



SUMMARY RECORD OF THE 56th MEETING

Chairman: Mr. ABULHASAN (Kuwait)

CONTENTS

AGENDA **ITEM 12: REPORT OF THE ECONOMIC AND SOCIAL COUNCIL (continued)**

AGENDA ITEM 96: IMPORTANCE OF THE UNIVERSAL REALIZATION OF THE RIGHT OF PEOPLES TO SELF-DETERMINATION AND OF THE SPEEDY GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES FOR THE EFFECTIVE GUARANTEE AND OBSERVANCE OF HUMAN RIGHTS (continued)

AGENDA ITEM Qb: HUMAN RIGHTS AND SCIENTIFIC AND TECHNOLOGICAL DEVELOPMENTS (continued)

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

AGENDA ITEM 121 REPORT OF THE ECONOMIC AND SOCIAL COUNCIL (~~continued~~) (A/43/3, A/C. 3/43/1 and 7, A/43/170-E/1988/25, **A/43/305-E/1988/26**, A/43/326, A/43/375 and **Corr. 1**, A/43/410, A/43/534, A/43/535, A/43/536, A/43/592, **A/43/593**, A/43/594, A/43/595, A/43/624, A/43/630, A/43/705, A/43/706, A/43/736, A/43/739, A/43/742, **A/43/743** and **Add. 1**, A/43/770, A/43/122, A/43/165, A/43/214, A/43/235-6/19674, A/43/273-S/19720, C/43/361, A/43/370, A/43/393-8/19930, A/43/435-5/19974, A/43/446, A/43/457-E/1988/102, A/43/460-E/1988/104, A/43/544, A/43/507, A/43/590, A/43/604, A/43/617 and A/43/759)

1, **Mr. MARROQUIN NAJERA** (Guatemala) said that his country was a party to the American Convention on Human Rights and had recently withdrawn **its reservation** to article 4. In 1988, it had **acceded** to the International Covenant on Economic, Social and Cultural Rights and would shortly accede to the International **Covenant** on Civil and Political Rights. Guatemala was the **only** country in the history of the United Nations to have **undergone** all the **various** stages of **investigation** with respect to human rights and fundamental freedoms. It was the only country to have accepted the appointment of a Special Rapporteur without any reservations, and it had co-operated fully with him. Following the restoration of democratic **government** in Guatemala **in** 1986, the **Commission** on Human Rights had appointed a Special Representative, a **move** which his country had **also** accepted without question. Finally, the Commission had requested the **Secretary-General** to appoint an expert adviser to assist the Guatemalan Government in promoting the exercise of human rights,

2. Guatemala's present Government had stated repeatedly its readiness to assist the United Nations in its human rights work. The **President** of Guatemala had affirmed in the General Assembly his commitment to national reconciliation, the Congress had decreed a general amnesty, and the Government had appealed to insurrectionist forces to avail **themselves** of the amnesty and join in the **reconciliation** process. Individuals belonging to several insurrectionist organisations had responded to that appeal.

3. Guatemala **was** now engaged **in** the **process** in which the United Nations was most effective: advising Governments on the promotion of human **rights**. It **was** grateful to the expert adviser appointed **by** the **Secretary-General** for **the** help he had given. With the assistance of various international bodies, a national training **course** on human rights had been **held** in November 1988, an event which the expert adviser had described as **demonstrating** the Government's determination to **ensure the** full exercise of human rights and fundamental **freedoms** and to consolidate democracy in the country,

4. His Government endorsed the expert **adviser's** findings and was concerned at the way in which certain non-governmental organisations had distorted the problem of violence in the country by attributing political motives to common crimes of violence and terrorism and to illicit trafficking in drugs. The expert adviser, however, had **stated** his belief that the Government **was** determined to support a

(Mr. Marroquin Najera, Guatemala)

policy of respect for fundamental human rights *and* had attributed human rights violations to the serious ~~crime~~ wave in Guatemala, adding that the protection of human rights went hand in hand with the consolidation of democracy. He had also recommended that the Government should not limit itself to a policy of non-violation of human rights but should also try to prevent other sectors of society from committing violations.

5. The President of Guatemala had created a Presidential commission for human rights as a further demonstration of his personal commitment. With the establishment of the urban and rural development councils, communities could now solve their own problems, including problems of security, and ethnic groups could participate in decisions on their own development. Repatriation had increased by almost 300 per cent and would increase further when people who had fled the country learned how the situation had changed.

6. Democracy required responsibility as well as sacrifices. His Government had therefore begun a campaign to encourage all social groups to help strengthen the democratic system. The Constitution had been published in indigenous languages as well as in Spanish, and a children's version had also been issued. During 1988 alone, 74 trade union organisations had been legally registered - a figure in excess of the total for the period 1979-1987,

7. His country was certainly not free of problems, but the Government was clearly aware of the need to solve both traditional problems and the new problems of the contemporary world. Decades of oppression could not be overcome in two years, and solving problems would require the participation of the entire population, as well as the co-operation of the international community. For many years prior to the present Government, Guatemala had suffered not only political violence but also social injustice and oppression dating from the colonial era. The Government had now laid the legal foundations for the consolidation of democracy, thereby guaranteeing the full exercise of human rights and fundamental freedoms. It must also be remembered that Guatemala was affected by the world economic crisis. Sixty-five per cent of the population of Central America lived in extreme poverty and that figure was increasing as international markets were closed to the region's products, the developed countries increased their protectionist measures and the prices of exports continued to fall.

8. His Government had stated repeatedly that the human rights issue should not become politicized and that the consideration of specific situations should remain objective. It was aware of the country's problems and was trying to consolidate democracy, but a democratic culture could not be established overnight. Countries which had experienced situations of serious violations of human rights but had now elected democratic Governments deserved the support of the international community in their efforts to preserve peace, establish social justice, consolidate democracy and guarantee the full exercise of human rights and fundamental freedoms.

9. **Mr. ABOU-HADID** (Syrian Arab Republic), speaking in exercise of the right of reply, said that the representative of Israel had shed crocodile tears over the situation of Syrian citizens of Jewish origin living in Syria. He had bought, as usual, to use religion as a means of attacking countries which stood up to the ambitions of Israel's Zionist racist rulers. Syria's Constitution and laws guaranteed freedom and equality to all citizens without any discrimination based on race, colour, religion or ethnic origin, and social equality had now been established as well. Israel should save its tears for the millions of Palestinians living in refugee camps and for the women and children killed every day merely for rejecting the Israeli presence in the occupied territories.

10. The representative of the United Kingdom had referred to persons detained in Syria and other States, but it should be the last country to speak about human rights or repression, for following the Balfour Declaration it had displaced the Palestinian people, and Ireland remained a blot on the United Kingdom's record.

11. **Mr. Aung THAN** (Burma), speaking in exercise of the right of reply, said that his delegation rejected out of hand the unfounded criticisms levelled against Burma by the representative of the Netherlands. All developing countries had fought for their human rights and their independence and for sovereignty over their national wealth. They were also helping less fortunate countries which were still struggling for their human rights. The Committee knew perfectly well which countries were dragging their feet in United Nations efforts to restore human rights in such countries as Namibia. It was therefore necessary to take with a grain of salt apparent attempts by a country to champion the cause of human rights in other countries.

12. **Mr. MAHALLATI** (Islamic Republic of Iran), speaking in exercise of the right of reply, recalled his Government's recent decision to allow the Special Representative to carry out his mandate fully. It hoped to have an opportunity to demonstrate to the Special Representative that the information provided to him had been politically motivated and included baseless allegations. His country had fulfilled all its undertakings, which went far beyond the standards set in the relevant international instruments, under the difficult circumstances of the revolutionary period and the imposed war, and it challenged the Special Representative to rectify his report in that respect.

13. The insistence by some of the sponsors on a vote on the draft resolution on the situation of human rights in the Islamic Republic of Iran (A/C.3/43/L.41/Rev.1) was puzzling and confrontational, for the aims of the draft resolution could better be achieved by a consensus decision. Such insistence illustrated the political games being played by certain Western countries against Iran, exploiting the issue of human rights to further their own political agenda.

14. Insistence on adoption of the draft resolution amounted to accepting the misinformation contained in the interim report (A/43/705) as the basis for final action, thereby obstructing a serious effort to gather first-hand information. Some of the sponsors clearly preferred that course to making a positive breakthrough in resolving the issue.

(Mr. Mahallati, Islamic
Republic of Iran)

15, A double standard ~~was applied~~ in the approach to the rule of international law, specifically the application of the 1925 Geneva Protocol prohibiting the use of chemical weapons. The First Committee had taken a future-oriented approach, but in the Third Committee some of the ~~same delegations~~ were urging the General Assembly to dwell on the past and to take into account ~~baseless~~ allegations levelled against his country. The same double standard was apparent in the lack of any action on Iraq's policy of extermination of the Kurdish minority by means of chemical weapons.

16. It was time to set *aside* allegations and premature judgements and to establish a true picture of the situation of human rights in Iran. His delegation hoped that the General Assembly would not be compelled to vote on a confrontational draft resolution when a consensus was available which enjoyed overwhelming support.

17, Mr. WULFFTEN PALTHE (Netherlands), speaking in exercise of the right of reply, said that his delegation had noted the comments about specific human rights situations made in response to its statement. However, it took exception to the statement made by the Cuban delegation in exercise of the right of reply. It was not clear to which problems of the Dutch minority group originating from the South Moluccans the representative of Cuba had been referring. Perhaps the reference was to the Netherlands Government's housing policy in that connection, which was kept under judicial review since any alleged violation of human rights could be taken up before an independent court. Anyone who did not achieve satisfaction by that method could apply to a number of international organs, for the Netherlands was a party to all relevant instruments providing for individual complaint procedures,

18, Whenever the Netherlands Government thought that the human rights situation in Cuba needed to be addressed in the Committee it would do so. His delegation took strong objection to any allusions in that connection to the policies of Goebbels.

19, Mr. MARTINEZ (Paraguay), speaking in exercise of the right of reply, said that two delegations had referred to his country in connection with what they had termed "continuing violations" of human rights in Paraguay. The information, or rather disinformation, on which they had based their allegations had been provided by tiny marginal political groups in Paraguay with no public support and no viable alternative ideology or programme to offer. Their views had been seized upon by certain groups and organizations abroad which were conducting a campaign against his country's Government on the pretext of solidarity with a people which needed no such thing since its fundamental human rights were fully respected and guaranteed.

20. One delegation had gone so far as to link Paraguay with the illegal adoption of minors in connection with enforced or involuntary disappearances. Such an allegation was absurd, since it referred to a case involving Argentine children who had been adopted by Argentine citizens in Argentina, in accordance with that country's regulations, and now resided in Paraguay. It should be pointed out, moreover, that the case had been brought before the courts through the normal, internationally recognised channel of requests for extradition,

(Mr. Martinez, Paraguay)

21. The record must be put straight. Peace and tranquillity reigned in his country. Death squads, *dieappsarancre*, dirty wars, execution and torture in death cells were all unknown, as was testified to by an independent rapporteur appointed by the Commission on Human Rights.

Action on draft resolutions

22. The CHAIRMAN said that he had been informed that none of the draft resolutions submitted under agenda item 12 had implications for the programme budget of the United Nations, with the exception of draft resolution A/C.3/43/L.69; the Secretary-General's statement on the programme budget implications of the latter resolution had been circulated in document A/C.3/43/L.83.

Draft resolution A/C.3/43/L.2

23. The CHAIRMAN recalled that the draft resolution in document A/C.3/43/L.2 had been deferred to the current session of the General Assembly by decision 42/424. Since the draft resolution was related to draft resolution A/C.3/43/L.78, he suggested that the Committee take action on both draft resolutions at a later stage of its deliberations,

24. It was so decided.

25. Mr. OUDOUVENKO (Ukrainian Soviet Socialist Republic) said that if the Committee did not object, his delegation, as the author of the draft resolution in document A/C.3/43/L.2, would withdraw the draft resolution in view of the existence of draft resolution A/C.3/43/L.78.

26. The CHAIRMAN said that the draft resolution in document A/C.3/43/L.2 was already on the agenda; when the Committee took action on draft resolution A/C.3/43/L.78, the draft resolution in document A/C.3/43/L.2 would be superseded,

Draft resolution A/C.3/43/L.3

27. The CHAIRMAN said that the draft resolution in document A/C.3/43/L.3 had been deferred to the current session of the General Assembly by decision 42/423. Owing to lack of time, the Committee had not had an opportunity to hold informal consultations on that important issue. He therefore suggested that it defer consideration of the draft resolution to the forty-fourth session of the General Assembly.

28. Mrs. WARZAZI (Morocco) said that it was up to the sponsors of the draft resolution to decide whether or not to defer its consideration. Her delegation, as one of the sponsors, would not object to the deferral.

29. Mrs. MIYATA (Japan) said that her delegation welcomed the draft resolution in view of the need to rationalize the work of the Committee. Even if consideration of the draft resolution was deferred, it was very important that all Member States should continue their efforts for the further rationalisation of the Committee's work, including the consideration of items every other year.

30. The CHAIRMAN said that if he heard no objection, he would take it that the Committee agreed to defer consideration of the draft resolution in document A/C.3/43/L.3 to the forty-fourth session of the General Assembly.

31. It was so decided.

Draft resolution A/C.3/43/L.57

32. Draft resolution A/C.3/43/L.57 was adopted.

33. Mr. HUSSAIN (Pakistan) said that his delegation had gone along with the draft resolution but considered that it did not do justice to the subject. The basic human right to self-determination, which was the basis of all human rights, had been denied in Afghanistan because of the presence of foreign troops. The draft resolution had also failed to mention that the presence of foreign troops was also the reason why so many refugees refused to return. That had been made clear in the report of the Special Rapporteur (A/43/742).

34. The draft resolution also failed to call for conditions which would make it possible to establish a body which was fully representative of the Afghan population, in particular a freely chosen Loya Jirga (tribal assembly). The resolution should also have called for removal of the mines which had been laid in Afghanistan.

35. Mr. TAEB (Afghanistan) said that his Government had subscribed to all the instruments relating to human rights and was making every effort to ensure that the basic principles of human rights were observed in Afghanistan. In his statement to the Committee on 25 November, he had presented a picture of the situation and of the practical measures which had been taken and no purpose would be served by repeating his remarks.

36. Draft resolution A/C.3/43/L.57 was an improvement on the resolution which had been adopted the previous year, but it nevertheless failed to mention the issues of organised terrorism and the effort made to politicise human rights. His delegation had not wished to thwart the consensus but he hoped that the sponsors would take account of the considerations which he had mentioned. He wished to assure the Committee that Afghanistan would co-operate fully in its work,

37. Mr. YAKOVLEV (Union of Soviet Socialist Republics) said that his delegation had noted that the draft resolution on the situation of human rights in Afghanistan had, for the first time, been adopted without a vote. He noted the position taken by Afghanistan on the vote and also the positive action taken by the Afghan Government to assist the Special Rapporteur in obtaining a correct impression of the situation in Afghanistan.

38. If the draft resolution had been put to the vote, his delegation would have abstained since the draft resolution did not take a sufficiently balanced approach to the findings of the Special Rapporteur. The resolution had, however, taken note of the change; which had taken place in the past year and, in particular, of the efforts of the Government of Afghanistan to promote respect for human rights and the return of refugees.

(Mr. Yakovlev, USSR)

39. The main outstanding issue was ~~violations~~ of human rights by the forces which were impeding the reconciliation process and implementation of the ~~recommendations~~ of the Special Rapporteur. The sponsors should in future endeavour to ~~steer~~ their ~~efforts~~ towards the ~~achievement~~ of national reconciliation and the guarantee of human rights and fundamental freedoms whoever the violators might be,

Draft resolution A/C.3/43/L.55

40. Draft resolution A/C.3/43/L.55 was adopted.

Draft resolution A/C.3/43/L.63

41. Draft resolution A/C.3/43/L.63 was adopted.

Draft resolution A/C.3/43/L.64

42. The CHAIRMAN announced that Colombia, Nigeria and Sierra Leone had become *sponsors*.

43. Draft resolution A/C.3/43/L.64 was adopted.

44. Mr. TAHA (Sudan) expressed appreciation at the adoption of draft resolution A/C.3/43/L.64. That would assist Sudan in coping with the burden of the flow of refugees in a difficult economic situation] he paid tribute to the co-operation of the international community in the humanitarian field,

Draft resolution A/C.3/43/L.65

45. Draft resolution A/C.3/43/L.65 was adopted.

46. Mr. DORANI (Djibouti) said that his delegation welcomed the adoption of the draft resolution by consensus and expressed its gratitude to all concerned. His Government had spared no effort in fulfilling its obligations towards the refugees. It was a matter for regret that the influx of refugees which had so burdened the social services of his country was continuing. Refugees now occupied more than 50 per cent of the space in the hospital infrastructure and the percentage was even higher in tuberculosis centres.

Draft resolution A/C.3/43/L.66

47. The CHAIRMAN announced that the Philippines had become a sponsor,

48. Mrs. DE BARISH (Costa Rica) and Mr. GRILLO (Colombia) announced that their delegations wished to become sponsors.

49. Draft resolution A/C.3/43/L.66 was adopted.

Draft resolution A/C.3/43/L.67

50. Draft resolution A/C.3/43/L.67 was adopted.

Draft resolution A/C.3/43/L.68

51. Mr. GRILLO (Colombia) suggested that the word "señale" in operative paragraph 2 of the Spanish text should be replaced by "haya señalado".

52. The CHAIRMAN said that the Secretariat would take appropriate action on the point raised by the representative of Colombia.

53. Ms. LUND (Norway), speaking in explanation of vote on behalf of Denmark, Sweden and Norway, said that ever since the question of human rights in El Salvador had first appeared on the agenda, the major concern and objective of those three delegations had been to promote full respect for human rights and fundamental freedoms in El Salvador. The appointment of a Special Representative of the Commission on Human Rights was a crucial instrument in that regard,

54. While she recognized that the Government of El Salvador was committed to a policy of respect for human rights, that policy had not produced the desired effect, especially with regard to the right to life. The situation of human rights in El Salvador had deteriorated considerably, as was clear from the interim report before the Committee. The draft resolution did not reflect current developments accurately, nor the facts, conclusions and recommendations contained in the report. The Special Representative had pointed, in particular, to an alarming increase in the number of politically motivated violations, such as summary or arbitrary executions, cases of politically motivated disappearances and inhuman or degrading treatment during police interrogation of political detainees. The resurgence of the activities of death squads was especially worrying. The report had furthermore stated that the activities of the criminal justice system and the investigation and punishment of serious human rights violations remained highly unsatisfactory. Those aspects, together with the promulgation and application of the Amnesty Act of October 1987, had fostered and reinforced a dangerous climate of impunity.

55. The opposition forces were continuing their attacks on the country's economic infrastructure while the humanitarian rules of war were not being respected by either side. The implementation of the Central American peace plan and its call for national reconciliation and dialogue between the parties to the conflict was more urgent than ever.

56. Denmark, Sweden and Norway would join in the consensus on the draft resolution. It was important that the latter decided that the situation of human rights in El Salvador would be kept under consideration by the General Assembly and the Commission on Human Rights. Denmark, Sweden and Norway deeply regretted that the group of Latin American sponsors had not been willing to enter into negotiations with countries from other regions; that was an established procedure and a sound practice for achieving the best results.

57. Draft resolution A/C.3/43/L.68 was adopted without a vote.

58. Mr. CHRYSANTHOPOULOS (Greece), speaking in explanation of vote on behalf of the 12 States members of the European Community, said that the Twelve had agreed to a consensus on the draft resolution in a spirit of compromise but **wished** to emphasize that the resolution did not accurately reflect the deterioration of the human rights situation in El Salvador.

59. In his report, the Special Representative had noted the alarming increase in politically motivated summary executions, including mass executions, carried out by members of the State apparatus and by members of the armed forces in particular. The report had also noted that the armed **opposition** forces had been responsible for systematic attacks on ~~the~~ country's economic infrastructure, as well as for summary executions and abductions of civilians. Such acts constituted serious violations of human rights and fundamental freedoms and were to be deplored. The Twelve appealed to all parties concerned to refrain from such acts, which had caused the human rights situation in El Salvador to deteriorate.

60. The Twelve had noted with concern the Special Representative's finding that the capacity of the criminal justice system to investigate and punish serious human rights violations remained highly unsatisfactory. That, combined with the promulgation and application of the Amnesty Act of October 1987, **had** fostered and reinforced a dangerous climate of impunity. The Twelve urged the Government of El Salvador to ensure the effective functioning of the judiciary as soon as possible.

61. The Twelve further believed that, when the question of extending the Special Representative's mandate was examined in the Commission on Human Rights, the relevant decision should be taken on the basis of the actual human rights situation existing in El Salvador. The Twelve noted with appreciation the efforts made by the sponsors in producing the draft resolution, thereby demonstrating their concern for the human rights situation in El Salvador, but hoped that in future the draft resolution on that subject would be the object of wide consultations.

62. Mr. MEZA (El Salvador) thanked the delegations which had made it possible for the Third Committee to adopt in 1988 a resolution similar to that adopted in 1987. He also thanked the representatives of the **FMLN** who, by their lobbying of delegations, had enhanced his delegation's commitment to its work.

63. The question might well be asked why certain delegations did not concern themselves with their own indigenious populations rather than taking an interest in the affairs of countries so far from their own borders. In an election year, his country had received scant attention from sources from which it might have expected assistance. The Third Committee experts who constantly shuttled between New York and Geneva might have been able to do a good job if, in the interim between sessions they had steered some assistance towards his country instead of helping to **politicize** the issue: that was not the purpose of the exercise.

Draft resolution A/C.3/43/L.69

64. The CHAIRMAN announced that the Philippines had become a sponsor.

65. Mrs. MOLOJWANE (Botswana) announced that her delegation wished to become a sponsor.

66. Miss BYRNE (United States of America), speaking in explanation of vote, said that she believed that the International Labour Organisation was the appropriate forum for a substantive discussion on the human rights of migrant workers. In that connection, ILO Conventions Nos. 95 and 143 were relevant. There was no need for an additional convention outside **ILO**. No working group of the General Assembly could hope to equal ILO efforts in that field. **In** any case, virtually all the countries represented in the Working Group were also represented in **ILO**. For all those reasons, her delegation would vote against the draft resolution.

67. Draft resolution A/C.3/43/L.69 was adopted by 136 votes to 1, with 2 abstentions.

68. Mr. FRIEDRICH (Federal Republic of Germany), speaking in explanation of vote, said that his delegation had abstained in the vote on the draft resolution because it had substantive reservations as to the need for a convention on the protection of the rights of migrant workers. Such protection was guaranteed through other United Nations **instruments**, such as the Universal Declaration of Human Rights and the International Covenants on Human Rights, which protected all human beings.

69. His delegation also objected to many aspects of the work of the Working Group. At its latest **session**, the Working Group had adopted a number of provisions with which his delegation did not agree. On the basis of the draft text, his delegation might not be able to sign or ratify the proposed convention.

70. Ms. LAFORTUNE (Canada) said that, despite its traditional reservations, her delegation supported the draft resolution. Her delegation would co-operate fully with the Working Group.

71. Mr. RAVEN (United Kingdom) said that his delegation had abstained in the vote. It had reservations concerning the work of the Working Group which were particularly relevant at a time of financial crisis when particular attention must be paid to budgetary matters.

Draft resolution A/C.3/43/L.70/Rev.1

72. The CHAIRMAN announced that Burundi, the Central African Republic, Colombia, Nigeria, the Philippines and Zimbabwe had become sponsors of the draft resolution. The difference between the revised version and draft resolution **A/C.3/43/L.70** was that, in the last preambular paragraph, the word "economic" had been changed to "ecological" and the words "for refugees" had been added in operative paragraph 4.

73. Mr. LY (Senegal) said that it was not clear that there had been any financial justification for issuing a revised version. Moreover, the second change did not appear in the French text.

74. Draft resolution A/C.3/43/L.70/Rev.1 was adopted.

Draft resolution A/C.3/43/L.71

75. The CHAIRMAN said that Egypt, Niger and the Philippines had become ~~oponoore~~ of the draft resolution.

76. Draft resolution A/C.3/43/L.71 was adopted

77. Mr. MKANDAWIRE (Malawi) *thanked the sponsors* of draft resolution A/C.3/43/L.71 and all those who had supported it, and expressed appreciation to the Secretary-General, the United Nations High Commissioner for Refugees, donor countries and intergovernmental and non-governmental organisations for their efforts to assist refugees and displaced persons in Malawi.

Draft resolution A/C.3/43/L.72

78. The CHAIRMAN said that the Philippines had become a ~~oponeor~~ of the draft resolution.

79. Draft resolution A/C.3/43/L.72 was adopted.

AGENDA ITEM 95: IMPORTANCE OF THE UNIVERSAL REALIZATION OF *THE RIGHT OF PEOPLES TO SELF-DETERMINATION* AND OF THE SPEEDY GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES FOR THE EFFECTIVE GUARANTEE AND OBSERVANCE OF HUMAN RIGHTS (continued)

Draft resolution A/C.3/43/L.12

80. Mrs. GARUBA (Nigeria) recalled that the Special Rapporteur on mercenaries had presented a report on his latest findings in Angola (A/43/735) under agenda items 12 and 96; the sponsors of the draft resolution had requested that the item be retained under item 96 where the subject-matter belonged.

81. The draft resolution emphasized that the activities of mercenaries were contrary to the fundamental rights of peoples, especially the right of self-determination, and that the practice of mercenarism was unacceptable in civilised society. The Special Rapporteur had referred to the urgent need to conclude work on drafting the International Convention against the Recruitment, Use, Financing and Training of Mercenaries. Although the Sixth Committee was handling the drafting of the Convention, thereby preparing the way for its acceptance by all Member States, the subject-matter otherwise belonged in the Third Committee. The report of the Special Rapporteur had been brought to the attention of the Sixth Committee, which was currently considering draft resolution A/C.6/43/L.13 on the subject of the draft International Convention.

82. Benin, Bulgaria, Cameroon, Guinea, India, Kenya, the Libyan Arab Jamahiriya, Malawi, Mongolia, Panama, Peru, Rwanda, Sierra Leone, Somalia, the Syrian Arab Republic, Sudan, Togo and Viet Nam had become sponsors of the draft resolution.

(Mrs. Garuba, Nigeria)

83. In the title of the draft resolution, the words "of people" should be inserted after the words "of the right" and a corresponding change should be made in operative paragraph 10. A new preambular paragraph should be added that would read:

"Noting with appreciation the second general report of the Special Rapporteur on mercenaries contained in document A/43/735."

64. **Mrs. WARZAZI** (Morocco) said that the Sixth Committee was currently considering the question of mercenaries and an **Ad Hoc** Committee was preparing the draft International Convention. The General Assembly should co-ordinate its efforts as far as possible; the work of the Third Committee must be linked with that of the Sixth Committee. The report of the Special Rapporteur should be officially submitted to the Sixth Committee. She therefore proposed that the following words should be added at the end of operative paragraph 11:

"and during the consideration by the Sixth Committee of the item entitled 'Report of the Ad Hoc Committee on the Drafting of an International Convention against the Recruitment, Use, Financing and Training of Mercenaries'."

85. **Mr. WULFFEN PALTHE** (Netherlands) said that he did not object to the Moroccan suggestion; however, the report of the Special Rapporteur should be made available to the **Ad Hoc** Committee rather than the Sixth Committee since it was the **Ad Hoc** Committee that was considering the draft International Convention. He wondered what the financial implication would be.

66. **Mrs. WARZAZI** (Morocco) said that at the next session of the General Assembly, the Special Rapporteur could be requested to submit his report to both the Third and Sixth Committees, which would involve no extra cost.

87. **Mr. CHRYSANTHOPOULOS** (Greece), speaking in explanation of vote before the vote on behalf of the 12 States member of the European Community, said that the Twelve unequivocally condemned the recruitment, use or financing of mercenaries but were unable to support the draft resolution. It was regrettable that the sponsors of the draft resolution had ignored the fact that the question was regularly on the agenda of the Sixth Committee. At a time of financial crisis for the Organisation, it was particularly unfortunate that, instead of working to rationalise the General Assembly's work, the sponsors were duplicating it. It was also regrettable that the sponsor had moved away from the consensus language which had been achieved in the past; that did not facilitate the chances of maintaining consensus in the Sixth Committee, nor would it facilitate the drafting of the International Convention, in which the Twelve were actively participating. In the continuing absence of even an agreed definition of a mercenary for the purposes of the draft International Convention, the Twelve continued to regard it as inappropriate that a Special Rapporteur of the Commission on Human Rights had been appointed to deal with the question. The Twelve had even more profound objections to the framework in which the question was being considered] the question of mercenaries was primarily a matter concerning relations between States rather than a human rights issue.

88. **Miss BYRNE** (United States of America) said that, despite its staunch belief in the right of all peoples to self-determination, the United States could not vote in favour of the unbalanced and polemical draft resolution, which did nothing to achieve that goal. The United States had consistently opposed the recruitment, financing and use of mercenaries. However, in relation to the extremely serious problem which the General Assembly addressed - particularly extrajudicial killings, disappearances, torture and the thousands of political prisoners - the scale of mercenary activity was quite limited. The draft resolution concerned issues which were wholly extraneous to the Committee's purpose and competence. It was not really concerned with human rights and humanitarian concerns, but with political issues unrelated to the Committee's work. The question of mercenaries was under thorough review by an Ad Hoc Committee established by General Assembly resolution 35/48. The Committee's action duplicated the work of the Ad Hoc Committee and complicated its efforts. It was not the Committee's function to declare that certain activity constituted an "international crime" when that very issue was being considered in another body established to consider such questions, nor was it its function to declare what was, or was not, a "threat to international peace and security".

89. The United States would strongly oppose any attempt to stretch the generally understood definition of "mercenary" in order to achieve extraneous political ends. The term "mercenary" had been defined in article 47 (2) of Additional Protocol I to the Geneva Convention of 1949.

90. **Mr. MEZA** (El Salvador) said that his delegation could not support the draft resolution for the same reason as the previous year. His Government agreed that the immoral practice of mercenarism should have come to an end, but the inclusion of references to the Central American area did not help solve the conflict there. It would therefore abstain in the vote.

91. **Mrs. DE BARISH** (Costa Rica) said that her delegation still felt as in past years that the reference to Central America in the third preambular paragraph and in operative paragraph 1 of the draft resolution were inappropriate and artificial. The Special Rapporteur did not mention Central America in his report. Her delegation would therefore abstain in the vote.

92. A recorded vote was taken on draft resolution A/C.3/43/L.12, as amended.

In favour: Afghanistan, Albania, Algeria, Angola, Argentina, Bahamas, Bahrain, Bangladesh, Barbados, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Central African Republic, Chad, China, Colombia, Congo, Côte d'Ivoire, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Djibouti, Dominican Republic, Ecuador, Egypt, Ethiopia, Fiji, German Democratic Republic, Ghana, Grenada,*

* The Secretariat was later advised that Grenada had been absent for the vote.

Guatemala, Guinea, Guyana, Haiti, Hungary, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mexico, Mongolia, Morocco, Nepal, Nicaragua, Niger, Nigeria, Pakistan, Panama, Peru, Philippines, Poland, Qatar, Romania, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia, Zimbabwe.

Against: Belgium, France, Germany, Federal Republic of Italy, Japan, Luxembourg, Netherlands, Portugal, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Antigua and Barbuda, Australia, Austria, Canada, Costa Rica, Denmark, Dominica, El Salvador, Equatorial Guinea, Finland, Greece, Honduras, Iceland, Ireland, Israel, New Zealand, Norway, Oman, Samoa, Spain, Sweden, Turkey.

93. Draft resolution A/C.3/43/L.12, as amended, was adopted by 107 votes to 10, with 22 abstentions.

94. Mr. STUART (Australia), speaking in explanation of vote after the vote, said that Australia's strong opposition to mercenaries was well known; it supported efforts being made in the United Nations including the Ad Hoc Committee. It had opposed the decision to appoint a Special Rapporteur of the Commission on Human Rights because it represented duplication of efforts and a waste of resources which should be concentrated on the Ad Hoc Committee. His delegation had therefore abstained.

95. Mr. HUSSAIN (Pakistan) said that his delegation had voted in favour of the draft resolution in line with Pakistan's commitment to support struggles for national liberation. It was strongly opposed to the recruitment, use, financing and training of mercenaries and to the phenomenon of mercenarism as a whole. A broad basis of co-operative action was required, and unfortunately the draft resolution did not come close to achieving that goal. It was to be hoped that in future all delegations would be able to contribute to a draft resolution establishing a broad basis of co-operation for international action to eliminate the curse of mercenarism.

96. Mrs. WARZAZI (Morocco) said that the Moroccan delegation in the Sixth Committee was very active in the work of drafting the International Convention; her delegation had therefore voted in favour of the draft resolution. It was regrettable that the draft resolution no longer referred to Africa or to southern Africa in particular, and that operative paragraph 3 had been modified to meet the demands of certain countries.

97. **Mr. TANLAY** (Turkey) said that his delegation had **abstained** in the vote, although it **etrongly** condemned mercenarism and **was** very concerned about the problem of the recruitment and use of mercenaries; Turkish citizens were prohibited from serving in foreign military forces and the recruitment, use, financing and training of mercenaries in Turkish territory were **punishable** under the law. As a member of the **Ad Hoc** Committee, Turkey believed that in order to combat the practice of mercenarism the international community **must** have a legal instrument with **clear** definitions and clearly determined responsibilities. His delegation would have preferred wording that did not include definitions of mercenarism which could compromise the work of the **Ad Hoc** Working Group.

96. **Mrs. MIYATA** (Japan) said that the Sixth Committee was *in the process* of drafting the International Convention on a consensus basis, and the definition of mercenaries was one of the central issues. Her delegation **was** concerned that the work of the Committee could prejudice the work of the Sixth Committee and for that procedural reason had voted against the draft resolution.

99. **Mr. MACKI** (Oman) said that his delegation had abstained in the vote because the issue of mercenaries **was** already under consideration by the **Ad Hoc** Committee of the Sixth Committee which was preparing a report for **transmittal** to the **General Assembly**; the Third Committee was therefore duplicating the efforts of the Sixth Committee.

AGENDA ITEM 98: HUMAN RIGHTS AND SCIENTIFIC AND TECHNOLOGICAL DEVELOPMENTS
(**continued**) (A/C.3/43/L.48/Rev.1)

Draft resolution A/C.3/43/L.48/Rev.1

100. **The CHAIRMAN** informed the Committee that the draft resolution under consideration had **no programme** budget implications.

101. **Mr. YAKOVLEV** (Union of Soviet Socialist Republics), introducing draft resolution A/C.3/43/L.48/Rev.1 on behalf of the co-sponsors, said that a number of the preambular paragraphs had been deleted from the original draft or **reworded** in order to accommodate the doubts of some delegations. Some of the operative paragraphs, too, had been deleted. In operative paragraph 1, the words "all peoples and all individuals" had been replaced by "all people", a broader concept which reconciled the various points of view. Similarly, operative paragraph 5 had been substantially recast.

102. The version now before the Committee took fully into account the comments made by delegations during lengthy consultations. The co-sponsors had **accepted** the wording of some paragraphs as proposed by other delegations and, for instance, had deleted the reference to the **Commission on Human Rights** about which some delegations had doubts. He hoped that the compromise text would enjoy the support of all delegations.

103. **Miss ZINDOGA** (Zimbabwe) announced that Zimbabwe should be included in the list of co-sponsors.

104. Mr. LINDHOLM (Sweden) said that his delegation, while appreciating the effort made to achieve consensus, continued to have problems with the wording of operative paragraph 1 which should reflect the accepted wording of international human rights instruments. It should therefore be changed to read "Reaffirms that every human being has the inherent right to life", in order to ensure consistency with article 6 of the International Covenant on Civil and Political Rights.

105. Mr. YAKOVLEV (Union of Soviet Socialist Republics) said that after protracted negotiations, the co-sponsors had agreed to amend their original text on the understanding that the words "all people" included each individual. The present wording of paragraph 1 did not conflict with the views of Sweden, and he therefore appealed to the representative of that country not to stand in the way of the adoption of the draft resolution without a vote,

106. Mrs. MUKHERJEE (India) said that, as the representative of one of the delegations which had been closely involved in the negotiations, she wished to pay tribute to the Soviet delegation for its flexibility in accommodating the concerns of all delegations. The Committee had before it a negotiated consensus text, which she had hoped it could adopt without a vote and thereby break with the precedent of previous years. She therefore appealed to the one delegation which was raising what she regarded as a minor legal problem to join in the consensus.

107. Mr. YAKOVLEV (Union of Soviet Socialist Republics) said that the wording now proposed, which had been suggested by other delegations, was broader than the preferred Soviet or Swedish wording, and he recalled that the whole point of consensus was to go as far as possible towards accommodating all views. That broader understanding did not conflict with the Swedish view, but indeed encompassed it, and he appealed again to the representative of Sweden not to oppose the consensus.

108. Miss ALOUAZE (Algeria) said that her delegation had greeted the revised version of the draft resolution with some dissatisfaction, since it felt that the compromise text had been stripped of certain principles that were important to many delegations, including her own. However, it had been ready to rally to the compromise text, on which the Soviet delegation had made laudable efforts to achieve agreement.

109. The CHAIRMAN said that he, like others, hoped that the draft resolution could be adopted without a vote and that the Swedish delegation would respond to the appeals to join the consensus.

110. Mr. GALAL (Egypt) said that his delegation was not very happy with the proposed text, which it felt represented too much of a compromise in deleting the specific reference to "peoples". In his region and in Africa, for instance, the lives of peoples were indeed in danger. His delegation was none the less willing to rally to the consensus,

111. Mrs. WARZAZI (Morocco) *raid* that the draft resolution was not intended to confirm this or that paragraph of the Universal Declaration of Human Rights or the International Covenant on Civil and Political Rights. The concessions made by the Soviet delegation should be accepted. Drawing attention to operative paragraph 2, she said that the words "ensure that everyone enjoys his inherent right to life" should meet the concerns of Sweden.

112. Mr. LINDHOLM (Sweden) said that, in the absence of support from any other delegation, his *delegation* would not insist on an amendment to the text, but wished the alternative wording he had proposed, which was consistent with article 6 of the International Covenant on Civil and Political Rights, to be included in the summary record of the meeting. It was not Sweden's habit to break consensus.

113. Draft resolution A/C.3/43/L.48/Rev.1 was adopted.

The meeting rose at 6.20 p.m.