur, expressed her gratitude to the members who had supported resolutions 6 (XXXIII) and 7 (XXXIII) of the Sub-Commission, which were based on the conclusions and recommendations contained in her study (E/CN.4/Sub.2/432/Rev.1 and Add.1-7).

34. Referring to the Syrian representative's point concerning the reply of the Government of Israel, she wished to place on record that she had presented the replies of Governments received by the Division of Human Rights and transmitted to her with a sense of responsibility, objectivity and fairness. Furthermore, the report as a whole and its relevant conclusions reflected the right of everyone to freedom of movement and residence within the borders of a State and the right of everyone to leave any country, including his own, and to return to his country. That was the letter and spirit of article 13 of the Universal Declaration, which she fully supported and would like to see implemented effectively everywhere.

35. With regard to the statement by the representative of the Philippines, she said that she would add a paragraph in the relevant part of the report concerning the Constitution of the Philippines of 1973.

36. She wished to take the opportunity to request the representative of the Federal Republic of Germany, through the Chairman, to convey to his government her deep gratitude for the valuable assistance it had given her during her official visit to Bonn three years previously. She mentioned that fact because it constituted a good example of useful co-operation between the Sub-Commission, its Special Rapporteurs and the various Governments.

37. With regard to the statement by the representative of the Byelorussian SSR, she pointed out that during the elaboration of the conclusions and recommendations of her study, she had taken into consideration resolution 23 (XXXVI) of the Commission on Human Rights.

38. Mr. van BOVEN (Director, Division of Human Rights), noting that during the debate on the item under consideration, the representative of Brazil had made some rather cryptic observations about the role of the Secretariat, said he would like to restate some of the principles which guided it in its approach to the various organs which it serviced.

39. The first general principle was laid down in the advisory opinion of the International Court of Justice in the case concerning certain expenses of the United Nations. The Court had stated that "in the legal systems of States, there is often some procedure for determining the validity of even a legislative or governmental act, but no analogous procedure is to be found in the structure of the United Nations. Proposals made during the drafting of the Charter to place the ultimate authority to interpret the Charter in the International Court of Justice were not accepted... As anticipated in 1945, therefore, each organ must, in the first place at least, determine its own jurisdiction" (ICJ Reports, 1962, p.168). In the view of the Secretariat, that principle applied mutatis mutandis to subsidiary organs as well.

40. Secondly, it was generally recognized as a principle that there were some decisions taken by a subsidiary organ which were valid even if not expressly endorsed by a parent organ, for example, decisions taken in accordance with the mandate of the subsidiary organ, decisions taken within a framework set by a higher organ, or procedural decisions regarding internal organization of work.

41. Thirdly, taking the first two principles into account, there was, as far as the secretariat was concerned, a prima facie presumption of the validity of decisions of an organ or a subsidiary organ unless the illegality was quite apparent or glaring. In doubtful cases, the Secretariat consulted the Office of the Legal Counsel and was guided by the advice received.

42. Fourthly, in debatable cases it was not really for the Secretariat to enter into the realm of controversy but rather for the parent organ concerned - in the current instance, the Commission on Human Rights - to pronounce upon the issue.

43. It should be noted that no decision of a subsidiary organ or any other organ involving financial implications, as they were usually interpreted in the United Nations, was implemented by the Division unless the appropriate financial authorities had approved such expenditure. In normal practice, the sending out of notes verbales or letters in implementation of a decision of an organ or subsidiary organ was considered to be part of the on-going administrative responsibilities of the Secretariat, and financial implications were not usually presented with respect to the dispatch of such correspondence.

44. The question had arisen whether the Division of Human Rights might start to implement recommendations or decisions of the Sub-Commission prior to the examination of the Sub-Commission's report by the Commission. If it was the wish of the Commission - a wish never expressed before - that the Division should await the Commission's express approval before implementing such recommendations or decisions, then the Division would certainly comply with those instructions. However, no such instructions had ever been given. If the Sub-Commission, in the exercise of its judgement, felt that a particular course of action, which it might consider urgent, fell within its terms of reference, was the Secretariat to be placed in a position of delaying implementation of such recommendations and thereby frustrating the effectiveness of the work of the Sub-Commission and the Commission? The Secretariat had to act on the presumption of the validity of the acts of an organ or a subsidiary organ and, in the absence of a clear indication of lack of validity, the Secretariat could not be placed in a position of judging whether a request of an organ or a subsidiary organ was valid with a view to deciding whether to implement such a decision.

45. The representative of Brazil and some other representatives had made the point that the Secretariat should give guidance to the Sub-Commission regarding its precise role and competence. The question arose whether it was for the Secretariat to give lessons to the Sub-Commission. Certainly the Secretariat might give advice, but was it for the Secretariat to pronounce on issues concerning the role and competence of the Sub-Commission and to enter into the validity of decisions of the Sub-Commission or any other United Nations organs?

46. The Secretariat sought to serve faithfully and expeditiously the many organs which functioned within the human rights programme. He was aware that quite frequently delegations for various reasons felt uneasy about certain developments or certain decisions taken by human rights organs. It frequently occurred that the Secretariat had to carry its share in the criticisms voiced by delegations. That was perhaps an unpleasant burden, but as long as the Secretariat and the Division could view its role in the perspective of the promotion and protection of human rights, it would continue to carry the burden and respond to the Commission, the Sub-Commission and the other human rights organs to the best of its abilities.

47. Mr. ORTIZ RODRIGUEZ (Cuba) said that the Commission had had a very useful and fruitful debate. There might be other elements that could be added, however, and his delegation therefore thought that the question should be left open in case delegations wished to raise specific issues.

48. Mr. van BOVEN (Director, Division of Human Rights), replying to a question by Mr. BEAULNE (Canada), said that the Division was ready to seek the advice of the Legal Counsel with regard to the capacity of members of the Sub-Commission to designate alternates pursuant to rule 13, paragraph 2, of the rules of procedure of the functional commissions of the Economic and Social Council.

49. Mr. MARTINEZ (Argentina) referred to the advisory opinion of the International Court of Justice cited by the Director of the Division of Human Rights. Although that decision had related to a specific case, there was indeed a growing tendency for United Nations bodies to apply their own interpretations of their terms of reference. His delegation failed to see how a subsidiary organ could have any right to alter the mandate conferred on it.

50. Mr. DIEYE (Senegal) said that the question of the use of alternates should be examined, bearing in mind the legal points which had been raised. Perhaps members of the Sub-Commission should be appointed for a specific session rather than on a more long-term basis.

51. The CHAIRMAN said that the point raised by the Argentine representative concerning interpretation could well give rise to a lengthy discussion, including an analysis of the Secretariat's position, for which the moment was perhaps not opportune. He felt sure that a suitable decision could be arrived at, taking into account not only legal aspects, when the Commission came to consider its relationship with the Sub-Commission.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS IN THE OCCUPIED ARAB
TERRITORIES, INCLUDING PALESTINE (agenda item 4) (continued) (E/CN.4/L.1549)

THE RIGHT OF PEOPLES TO SELF-DETERMINATION AND ITS APPLICATION TO PEOPLES UNDER
COLONIAL OR ALIEN DOMINATION OR FOREIGN OCCUPATION (agenda item 9) (continued)
(E/CN.4/L.1550)

52. The CHAIRMAN announced that the delegation of Mongolia had joined the sponsors of draft resolution E/CN.4/L.1549, and that, in accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council, the delegation of Iran had become a sponsor of draft resolutions E/CN.4/L.1549 and E/CN.4/L.1550.

53. Mr. GARVALOV (Bulgaria) asked for his delegation's name to be added to the lists of sponsors of the two draft resolutions.

54. Mr. GONZALEZ DE LEON (Mexico), referring to part A of draft resolution E/CN.4/L.1549, said that, if the sponsors would agree to delete the last portion of the eighth preambular paragraph, beginning with the words "which, inter alia", his delegation would be able to vote in favour of that part of the draft resolution. With regard to part B, he proposed that, in the fourth preambular paragraph, the words "poses a grave threat to world peace and security" should be replaced by "creates a situation fraught with danger"; acceptance of that amendment would remove a difficulty experienced by his delegation and, he believed, by certain others too.

55. Mr. RANGACHARI (India) said that the sponsors of draft resolution E/CN.4/L.1549 hoped that it would be adopted by the largest possible majority, bearing in mind that, as the observer for the Palestine Liberation Organization had said, the adoption of such resolutions by United Nations bodies gave great moral support to the Palestinian people. The sponsors were prepared to agree to the changes proposed by the Mexican delegation if that would serve to increase the prospects for the draft resolution's acceptance.

56. The CHAIRMAN said he therefore took it that the two amendments proposed by the Mexican delegation had been accepted by the sponsors of draft resolution E/CN.4/L.1549.

57. Mr. BEAULNE (Canada) said that his delegation could accept the text of the fourth preambular paragraph in part B of that draft resolution, as amended; however, it remained unable to accept the eighth preambular paragraph in part A, even in its amended form.

58. Mr. DIEYE (Senegal), speaking as a sponsor of draft resolution E/CN.4/L.1549, said that a slight change was required to the French text of part A, in order to bring it into line with the English version; in operative paragraph 4, "des crimes contre l'humanité" should read: "un affront contre l'humanité".

59. Mr. BOEL (Denmark) said that the eighth preambular paragraph in part A of the draft resolution, even as orally amended, was unacceptable to his delegation, since the programme of action in question contained political references to which Denmark could not subscribe. His delegation would therefore request a separate vote on that paragraph.

60. The CHAIRMAN invited those delegations which so wished to speak in explanation of vote on draft resolutions E/CN.4/L.1549 and E/CN.4/L.1550.

61. Mr. BEMPU (Zaire) said that his country had always supported the right of the Palestinian people to self-determination. However, his delegation could not accept operative paragraphs 4 to 7 inclusive of draft resolution E/CN.4/L.1550, since it thought that the Camp David accords represented a step towards peace in the region concerned and a possible basis for a negotiated settlement.
62. His delegation would vote in favour of draft resolution E/CN.4/L.1549.
63. Mr. MUBANGA-CHIPOYA (Zambia) said that he failed to see how anyone could quarrel with the final part of the eighth preambular paragraph of draft resolution E/CN.4/L.1549, since imperialism, colonialism, zionism and racism were undoubtedly impediments to equality. However, he could agree to the omission of those words if that was acceptable to the sponsors.
64. He had no objections to draft resolution E/CN.4/L.1550 as a whole, but was alarmed at the contents of operative paragraph 4. Whatever other results the Camp David accords might have had, the fact was that no war had broken out between Israel and the Arab States since their conclusion. It was difficult to see how the United Nations could express concern over measures which had contributed to what should be its overriding objective, namely peace.
65. Mrs. ODIO BENITO (Costa Rica), referring to draft resolution E/CN.4/L.1550, said that her country supported the right of the Palestinian people to self-determination, but it was also committed to world peace and therefore could not reject an attempt at a peaceful settlement of a dispute, such as the Camp David accords. She requested a separate vote on paragraphs 1 and 2 together, and separate votes on paragraphs 3, 4, 5, 6 and 7 taken singly.
66. Mr. BAUMANN (Federal Republic of Germany) said that, if the eighth preambular paragraph of draft resolution E/CN.4/L.1549 was put to the vote separately, his delegation would vote against it, for the same reasons as those cited by the representative of Denmark. It would also vote against paragraphs 4 to 7, because it attached a different meaning to such terms as "war crimes". It would abstain from voting on the rest of part A but would vote in favour of part B, as amended by the representative of Mexico.
67. His delegation would vote against resolution E/CN.4/L.1550 because it rejected the Camp David accords and failed to acknowledge Israel's right to exist.
68. Mr. BEAULNE (Canada) said that the acceptance of Mexico's amendment to the fourth preambular paragraph of part B of draft resolution E/CN.4/L.1549 enabled his delegation to support that part of the text. However, it had reservations regarding operative paragraph 3 because it regarded the word "condemns" as unnecessarily strong and provocative.
69. Mr. NOVAK (United States of America) said that his delegation would vote against the draft resolutions under consideration because they violated due process and reason by persistently mixing truth with falsehood and distorting the meaning of words in a way that could only undermine human rights, including the human rights of the Palestinian people. The equation of zionism and racism in the eighth preambular paragraph of part A of draft resolution E/CN.4/L.1549 was a particularly obnoxious example of such distortion.

70. Mr. EL-FATTAL (Syrian Arab Republic), speaking on a point of order, said that the United States representative was citing words which had already been deleted and that he had no right to refer to something which did not exist.

71. Mr. NOVAK (United States of America) said that an indirect reference to that equation did occur earlier in the preamble to part A of draft resolution E/CN.4/L.1549. Continuing his statement, he said that such abusive language branded the users as morally bankrupt and exposed their real aim, which was the destruction of the State of Israel. Of course the Palestinians had inalienable rights, but they had to be reconciled with Israel's right to exist in peace. His delegation would therefore vote against part A. Part B also contained grave flaws because of its deliberate failure to refer to Security Council resolution 242 (1967), which called for withdrawal from the occupied territories after peaceful negotiations, and because of the reference in operative paragraph 1 to "Palestinian and other Arab territories occupied since 1967, including Jerusalem". His delegation would therefore vote against that part as well.

72. For similar reasons, his delegation would also vote against draft resolution E/CN.4/L.1550. The draft resolution condemned a negotiating process aimed at creating peace, which was certainly not a violation of human rights, between United Nations Member States. It was also one-sided in that it recognized the right of the Palestinians to a State without at the same time recognizing Israel's right to exist and referred to Security Council resolution 242 (1967) only in critical terms.

73. A vote was taken by roll-call on the eighth preambular paragraph, as amended, of part A of draft resolution E/CN.4/L.1549.

In favour: Algeria, Argentina, Brazil, Bulgaria, Burundi, Byelorussian Soviet Socialist Republic, Cuba, Cyprus, Ethiopia, Ghana, India, Iraq, Jordan, Mexico, Mongolia, Morocco, Nigeria, Pakistan, Panama, Philippines, Poland, Senegal, Syrian Arab Republic, Uganda, Union of Soviet Socialist Republics, Yugoslavia, Zaire, Zambia.

Against: Australia, Canada, Denmark, France, Germany, Federal Republic of, Greece, Netherlands, Portugal, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Costa Rica, Fiji, Peru, Uruguay.

74. The eighth preambular paragraph, as amended, of part A of draft resolution E/CN.4/L.1549 was adopted by 28 votes to 10, with 4 abstentions.

75. A vote was taken by roll-call on part A of draft resolution E/CN.4/1549 as a whole.

In favour: Algeria, Argentina, Brazil, Bulgaria, Burundi, Byelorussian Soviet Socialist Republic, Costa Rica, Cuba, Cyprus, Ethiopia, Ghana, India, Iraq, Jordan, Mexico, Mongolia, Morocco, Nigeria, Pakistan, Panama, Peru, Philippines, Poland, Senegal, Syrian Arab Republic, Uganda, Union of Soviet Socialist Republics, Uruguay, Yugoslavia, Zaire, Zambia.

Against: Australia, Canada, United States of America.

Abstaining: Denmark, Fiji, France, Germany, Federal Republic of, Greece, Netherlands, Portugal, United Kingdom of Great Britain and Northern Ireland.

76. Part A of draft resolution E/CN.4/L.1549 as a whole was adopted by 31 votes to 3, with 8 abstentions.

77. A vote was taken by roll-call on part B of draft resolution E/CN.4/L.1549 as a whole.

In favour: Algeria, Argentina, Australia, Brazil, Bulgaria, Burundi, Byelorussian Soviet Socialist Republic, Canada, Costa Rica, Cuba, Cyprus, Denmark, Ethiopia, Fiji, France, Germany, Federal Republic of, Ghana, Greece, India, Iraq, Jordan, Mexico, Mongolia, Morocco, Netherlands, Nigeria, Pakistan, Panama, Peru, Philippines, Poland, Portugal, Senegal, Syrian Arab Republic, Uganda, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, Uruguay, Yugoslavia, Zaire, Zambia.

Against: United States of America.

Abstaining: None.

78. Part B of draft resolution E/CN.4/L.1549 as a whole was adopted by 41 votes to 1.

79. A vote was taken by roll-call on paragraphs 1 and 2 of draft resolution E/CN.4/L.1550.

In favour: Algeria, Argentina, Brazil, Bulgaria, Burundi, Byelorussian Soviet Socialist Republic, Costa Rica, Cuba, Cyprus, Ethiopia, Ghana, Greece, India, Iraq, Jordan, Mexico, Mongolia, Morocco, Nigeria, Pakistan, Panama, Peru, Philippines, Poland, Senegal, Syrian Arab Republic, Uganda, Union of Soviet Socialist Republics, Uruguay, Yugoslavia, Zaire, Zambia.

Against: United States of America.

Abstaining: Australia, Canada, Denmark, Fiji, France, Germany, Federal Republic of, Netherlands, Portugal, United Kingdom of Great Britain and Northern Ireland.

80. Paragraphs 1 and 2 of draft resolution E/CN.4/L.1550 were adopted by 32 votes to 1, with 9 abstentions.

81. A vote was taken by roll-call on paragraph 3 of draft resolution E/CN.4/L.1550.

In favour: Algeria, Argentina, Australia, Brazil, Bulgaria, Burundi, Byelorussian Soviet Socialist Republic, Canada, Costa Rica, Cuba, Cyprus, Denmark, Ethiopia, Fiji, France, Germany, Federal Republic of, Ghana, Greece, India, Iraq, Jordan, Mexico, Mongolia, Morocco, Netherlands, Nigeria, Pakistan, Panama, Peru, Philippines, Poland, Portugal, Senegal, Syrian Arab Republic, Uganda, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, Uruguay, Yugoslavia, Zaire, Zambia.

Against: United States of America.

Abstaining: None..

82. Paragraph 3 of draft resolution E/CN.4/L.1550 was adopted by 41 votes to 1.

83. A vote was taken by roll-call on paragraph 4 of draft resolution E/CN.4/L.1550.

In favour: Algeria, Bulgaria, Burundi, Byelorussian Soviet Socialist Republic, Cuba, Cyprus, Ethiopia, Ghana, India, Iraq, Jordan, Mexico, Mongolia, Morocco, Nigeria, Pakistan, Panama, Poland, Senegal, Syrian Arab Republic, Uganda, Union of Soviet Socialist Republics, Yugoslavia, Zambia.

Against: Australia, Canada, Costa Rica, Denmark, Germany, Federal Republic of, Netherlands, Portugal, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Zaire.

Abstaining: Argentina, Brazil, Fiji, France, Greece, Peru, Philippines.

84. Paragraph 4 of draft resolution E/CN.4/L.1550 was adopted by 24 votes to 11, with 7 abstentions.

85. A vote was taken by roll-call on paragraph 5 of draft resolution E/CN.4/L.1550.

In favour: Algeria, Argentina, Bulgaria, Burundi, Byelorussian Soviet Socialist Republic, Cuba, Cyprus, Ethiopia, Ghana, India, Iraq, Jordan, Mongolia, Morocco, Nigeria, Pakistan, Poland, Senegal, Syrian Arab Republic, Uganda, Union of Soviet Socialist Republics, Yugoslavia, Zambia.

Against: Australia, Canada, Costa Rica, Denmark, Germany, Federal Republic of, Netherlands, Portugal, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Zaire.

Abstaining: Brazil, Fiji, France, Greece, Mexico, Panama, Peru, Philippines.

86. Paragraph 5 of draft resolution E/CN.4/L.1550 was adopted by 23 votes to 11, with 8 abstentions.

87. A vote was taken by roll-call on paragraph 6 of draft resolution E/CN.4/L.1550.

In favour: Algeria, Argentina, Bulgaria, Burundi, Byelorussian Soviet Socialist Republic, Cuba, Cyprus, Ethiopia, Ghana, India, Iraq, Jordan, Mongolia, Morocco, Nigeria, Pakistan, Poland, Senegal, Syrian Arab Republic, Uganda, Union of Soviet Socialist Republics, Yugoslavia, Zambia.

Against: Australia, Canada, Costa Rica, Denmark, Germany, Federal Republic of, Netherlands, Portugal, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Zaire.

Abstaining: Brazil, Fiji, France, Greece, Mexico, Panama, Peru, Philippines.

88. Paragraph 6 of draft resolution E/CN.4/L.1550 was adopted by 23 votes to 11, with 8 abstentions.

89. A vote was taken by roll-call on paragraph 7 of draft resolution E/CN.4/L.1550.

In favour: Algeria, Bulgaria, Burundi, Byelorussian Soviet Socialist Republic, Cuba, Cyprus, Ethiopia, Ghana, India, Iraq, Jordan, Mongolia, Morocco, Nigeria, Pakistan, Poland, Syrian Arab Republic, Uganda, Union of Soviet Socialist Republics, Yugoslavia, Zambia.

Against: Australia, Canada, Costa Rica, Denmark, Germany, Federal Republic of, Netherlands, Portugal, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Zaire.

Abstaining: Argentina, Brazil, Fiji, France, Greece, Mexico, Panama, Peru, Philippines, Senegal.

90. Paragraph 7 of draft resolution E/CN.4/L.1550 was adopted by 21 votes to 11, with 10 abstentions.

91. A vote was taken by roll-call on draft resolution E/CN.4/L.1550 as a whole.

In favour: Algeria, Argentina, Bulgaria, Burundi, Byelorussian Soviet Socialist Republic, Cuba, Cyprus, Ethiopia, Ghana, India, Iraq, Jordan, Mongolia, Morocco, Nigeria, Pakistan, Peru, Poland, Senegal, Syrian Arab Republic, Uganda, Union of Soviet Socialist Republics, Uruguay, Yugoslavia, Zambia.

Against: Australia, Canada, Denmark, Germany, Federal Republic of, Netherlands, Portugal, United Kingdom of Great Britain and Northern Ireland, United States of America, Zaire.

Abstaining: Brazil, Costa Rica, Fiji, France, Greece, Mexico, Panama, Philippines.

92. Draft resolution E/CN.4/L.1550 as a whole was adopted by 25 votes to 9, with 8 abstentions.

The meeting rose at 1.10 p.m.