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### Third Committee

#### Summary record of the 51st meeting

Held at Headquarters, New York, on Wednesday, 28 November 2001, at 10 a.m.

*Chairman:* Mr. Al-Hinai . . . . . (Oman)

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*The meeting was called to order at 10.25 a.m.*

**Agenda item 114: Report of the United Nations High Commissioner for Refugees, questions relating to refugees, returnees and displaced persons and humanitarian questions** (continued) (A/C.3/56/L.70, L.72, L.73 and L.74)

*Draft resolution A/C.3/56/L.72: Assistance to refugees, returnees and displaced persons in Africa*

1. **Ms. Otiiti** (Uganda) introduced the draft resolution on behalf of the Group of African States and said that Belgium, Canada, Croatia, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, Norway, Portugal and Sweden had become sponsors. The draft resolution was an updating of resolution A/55/77, which had been adopted by consensus at the previous session of the General Assembly and she hoped that it too would be adopted by consensus.

*Draft resolution A/C.3/56/L.73: Assistance to unaccompanied refugee minors*

2. **Ms. Ahmed** (Sudan) introduced the draft resolution on behalf of the sponsors, which had been joined by Benin, the Democratic Republic of the Congo, Jordan, Nicaragua, the Niger, Sierra Leone and Turkey. She asked that the draft text, which was the same as that of the resolution adopted at the fifty-fourth session, should be kept without amendments, because the subject was to be considered at the special session of the General Assembly on children. For various reasons, there were many abandoned refugee children, and the international community must assume its obligations, take preventive action and find a permanent solution to the problem, either by reuniting them with their families or by integrating them into their communities in an acceptable way. The sponsors hoped that, as in the past, the text would be adopted by consensus.

*Draft resolution A/C.3/56/L.70: Follow-up to the Regional Conference to Address the Problems of Refugees, Displaced Persons, Other Forms of Involuntary Displacement and Returnees in the Countries of the Commonwealth of Independent States and Relevant Neighbouring States*

3. **The Chairman** invited the Committee to take action on draft resolution A/C.3/56/L.70, which had no

programme budget implications and whose sponsors had been joined by Kazakhstan. He took it that the Committee wished to adopt it without a vote.

4. *Draft resolution A/C.3/56/L.70 was adopted.*

*Draft resolution A/C.3/56/L.74: Office of the United Nations High Commissioner for Refugees*

5. **The Chairman** invited the Committee to take action on draft resolution A/C.3/56/L.74, which had no programme budget implications and whose sponsors had been joined by Congo, the Democratic Republic of the Congo, Guinea, Honduras, Mauritius and Tunisia. He took it that the Committee wished to adopt it without a vote.

6. *Draft resolution A/C.3/56/L.74 was adopted.*

**Agenda item 119: Human rights questions** (continued)

**(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms** (continued) (A/C.3/56/L.53, L.60-L.65 and L.68)

*Draft resolution A/C.3/56/L.62: Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms*

7. **Ms. Hafseld** (Norway) introduced the draft resolution on behalf of the sponsors, which had been joined by Afghanistan, Benin, Botswana, the Dominican Republic, Honduras, Japan, Malta, Mauritius, Morocco, Nicaragua, Paraguay and the Republic of Moldova. On behalf of the sponsors, she said that the third preambular paragraph should be revised to read: "Noting with deep concern that, in many countries, persons and organizations engaged in promoting and defending human rights and fundamental freedoms are facing threats, harassment and insecurity as a result of those activities,".

8. One of the most important decisions of the Commission on Human Rights the previous year had been to propose the appointment of the Special Representative of the Secretary-General on human rights defenders. The very broad support for his mandate had been a sign of the strong desire to acknowledge the work being done by human rights defenders and to promote and protect their rights, and it

had also shown that the time was right to establish a mechanism to promote and give full effect to the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms. Unfortunately, the situation of human rights defenders had not improved substantially after the adoption of the Declaration. The sponsors of the draft resolution hoped that, as orally revised, it could be adopted without a vote.

*Draft resolution A/C.3/56/L.64: Globalization and its impact on the full enjoyment of all human rights*

9. **Mr. Roshdy** (Egypt), noting that Kenya, Malawi, Mozambique, Sierra Leone and South Africa had become sponsors of the draft resolution, said that the intention of the draft was not to indict or praise globalization, or to define the term. It was merely an attempt to advocate that globalization should be a powerful and dynamic force that ought to benefit all countries, and that in the process all necessary measures should be taken to ensure that human rights would not be overlooked or forgotten. The sponsors hope that, in view of the consultations under way, the draft resolution would be adopted by consensus.

*Draft resolution A/C.3/56/L.65: Human rights and mass exoduses*

10. **Ms. Vezina** (Canada) introduced the draft resolution, which reflected the evolution of the situation since the fifty-fourth session, on behalf of the sponsors, and announced that the original sponsors had been joined by Benin, Cameroon, Croatia, France, Georgia, Iceland, Liechtenstein, Malta, Portugal and Sierra Leone. She drew attention to the following revisions of the preamble: in the sixth preambular paragraph, the word “further” should be inserted after the initial word “Welcoming”; in the ninth and tenth preambular paragraphs, the word “other” should be deleted and the word “internally” inserted before the words “displaced persons”; in the tenth preambular paragraph, the word “internally” should be inserted before the words “displaced persons”; in the twelfth preambular paragraph, the phrase “and other humanitarian agencies” should be inserted after the word “Movement”, and at the end of that paragraph the words “United Nations bodies” should be replaced by the words “international bodies”. Furthermore, in paragraph 3, the phrase “mass exoduses of refugees

and displaced persons” should be replaced by the phrase “mass exoduses of persons”. The same revision should be made in paragraph 6. In paragraph 7, the phrase “in accordance with their respective mandates,” should be inserted after the phrase “United Nations system,”. In paragraph 8, the word “prompt” after the word “afford” should be replaced by the words “full, safe”. Lastly, in paragraph 10, the word “internally” should be inserted before the final words “displaced persons”.

*Draft resolution A/C.3/56/L.68: Situation of human rights in Cambodia*

11. **Ms. Nagahara** (Japan) introduced the draft resolution on behalf of the original sponsors and of Belgium, Italy, Malta, the Netherlands, and San Marino, and said that, in paragraph 7 of section II of the text, the title, “Law on the Administration of Communes/Sangkat” should be corrected to read “Law on the Administration and Management of Communes/Sangkat”. The draft resolution reflected many of the positive developments that had taken place in Cambodia thanks to the sincere efforts of the Cambodian Government, with the encouragement of the international community and the Office of the United Nations High Commissioner for Human Rights. The international community could help Cambodia to enhance human rights, achieve political stability and revive its economy by giving it the financial and human resources it needed. She hoped that the draft resolution, the aim of which was to continue helping to promote and protect human rights in Cambodia, would be adopted by consensus.

*Draft resolution A/C.3/56/L.53: Strengthening the role of the United Nations in enhancing the effectiveness of the principle of periodic and genuine elections and the promotion of democratization*

12. **The Chairman** invited the Committee to take action on draft resolution A/C.3/56/L.53, which had no programme budget implications, and announced that Bolivia, Bosnia and Herzegovina, Colombia, Ecuador, Fiji, Guatemala, Honduras, the Republic of Moldova, Suriname and the United Republic of Tanzania had joined the sponsors. A recorded vote on the draft resolution had been requested.

13. **Ms. de Armas García** (Cuba), speaking in explanation of vote before the vote, said that Cuba recognized the positive role of the United Nations in

offering electoral assistance at the request of States. Cuba recognized further that a growing number of countries were asking for that type of assistance, and favoured the continuation of the United Nations Trust Fund for Electoral Observation. It had therefore taken part in the negotiations on the draft resolution, hoping that consensus could be reached. However, none of its proposals had been taken into account.

14. The draft resolution entailed a duplication of work and costs, because the Office of the United Nations High Commissioner for Human Rights was being encouraged to engage in activities already being performed by the Electoral Assistance Division. Moreover, it was unacceptable to the developing countries that an enormous proportion of United Nations Development Programme (UNDP) funds should be used for electoral assistance. It should also be noted that the draft resolution was based on the premise — mistaken, selective and discriminatory — that only developing countries required electoral assistance, when recent events had demonstrated that many developed Member States would benefit from it. Lastly, the text did not take sufficient account of the fact that electoral procedures were an internal affair of States and the expression of their political sovereignty. For all those reasons, Cuba could not vote in favour of the draft resolution.

15. *A recorded vote was taken on draft resolution A/C.3/56/L.53.*

*In favour:*

Afghanistan, Algeria, Andorra, Angola, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Chile, Colombia, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Democratic Republic of the Congo, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gambia, Georgia, Germany, Ghana, Greece, Guatemala, Guinea, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Latvia, Lesotho, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali,

Malta, Marshall Islands, Mauritania, Mauritius, Mexico, Monaco, Mongolia, Morocco, Mozambique, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Saint Kitts and Nevis, Saint Lucia, San Marino, Senegal, Sierra Leone, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syrian Arab Republic, Thailand, The former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Venezuela, Yemen, Yugoslavia, Zambia, Zimbabwe.

*Against:*

None.

*Abstaining:*

Brunei Darussalam, China, Cuba, Libyan Arab Jamahiriya, Myanmar, Viet Nam.

16. *Draft resolution A/C.3/56/L.53 was adopted by 146 votes to none, with 6 abstentions.\**

17. **Mr. Madej** (Poland), speaking in explanation of vote on behalf of the Convening Group of the Community of Democracies, comprising Chile, the Czech Republic, India, Mali, Mexico, Poland, Portugal, the Republic of Korea, South Africa and the United States of America, welcomed the adoption of the draft resolution. Electoral assistance and the promotion of democracy had become one of the core tasks of the United Nations, which was a clear affirmation of democratic principles by the international community, for there was no democracy without periodic and genuine elections.

*Draft resolution A/C.3/56/L.60: Human rights in the administration of justice*

18. **The Chairman** invited the Committee to take action on draft resolution A/C.3/56/L.60, which had no programme budget implications and whose sponsors had been joined by Armenia, Belarus, Benin, the

\* The Syrian Arab Republic subsequently informed the Secretariat that its vote had been recorded as being in favour, but that it had intended to abstain.

Dominican Republic, El Salvador, Honduras, Iceland, Malta, Suriname and Thailand. He took it that the Committee wished to adopt it without a vote.

19. *Draft resolution A/C.3/56/L.60, as orally revised at the fiftieth meeting, was adopted.*

20. **Ms. Shestack** (United States of America) explained that her delegation had joined the consensus on the draft resolution because it favoured the observance of human rights in the administration of justice and capacity-building in that area. However, it had reservations regarding the first and second preambular paragraphs. Member States could not be asked to bear in mind the principles set out in treaties to which they were not parties.

*Draft resolution A/C.3/56/L.61: Effective promotion of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities*

21. **The Chairman** invited the Committee to take action on the draft resolution, which had no programme budget implications and whose sponsors had been joined by Benin, El Salvador, Honduras, Iceland, Kenya, Mauritius and Suriname. He took it that the Committee wished to adopt it without a vote.

22. *Draft resolution A/C.3/56/L.61, as orally revised at the fiftieth meeting, was adopted.*

*Draft resolution A/C.3/56/L.63: Protection of and assistance to internally displaced persons*

23. **The Chairman** informed the Committee that the draft resolution had no programme budget implications and that Benin, Burundi, the Dominican Republic, Ecuador, Honduras, the Marshall Islands and Suriname had joined the sponsors.

24. **Ms. Ahmed** (Sudan) said that her delegation had submitted an amendment to make the text more balanced and guarantee its adoption by consensus. She regretted that there had been no consultations on its amendment, and that amendments submitted by certain other delegations had not been taken into account. She recalled that the Representative of the Secretary-General had visited the Sudan and made proposals about studying the Guiding Principles on Internal Displacement; she hoped that they would be put into effect as soon as possible.

25. She expressed surprise at the footnoted reference to a web site in connection with the reference in

paragraph 14 of the draft resolution to the establishment of the global internally displaced persons database, and asked for clarification from the Secretariat before Friday. Also, she drew attention to the fact that the database contained, inter alia, information supplied by rebel movements based in the southern Sudan or movements that had infiltrated the country clandestinely. She expressed indignation at the fact that the database did not contain official information furnished by the Government. In any case, when the Representative of the Secretary-General had concluded his visit, he had declared that the Sudan's experience in the protection of and assistance to displaced persons was exemplary.

26. **Mr. Valvatne** (Norway) said that there had been no footnote in the document submitted to the Secretariat, and that it had been included subsequently, and he proposed that it should be deleted.

27. **Mr. Barg** (Libyan Arab Jamahiriya) said that he would like assurance that the footnote would be deleted from the draft resolution before a vote was taken on it.

28. **Ms. Ahmed** (Sudan) thanked the representative of Norway and said that she did not object to the deletion of the footnote, which would mean that the corresponding reference in the text to the establishment of the database should also be deleted.

29. **Mr. Valvatne** (Norway) said that the text had been discussed twice in informal consultations, and that he could not agree to Sudan's proposal to delete that part of the text relating to the database.

30. **Mr. Bhattacharjee** (India), supported by **Mr. Yahya** (Djibouti), proposed that action on the draft resolution should be deferred to a later meeting.

31. **The Chairman** said he took it that the Committee wished to postpone taking action on draft resolution A/C.3/56/L.63.

32. *It was so decided.*

**(c) Human rights situations and reports of special rapporteurs and representatives (continued)**  
(A/C.3/56/L.55-L.58)

*Draft resolution A/C.3/56/L.55: Situation of human rights in Myanmar*

33. **Ms. Mårtensson** (Sweden) introduced the draft resolution on behalf of the original sponsors and of

Andorra, Belgium, Estonia, Greece, Italy, Latvia, Lithuania, Malta, the Netherlands, New Zealand and Slovenia. She also introduced the following revisions: in the last preambular paragraph, the word “deeply” should be deleted before the word “concerned”; at the end of paragraph 17, the clause “, and encourages the Government of Myanmar to pursue the dialogue with the Director-General of the ILO to this end” should be added; and in paragraph 20, the words “are refugees,” should be deleted after the words “women who”. The sponsors of the draft resolution could not accept the editorial changes introduced by the Secretariat in paragraphs 7 and 16 because they did not reflect what had been agreed among them and other interested delegations. She hoped that the draft resolution would be adopted by consensus.

*Draft resolution A/C.3/56/L.57: Situation of human rights in Iraq*

34. **Mr. Maertens** (Belgium) introduced the draft resolution on behalf of the European Union and the original sponsors, as well as Iceland, Japan, Liechtenstein, Luxembourg, Malta and San Marino. He also introduced the following revisions: in the English text of the third preambular paragraph, after the date “1949”, the phrase “, for the protection of victims at war” should be replaced by the phrase “, on the protection of war victims”; in the fifth preambular paragraph, the words “raised the ceiling” after the words “inter alia,” should be replaced by the words “removed the ceiling”; and in paragraph 4 (l), the expression “oil-for-humanitarian-goods” before the word “programme” should be replaced by the expression “oil-for-food”.

35. The draft resolution was based on the comments, conclusions and recommendations in the report of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Iraq. The European Union regretted that the human rights situation had not improved, and urged the Iraqi authorities to cooperate fully with the Special Rapporteur or, at least, to invite him to visit the country. The European Union, strongly condemning the systematic, widespread violations of human rights in Iraq, hoped that the draft resolution would be adopted by consensus.

*Draft resolution A/C.3/56/L.58\*: Situation of human rights in the Sudan*

36. **Mr. Maertens** (Belgium) introduced the draft resolution on behalf of the European Union and the original sponsors as well as Australia, the Czech Republic, Iceland, Japan, Malta and San Marino. He said that in paragraph 4 (b) of the draft text, the date “1997” before the word “Convention” should be deleted, and that it should instead be inserted before the word “Convention” in paragraph 4 (d). A revised draft resolution would shortly be circulated. The text, which he hoped would be adopted by consensus, took a constructive viewpoint and expressed the desire of the European Union to see an improvement in the situation of human rights in the Sudan.

**Other matters**

37. **Mr. Ndiaye** (Director of the New York Office of the Office of the United Nations High Commissioner for Human Rights) read out a statement from Mr. Deng, Representative of the Secretary-General on internally displaced persons, in response to questions the Algerian delegation had asked about his report at the 37th meeting.

38. Despite the fact that internally displaced persons were often forced to leave their homes and thus found themselves in refugee-like situations, refugee law was not directly applicable to the internally displaced, for international law defined refugees as persons who had fled across international borders. However, because of the similarity of their situations, certain provisions of refugee law had, by analogy, provided a useful model for some of the guidelines on protecting the internally displaced.

39. Resolutions of both the General Assembly and the Commission on Human Rights had requested the Representative to develop an appropriate normative framework for internally displaced populations. In 1996, the Representative had submitted to the Commission a compilation and analysis of legal norms, and the conclusion had been that, while existing law provided substantial coverage for the internally displaced, there were significant areas in which it failed to offer an adequate basis for their protection and assistance. As a result, the Commission and the General Assembly had requested the Representative to prepare a normative framework based on the findings in the compilation.

40. In weighing the urgency of having a normative framework against the controversy surrounding the development of a new legally binding instrument, the Representative, with the support of a team of legal experts, had opted to develop guiding principles that restated existing law from the perspective of the specific needs of the internally displaced in order to facilitate its implementation. The Guiding Principles were presented to the Commission on Human Rights in 1998. Since then, Governments had made statements about them in the Commission and the General Assembly, and both bodies had adopted resolutions taking note of them, welcoming the Representative's use of the Guiding Principles in his dialogues with Governments and with intergovernmental and non-governmental organizations, requesting that he continue those efforts and encouraging United Nations agencies and other bodies as well to disseminate and apply the Guiding Principles.

41. Considering that the Guiding Principles had been developed in response to successive resolutions of the Commission and the General Assembly, and that they had received wide support since their presentation to the appropriate United Nations bodies, it would not be strictly correct to assume that they had not been considered in pertinent intergovernmental bodies, even though their formal adoption had never been called for given their nature as guidelines restating existing law in order to facilitate its implementation.

42. On the question of information, the Representative of the Secretary-General relied on a wide range of sources to collect information about internally displaced persons. Those included governmental, intergovernmental and non-governmental sources as well as scholarly and research institutions throughout the world, and another major source of information had been his country visits. To date, he had visited about 25 countries in all parts of the world, where he had met with senior government officials, local officials, and representatives of international organizations, of both local and international non-governmental organizations, of civil society and of internally displaced communities. His reports to the United Nations on the situations in those countries had reflected that wide information base.

43. To reinforce and organize all the information about internally displaced persons, the Representative had encouraged the Norwegian Refugee Council to develop, in cooperation with the United Nations, the

Global Internally Displaced Persons Project, which now had a database encompassing more than 40 countries, and he himself regularly used it. In addition, the Brookings Institution Project on Internal Displacement had been set up in 1994 with support from the Office of the United Nations Secretary-General, Governments and foundations, owing to the limited resources available to the Office of the United Nations High Commissioner for Human Rights. The Secretary-General, the High Commissioner and the Under-Secretary-General for Humanitarian Affairs had encouraged the Representative to seek support from outside sources.

44. **Mr. Roshdy** (Egypt) said that it was unacceptable that the Representative of the Secretary-General had not taken the time to appear personally before the Committee, because what was needed was an interactive dialogue, and communication through third parties was not sufficient. He hoped that that would not happen again, because it was not worth studying a report if the author of the report had no time to introduce it himself to the Committee.

*The meeting rose at 12.20 p.m.*