First regular session of 1991

PROVISIONAL SUMMARY RECORD OF THE 13th MEETING

Held at Headquarters, New York,
on Friday, 31 May 1991, at 10 a.m.

President:  Mr. SILOVIC  (Yugoslavia)  
(Vice-President)

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Elections and nominations (continued)
Human rights questions

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In the absence of the President, Mr. Silovic (Yugoslavia), Vice-President, took the Chair.

The meeting was called to order at 10.45 a.m.

ELECTIONS AND NOMINATIONS (continued)

Commission on Human Settlements (E/1991/L.2)

The President invited the Council to return to the question of elections to the Commission on Human Settlements. With regard to the election in respect of the vacancy to be filled by Asian States that had been postponed from previous sessions, for a term beginning on the date of election and expiring on 31 December 1994, the Chairman of the Asian Group had informed the Secretariat that the Group had endorsed the candidature of Bangladesh. As Bangladesh was already a member of the Commission and its term would expire on 31 December 1992, he suggested that Bangladesh's election should become effective on 1 January 1992. In the absence of any other candidate, he would take it, if he heard no objection, that the Council wished to elect Bangladesh by acclamation.

It was so decided.

Committee on Food Aid Policies and Programmes (E/1991/L.7)

The President invited the Council to return to the question of elections to the Committee on Food Aid Policies and Programmes. With regard to the election in respect of the vacancy to be filled by Western European and other States for a three-year term beginning on 1 January 1992, the Secretariat had been informed that Norway was a candidate for the seat. In the absence of any other candidates, he would take it, if he heard no objection, that the Council wished to elect Norway by acclamation.

It was so decided.
Committee for the United Nations Population Award

The PRESIDENT invited the Council to return to the question of elections to the Committee for the United Nations Population Award. The Group of Latin American and Caribbean States had informed the Secretariat that El Salvador wished to submit its candidature for a term of three years. He would take it, if he heard no objection, that the Council wished to elect El Salvador by acclamation.

It was so decided.

Board of Trustees of the International Research and Training Institute for the Advancement of Women (E/1991/46 and Add.1 and 2)

The PRESIDENT invited the Council to proceed to the appointment of members of the Board of Trustees of the International Research and Training Institute for the Advancement of Women to fill the vacancies that would be created by the expiration of the terms of five members on 30 June 1991. The Board of Trustees consisted of 11 members nominated by States and appointed by the Council with due regard to the principle of equitable geographical distribution and the fact that the Institute and its work were funded by voluntary contributions. Members of the Board served in their individual capacities for a term of three years and were eligible for reappointment for one further term. Information concerning the membership of the Board of Trustees and the curricula vitae of the persons nominated by States were contained in documents E/1991/46 and Add.1 and Add.2. Since the Group of Asian States, the Group of Latin American and Caribbean States and the Group of Western European and other States had each nominated only one candidate, namely Gule Afruz Mahbub (Bangladesh) for the Asian States, D. Gail Saunders (Bahamas) for the Latin American and Caribbean States, and Kristin Tornes (Norway) for the Western European and other States, he suggested that the Council should appoint those three candidates by acclamation and proceed to elect by secret ballot one member from among the nominees from the African States and one member from among the nominees from the Eastern European States, since the number of persons nominated exceeded the number of vacancies to be filled by members from those two Groups.

It was so decided.
Ms. KIMBALL (Secretary of the Council) said that two of the candidatures in document E/1991/46/Add.1, namely those of Hope Cynthia Sadza (Zimbabwe) and Gorana Sipic (Yugoslavia), had been withdrawn.

At the invitation of the President, Mrs. Elo-Kai Ojamaa (United States of America) and Mrs. Maria Draghici-Sutic (Romania) acted as tellers.

A vote was taken by secret ballot.

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<th>Category</th>
<th>Candidate</th>
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<td><strong>Eastern European States</strong></td>
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<td></td>
<td>Renata Siemienska-Zochowska (Poland)</td>
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<td>Evka Rasvigorova (Bulgaria)</td>
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<td><strong>African States</strong></td>
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<td>Fatima Benslimane (Morocco)</td>
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<td>Ahlonkoba Aithnard (Togo)</td>
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<td>Nantenin Camara (Guinea)</td>
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<td>Esnath J. Kalyati (Malawi)</td>
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<td>Ihsan Abdalla Algabshawi (Sudan)</td>
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<td>Marie-Thérèse Kpwoka (Central African Republic)</td>
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<td>Colette Samoya Kirura (Burundi)</td>
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The President said that a second ballot would be conducted between Fatima Benslimane (Morocco) and Ahlonkoba Aithnard (Togo) to elect the member from the Group of African States.

A vote was taken by secret ballot.

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Number of votes obtained:

Fatima Benslimane (Morocco): 28
Ahlonkoba Aithnard (Togo): 26

Having obtained the required majority, Renata Siemienska-Zochowska (Poland) and Fatima Benslimane (Morocco) were elected members of the Board of Trustees of the International Research and Training Institute for the Advancement of Women for a three-year term beginning on 1 July 1991.

HUMAN RIGHTS QUESTIONS (E/1991/22, 23 and 86)

The PRESIDENT invited the Council to take a decision on the 12 draft resolutions and the 35 draft decisions recommended to it for adoption by the Second (Social) Committee. Draft resolutions I to VII were contained in the report of the Commission on Human Rights (E/1991/22, chap. I). The programme budget implications were contained in documents E/1991/22 and Add.1 and E/1991/C.2/L.18. He reminded members of the Council that, in accordance with the decision taken at the opening of the session, any observer delegation wishing to make a statement should do so before the Council had taken action on a proposal and not when members of the Council were speaking in explanation of vote.

Draft resolution I

The PRESIDENT recalled that the Second (Social) Committee had adopted draft resolution I by 33 votes to 17 in a recorded vote.

A recorded vote was taken on draft resolution I.

In favour: Algeria, Argentina, Bahamas, Bahrain, Botswana, Brasil, Burkina Faso, Cameroon, Chile, China, Ecuador, Guinea, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kenya, Malaysia, Mexico, Morocco, Nicaragua, Niger, Pakistan, Peru, Rwanda, Somalia, Thailand, Togo, Trinidad and Tobago, Tunisia, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Yugoslavia, Zaire, Zambia.

Against: Austria, Canada, Czechoslovakia, Finland, France, Germany, Italy, Japan, Netherlands, New Zealand, Romania, Spain, Sweden, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America.
Abstaining: None.

Draft resolution I was adopted by 36 votes to 16.

Mr. BURCUOGLU (Turkey), speaking in explanation of vote, said that his delegation had voted against the draft resolution as it did not reflect current developments in South Africa. Nevertheless, Turkey would continue to cooperate with the international community with the aim of securing the dismantling of apartheid.

Mrs. LEGWAILA (Botswana) said that her delegation had voted in favour of draft resolution I but wished to abstain on paragraph 5 for reasons of which the Council was well aware.

Mr. KOLAREV (Bulgaria) said that, had he been present at the time of the vote, he would have voted in favour of draft resolution I.

Mr. ABOU-HADID (Syrian Arab Republic) said that, if he had been present at the time of the vote, he would have voted in favour of draft resolution I.

Draft resolutions II to VI

Draft resolutions II to VI were adopted.

Draft resolution VII

The President said that the Second (Social) Committee had adopted draft resolution VII by 31 votes to 6, with 17 abstentions, in a recorded vote.

Mrs. THORPE (Trinidad and Tobago) said that her Government recognized the importance of strengthening the independence of the expert members of the Subcommission on Prevention of Discrimination and Protection of Minorities. Her delegation was not in principle opposed to a secret ballot and accepted that the independent experts should also have the right to vote by secret ballot. Nevertheless, amendment of the rules of procedure by means of such an interpretation would constitute a dangerous precedent which might lead to far-reaching changes in the functioning of the Organization. If the Commission thought that a vote by secret ballot was necessary, the rules of procedure should be amended by means of the machinery established for that purpose. Accordingly, her delegation would abstain in the vote on draft resolution VII.
A recorded vote was taken on draft resolution VII.  

In favour: Argentina, Austria, Botswana, Brazil, Bulgaria, Canada, Chile, Czechoslovakia, Ecuador, Finland, France, Germany, Italy, Jamaica, Japan, Kenya, Mexico, Morocco, Netherlands, New Zealand, Nicaragua, Romania, Rwanda, Spain, Sweden, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America.

Against: China, Iran (Islamic Republic of), Syrian Arab Republic, Zambia.

Abstaining: Algeria, Bahamas, Bahrain, Burkina Faso, Cameroon, Guinea, Indonesia, Iraq, Jordan, Malaysia, Niger, Pakistan, Peru, Somalia, Thailand, Togo, Trinidad and Tobago, Tunisia, Yugoslavia, Zaire.

Draft resolution VII was adopted by 30 votes to 4, with 20 abstentions.

Draft resolutions VIII to XI were adopted.

Draft resolution XII

The President said that a recorded vote on the draft resolution had been requested.

A recorded vote was taken on draft resolution XII.

In favour: Algeria, Argentina, Austria, Bahamas, Bahrain, Botswana, Brazil, Bulgaria, Burkina Faso, Cameroon, Canada, Chile, China, Czechoslovakia, Ecuador, Finland, France, Germany, Guinea, Indonesia, Iran (Islamic Republic of), Iraq, Italy, Jamaica, Japan, Jordan, Kenya, Malaysia, Mexico, Morocco, Netherlands, New Zealand, Nicaragua, Niger, Pakistan, Peru, Romania, Rwanda, Somalia, Spain, Sweden, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, Yugoslavia, Zaire, Zambia.

Against: None.
Abstaining: United States of America.

Draft resolution XII was adopted by 53 votes to none, with one abstention.

Mr. WALDROP (United States of America), speaking in explanation of vote after the vote, said that the United States was still deeply concerned over the problems that persisted in South Africa and fully supported the need to dismantle apartheid and institute a democratic, non-racial society. However, considerable progress had been made in recent months and it was therefore important for the international community to take into account the current realities when reviewing the situation in South Africa. Such a review should strike a balance between the justifiable criticisms of the serious shortcomings in the country and a recognition of the progress made. Taking that approach, his delegation had felt obliged to abstain in the vote on draft resolution XII. The draft contained elements that the United States found completely inappropriate. The expression "apartheid regime" in paragraph 3 was not an exact description of the current situation. By way of comparison, the General Assembly, in resolution 45/176, had used the expression "the South African authorities". Furthermore, the wording of paragraph 5 was far too severe. There had been a distinct improvement in the situation of labour unions and their leaders, and the South African Government had not arrested union members or suppressed union activities.

In view of the importance of the issue, his delegation hoped that in the future it could join the other delegations in adopting draft resolutions on the subject without recourse to a vote. It regretted not having been able to study the wording of the draft resolution in informal consultations before it had been issued as an official document of the Second (Social) Committee. It hoped that another time it would be possible to find a better procedure.

Ms. BUSCHMANN (Observer for Luxembourg) said that her delegation would speak in explanation of vote on behalf of the member States of the European Community.

The PRESIDENT said that Luxembourg, as an observer, was not a member of the Council and could therefore not make a statement after the vote.
Mr. GROLIG (Germany) said that the representative of Luxembourg wished to make a statement on behalf of the member States of the European Community, which were members of the Economic and Social Council.

Mr. RAVEN (United Kingdom) said that, according to his interpretation of the rules of procedure, an observer could make a statement on behalf of certain members of the Council, in that instance the six members which were also members of the European Community. The Community’s tradition was that the State which was the European Community President should take the floor on behalf of all its member States.

Mrs. WARZAZI (Morocco) said that the members of the Council had voted as States and that the six members in question did not represent the entire European Community. She proposed referring the question to the Legal Counsel.

Mr. MOSTURA (France), supporting the United Kingdom and Germany, said that according to rule 72’(3) of the rules of procedure, the only restriction applicable to observers had to do with the right to vote.

Mr. CASAJUANA (Spain) recalled that two years earlier, in an identical situation, his delegation had been authorized to speak at a time when Spain was President of the European Community.

Mr. STOBY (Secretary of the Council) said that because of the confusion regarding the question of statements made by observers, the Council had decided at the beginning of the session that observers should make any statements before the Council took action on a proposal.

Mr. LUKABU KARABUWI N’ZAJI (Zaire) supported the Moroccan delegation and proposed that one of the six members of the European Community that was a member of the Council should speak in explanation of vote.

Mr. MOSTURA (France), supported by Mr. GROLIG (Germany), requested a five-minute suspension to allow the member States of the European Community to consult with each other.

Mr. MFULA (Zambia) said that the Council should apply the decision it had taken at the beginning of the session. He was therefore opposed to suspending the meeting and proposed that one of the member States of the
(Mr. Mfuala, Zambia)

European Community that was a member of the Council should take the floor on behalf of all the members of the Community.

The meeting was suspended at 11.30 a.m. and resumed at 11.40 a.m.

Mr. VAN DER HEIJDEN (Netherlands), speaking on behalf of the President of the European Community and of the six members of the Economic and Social Council that were members of the Community, said that he regretted that the latter had been responsible for the confusion and the resulting delay. Actually, they had thought that an explanation of vote given by the President of the Community - instead of six separate explanations - would save the Council time.

The member States of the European Community that were members of the Economic and Social Council had voted in favour of draft resolution XII. However, if they had had an opportunity to discuss the wording of the draft with its sponsors, they would not have failed to make the point that the expression "apartheid regime in South Africa" could have been replaced by the expression "South African authorities".

Mr. Mfuala (Zambia) said that the situation in which the Council found itself was all the more deplorable in that the rules of procedure were well known and that such a situation should not even have arisen.

The objections to the expression "apartheid regime" raised by certain delegations were based on racist considerations. The expression used correctly described the South African regime.

The President said that he had been able to consult the Legal Counsel and that he had assured him the procedure just followed at the meeting was in accordance with the usual practice of the United Nations and did not run counter to the rules of procedure. He hoped that the discussion on the matter was closed.

He invited the Council to consider draft decisions I to XXXV, recommended for adoption by the Second (Social) Committee. The text of draft decisions I to XXXI was contained in the report of the Commission on Human Rights on its forty-seventh session (E/1991/22 and Add.1). The text of draft decisions XXX to XXXV was contained in the report of the Second (Social) Committee on agenda item 8 (E/1991/86).
Draft decision I

Draft decision I was adopted.

Draft decision II

Draft decision II was adopted.

Mr. WALDROP (United States of America) pointed out that his country had not taken part in the adoption of draft decision II for reasons that were well known to the Council.

Draft decision III

Draft decision III was adopted.

Draft decision IV

Draft decision IV was adopted.

Mr. WALDROP (United States of America) said that his country welcomed the Council’s adoption of draft decision IV, which provided for entrusting an independent expert to prepare a detailed study on the question of respect for the right of everyone to own property alone as well as in association with others. The United States had, in fact, been a co-sponsor, with 14 other countries, of Commission on Human Rights resolution 1991/19 dealing with the same subject. It was convinced that such a study would make a notable contribution to the international community’s thinking on the issue. But the financial implications indicated in paragraphs 22 to 30 of document E/1991/22/Add.1 seemed to be greater than warranted. It hoped that prudent and effective management by the staff of the Centre for Human Rights would make it possible to reduce the amounts indicated.

Draft decisions V to XI

Draft decisions V to XI were adopted.

Draft decision XII

The PRESIDENT recalled that the Second (Social) Committee had adopted draft decision XII by 52 votes to 1, with 1 abstention, in a recorded vote.

A recorded vote was taken on draft decision XII.

In favour: Algeria, Argentina, Austria, Bahamas, Bahrain, Botswana, Brasil, Bulgaria, Burkina Faso, Cameroon, Canada, Chile, China, Czechoslovakia, Ecuador, Finland, France, Germany,
Guinea, Indonesia, Iran (Islamic Republic of), Iraq, Italy, Jamaica, Jordan, Kenya, Malaysia, Mexico, Morocco, Netherlands, New Zealand, Nicaragua, Niger, Pakistan, Peru, Romania, Rwanda, Somalia, Spain, Sweden, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, Yugoslavia, Zaire, Zambia.

Against: United States of America.

Abstaining: Japan.

Draft decision XII was adopted by 52 votes to 1, with 1 abstention.

Draft decisions XIII to XVIII were adopted.

Draft decision XIX

The PRESIDENT recalled that the Second (Social) Committee had adopted draft decision XIX, in a recorded vote, by 50 votes to none.

A recorded vote was taken on draft decision XIX.

In favour: Argentina, Austria, Bahamas, Bahrain, Botswana, Brazil, Bulgaria, Burkina Faso, Cameroon, Canada, Chile, China, Czechoslovakia, Ecuador, Finland, France, Germany, Guinea, Indonesia, Iran (Islamic Republic of), Italy, Jamaica, Japan, Kenya, Malaysia, Mexico, Morocco, Netherlands, New Zealand, Nicaragua, Niger, Pakistan, Peru, Romania, Rwanda, Somalia, Spain, Sweden, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America, Yugoslavia, Zaire, Zambia.

Draft decision XIX was adopted by 50 votes to none.

Draft decision XX

The PRESIDENT recalled that the Second (Social) Committee had adopted draft decision XX, in a recorded vote, by 19 votes to 11, with 23 abstentions.
Mr. ALARCON DE QUESADA (Observer for Cuba) said the Cuban delegation had explained to the Second (Social) Committee that draft decision XX was absolutely unfair and there was no reason for it. Cuba had not been censured either by the Commission on Human Rights or by any other organ of the United Nations and no decision had been taken with regard to Cuba on the subject of human rights violations. Furthermore, the draft decision was even in contradiction with the report of the Secretary-General on the question.

It was for that reason, and for many others as well, that the draft decision was a violation of United Nations established procedures and practices with regard to human rights. Furthermore, the text before the Council was in fact that of an oral amendment made by the United States delegation during the voting process in the Commission on Human Rights. The submission of that amendment had led the sponsors of the draft decision to withdraw their sponsorship prior to the vote because the new text totally changed the intent and purpose of the initial draft. The Second (Social) Committee during its session had not taken up the substantive issues of the draft decision on which the Council was to act. In fact, the draft was part of an aggressive policy against Cuba which had been carried out for more than 30 years by the country sponsoring the amendment. That policy, which had nothing to do with human rights, constituted a flagrant violation of the rights of an entire people.

The Cuban delegation had submitted a draft resolution on the negative impact of the United States economic embargo on the full exercise of the human rights of the Cuban people. The text had posed procedural difficulties and his delegation had not insisted that it should be considered immediately. However, once it was resubmitted, those who were prepared to excuse the aggressive policy of the United States against Cuba would then be able to show whether the reasons which had caused them to do so had any connection at all with legitimate concern for human rights.
A recorded vote was taken on draft decision XX.

In favour: Argentina, Austria, Bulgaria, Canada, Czechoslovakia, Finland, France, Germany, Italy, Japan, Morocco, Netherlands, New Zealand, Romania, Spain, Sweden, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America.


Abstaining: Bahamas, Botswana, Brazil, Cameroon, Chile, Ecuador, Guinea, Indonesia, Jamaica, Jordan, Kenya, Mexico, Nicaragua, Niger, Pakistan, Peru, Rwanda, Thailand, Togo, Trinidad and Tobago, Tunisia, Yugoslavia, Zaire.

Draft decision XX was adopted by 19 votes to 11, with 23 abstentions.

Draft decisions XXI to XXIII were adopted.

Draft decision XXIV

The PRESIDENT recalled that the Second (Social) Committee had adopted draft decision XXIV, in a recorded vote, by 43 votes to 1, with 4 abstentions.

A recorded vote was taken on draft decision XXIV.

In favour: Argentina, Austria, Bahamas, Botswana, Brazil, Bulgaria, Burkina Faso, Cameroon, Canada, Chile, Czechoslovakia, Ecuador, Finland, France, Germany, Guinea, Iran (Islamic Republic of), Italy, Jamaica, Japan, Mexico, Netherlands, New Zealand, Nicaragua, Niger, Peru, Romania, Rwanda, Somalia, Spain, Sweden, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America, Yugoslavia, Zaire, Zambia.

Against: None.
Abstaining: China, Indonesia, Malaysia, Pakistan.

Draft decision XXIV was adopted by 43 votes to none, with 4 abstentions.

Draft decisions XXV to XXXI

Draft decisions XXV to XXXI were adopted.

The PRESIDENT suggested the following draft decision for consideration by the Council:

"The Economic and Social Council takes note of the report of the Commission on Human Rights on its forty-seventh session and of the draft provisional agenda for its forty-eighth session (as contained in Chapter 26, page 310, of the English text of the report of the Commission);"

Mr. TENNE (Observer for Israel) said the Commission on Human Rights had as usual adopted resolutions on so-called human rights violations in various geographic zones, notably Judea, Samaria, the Gaza Strip, the Golan Heights and southern Lebanon. The common denominator of those texts was that they were all part of a relentless campaign to defame Israel, without any regard for factual truth. It would be futile to attempt to refute those accusations, which were without any foundation whatsoever; that had already been done during the debates of the Commission on Human Rights. Those resolutions constituted a transparent attempt to legitimise a political agenda whose only purpose was the demise of Israel under the guise of concern to protect human rights. That most of the sponsors of those resolutions were not exactly champions of human rights in their own countries was hardly surprising. What was surprising, however, was that representatives of genuine democracies should lend themselves to a political exercise of that sort and vote accordingly, to the detriment of the real task of the Commission on Human Rights, namely, to deal with the true violations of human rights perpetrated by some of its members.

Mr. ABOU-HADID (Syrian Arab Republic) was surprised at what had been said by the representative of Israel, who had taken the floor for no reason; he had attacked the Economic and Social Council, accusing it of adopting iniquitous resolutions. He had not even mentioned the historical name of the Palestinian people or those of other Arabs in the occupied territories. The
(Mr. Abou-Radid, Syrian Arab Republic)

resolutions adopted by the Commission on Human Rights resulted from the very fact of the occupation, which the international community had condemned. It was time for Israel to agree at last to the implementation of United Nations resolutions.

The draft decision was adopted.

Draft decisions XXXII to XXXIV

Draft decisions XXXII to XXXIV were adopted.

Draft decision XXXV

Draft decision XXXV was adopted.

Ms. DINH THI MINH HUYEN (Observer for Viet Nam) welcomed the adoption without a vote of the decision on the situation in Cambodia, but regretted that, although it had been adopted during the Council's consideration of the human rights situation, it did not mention the genocide which had taken place in Cambodia in the recent past nor measures that might prevent the recurrence of such genocide. Furthermore, the decision made no reference to the serious human rights violations to which the Cambodian refugees in the refugee camps were subject. She hoped that the comprehensive settlement of the Cambodian question would be speedily attained: it should be based on respect for the national sovereignty of Cambodia and for the United Nations Charter. The internal affairs of Cambodia depended solely on the Supreme National Council, which represented Cambodia's national sovereignty, and Viet Nam would fully respect the decisions of that body.

Mr. ABOU-RADID (Syrian Arab Republic) asked the President to specify on what procedural basis the observer for Viet Nam had spoken and whether it had been in explanation of vote.

The PRESIDENT said that any delegation wishing to make a statement could do so.

The Council had thus concluded consideration of agenda item 8.

The meeting rose at 12.45 p.m.