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NEW INTERNATIONAL HUMANITARIAN ORDER

Report of the Third Committee

Rapporteur: Mr. Mario L. DE LEON (Philippines)

I. INTRODUCTION

1. At its 3rd plenary meeting, on 21 September 1990, the General Assembly, on the recommendation of the General Committee, decided to include in its agenda the item entitled "New international humanitarian order" and to allocate it to the Third Committee.
2. The Committee considered the item at its 24th to 27th, 36th and 45th meetings, on 30 and 31 October and 8 and 16 November 1990. An account of the Committee's discussion is contained in the relevant summary records (A/C.3/45/SR.24-27, 36 and 45).
3. For its consideration of the item, the Committee had before it the following documents:
 - (a) Report of the Secretary-General on the new international humanitarian order and international co-operation in the humanitarian field (A/45/524);
 - (b) Report of the Secretary-General on humanitarian assistance to victims of natural disasters and similar emergency situations (A/45/587).
4. At the 24th meeting, the Under-Secretary-General and Co-ordinator of the Office of the United Nations Disaster Relief Co-ordinator and the Director of the Legislation and Prevention of Discrimination Branch of the Centre for Human Rights of the United Nations Office at Geneva made introductory statements (see A/C.3/45/SR.24).

II. CONSIDERATION OF PROPOSALS

A. Draft resolution A/C.3/45/L.27

5. At the 36th meeting, on 8 November, the representative of France, on behalf of Bahrain, Bangladesh, Belgium, Benin, Burkina Faso, Burundi, the Byelorussian Soviet Socialist Republic, the Central African Republic, Chad, Chile, Costa Rica, Côte d'Ivoire, Denmark, France, Gabon, Greece, Guatemala, Guinea, Guinea-Bissau, Honduras, Italy, Jamaica, Japan, Jordan, Lebanon, Lesotho, Luxembourg, Malaysia, Mali, Malta, Mauritania, Morocco, Nepal, Niger, the Philippines, Portugal, Romania, Samoa, Senegal, Sierra Leone, Suriname, Thailand, Togo, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, the United States of America, Yugoslavia and Zaire, introduced a draft resolution (A/C.3/45/L.27) entitled "Humanitarian assistance to victims of natural disasters and similar emergency situations". Subsequently, Guyana joined in sponsoring the draft resolution. In introducing the draft resolution, the representative of France orally revised it as follows:

(a) In operative paragraph 6, the words "by Governments and the" were replaced with the words "by affected Governments and the Governments and" before the word "intergovernmental";

(b) In operative paragraph 8, before the words "emergency situations", the word "similar" was added and the words "on the basis of the report of the Secretary-General and" were added after the words "relief corridors,".

6. At its 45th meeting, on 16 November, the Committee adopted the draft resolution as orally revised without a vote (see para. 12, draft resolution I).

7. After the adoption of the draft resolution, the representative of Brazil made a statement (see A/C.3/45/SR.45).

B. Draft resolution A/C.3/45/L.31

8. At the 36th meeting, the representative of Jordan, on behalf of Algeria, Austria, Bahrain, Bangladesh, Belgium, Bulgaria, Canada, Chile, Colombia, Costa Rica, Czechoslovakia, Denmark, Djibouti, Ecuador, France, Greece, Indonesia, Italy, Jamaica, Japan, Jordan, Lebanon, Lesotho, the Libyan Arab Jamahiriya, Mauritania, Morocco, Oman, Pakistan, Peru, Qatar, Romania, Saudi Arabia, Senegal, Sierra Leone, Somalia, the Sudan, Tunisia, the Union of Soviet Socialist Republics, the United Arab Emirates, Yemen and Yugoslavia, introduced a draft resolution (A/C.3/45/L.31) entitled "New international humanitarian order". Subsequently, the Philippines joined in sponsoring the draft resolution.

9. At its 45th meeting, the Committee adopted the draft resolution without a vote (see para. 12, draft resolution II).

C. Draft resolution A/C.3/45/L.34

10. At the 36th meeting, the representative of the Union of Soviet Socialist Republics, on behalf of Austria, Bulgaria, France, Jordan, Malaysia, Mongolia, Morocco and the Union of Soviet Socialist Republics, introduced a draft resolution (A/C.3/45/L.34) entitled "Promotion of international co-operation in the humanitarian field".

11. At the 45th meeting, on 16 November, the Committee adopted the draft resolution without a vote (see para. 12, draft resolution III).

III. RECOMMENDATIONS OF THE THIRD COMMITTEE

12. The Third Committee recommends to the General Assembly the adoption of the following draft resolutions:

DRAFT RESOLUTION I

Humanitarian assistance to victims of natural disasters and similar emergency situations

The General Assembly,

Recalling its resolution 43/131 of 8 December 1988 on humanitarian assistance to victims of natural disasters and similar emergency situations,

Recalling that one of the principles of the United Nations is to achieve international co-operation in solving international problems of an economic, social, cultural or humanitarian character, and in promoting and encouraging respect for human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion,

Reaffirming the sovereignty, territorial integrity and national unity of States, and recognizing that it is up to each State first and foremost to take care of the victims of natural disasters and similar emergency situations occurring on its territory,

Deeply concerned about the suffering of the victims of natural disasters and similar emergency situations, the loss in human lives, the destruction of property and the mass displacement of populations that results from them,

Concerned about the fate of persons who, following such displacement, are in an extremely precarious situation, particularly in a country other than that of which they are nationals,

Considering that the abandonment of the victims of natural disasters and similar emergency situations without humanitarian assistance constitutes a threat to human life and an offence to human dignity,

Strongly desiring that the international community should respond speedily and effectively to the needs for emergency humanitarian assistance expressed in particular by the Secretary-General,

Concerned about the difficulties and obstacles that victims of natural disasters and similar emergency situations may encounter in receiving humanitarian assistance,

Convinced that, in providing humanitarian assistance, in particular the supply of food, medicines or health care, for which access to victims is essential, rapid relief will avoid a tragic increase in their number,

Recalling, in this regard, the declaration 1/ adopted at Cairo at the fifteenth session of the World Food Council proposing, inter alia, an international agreement on the transport of emergency food aid,

Aware that alongside the action of Governments and intergovernmental organizations, the speed and efficiency of this assistance often depends on the help and aid of local and non-governmental organizations working in an impartial manner and with strictly humanitarian motives,

Reaffirming the need for the intergovernmental, governmental and non-governmental organizations dealing with humanitarian assistance to co-operate as closely as possible with the Office of the United Nations Disaster Relief Co-ordinator or any ad hoc mechanism set up by the Secretary-General in the co-ordination of aid,

Concerned about the effectiveness of such assistance, which requires an accurate evaluation of needs, efficient preparation of actions and effective co-ordination in conducting them,

Recalling that, in the event of natural disasters and similar emergency situations, the principles of humanity, neutrality and impartiality must be given utmost consideration by all those involved in providing humanitarian assistance,

1. Reaffirms the cardinal importance of humanitarian assistance for the victims of natural disasters and similar emergency situations;
2. Reaffirms also the sovereignty of affected States and their primary role in the initiation, organization, co-ordination and implementation of humanitarian assistance within their respective territories;
3. Stresses the important contribution made in providing humanitarian assistance by intergovernmental and non-governmental organizations working impartially and with strictly humanitarian motives;

1/ Official Records of the General Assembly, Forty-fourth Session, Supplement No. 19 (A/44/19), part one.

4. Invites all States whose populations are in need of such assistance to facilitate the work of these organizations in implementing humanitarian assistance, in particular the supply of food, medicines and health care, for which access to victims is essential;

5. Appeals, therefore, to all States to give their support to these organizations working to provide humanitarian assistance, where needed, to the victims of natural disasters and similar emergency situations;

6. Notes with satisfaction the report of the Secretary-General 2/ on the implementation of resolution 43/131 and the suggestions which he makes concerning means of facilitating humanitarian assistance operations, in particular the possibility of establishing, on a temporary basis, where needed, and by means of concerted action by affected Governments and the Governments and intergovernmental, governmental and non-governmental organizations concerned, of relief corridors for the distribution of emergency medical and food aid;

7. Urges States in proximity to areas of natural disasters and similar emergency situations, particularly in the case of regions that are difficult to reach, to participate closely with the affected countries in international efforts with a view to facilitating, to the extent possible, the transit of humanitarian assistance;

8. Requests the Secretary-General, from within existing resources, to pursue the necessary consultations with Governments and intergovernmental, governmental and non-governmental organizations with a view to determining means of facilitating the delivery of appropriate humanitarian assistance to the victims of natural disasters or similar emergency situations, including the establishment of relief corridors, on the basis of the report of the Secretary-General and on the terms set out in paragraph 6 of this resolution, and to report thereon to the General Assembly at its forty-seventh session;

9. Invites the Secretary-General, from within existing resources, to study the possibility of preparing, on the basis of information furnished by Governments and the relevant governmental and non-governmental international organizations and taking into account the work already done in this area by the United Nations, in particular by the Office of the United Nations Disaster Relief Co-ordinator, an indicative list of persons and bodies with expert knowledge of the delivery and management of emergency humanitarian assistance whom the United Nations could call upon, with the consent of the States concerned, to make an accurate and speedy assessment of the needs and a realistic determination of the best means of delivering the aid;

10. Decides to consider this question at its forty-seventh session.

2/ A/45/587.

DRAFT RESOLUTION II

New international humanitarian order

The General Assembly,

Recalling its resolutions 36/136 of 14 December 1981, 37/201 of 18 December 1982, 38/125 of 16 December 1983, 40/126 of 13 December 1985, 42/120 and 42/121 of 7 December 1987 and 43/129 of 8 December 1988 relating to the promotion of a new international humanitarian order,

Taking note of the report of the Secretary-General 3/ and the comments made by various Governments regarding the humanitarian order and the work done in this regard by the Independent Commission on International Humanitarian Issues,

Noting the actions being taken by the specialized agencies and programmes of the United Nations system with regard to the humanitarian issues, examined by the Independent Commission, that fall within their respective mandates,

Recognizing with concern the continuing need further to strengthen international responses to growing humanitarian challenges and to adjust actions of governmental and non-governmental organizations to new realities in a fast-changing world,

Bearing in mind the importance of creative humanitarian action at both the international as well as the regional and national levels to alleviate human suffering and to promote durable solutions to humanitarian problems,

Convinced of the need for active follow-up to the recommendations and suggestions made by the Independent Commission and of the role being played in this regard by the Independent Bureau for Humanitarian Issues set up for the purpose,

1. Expresses its appreciation to the Secretary-General for his continuing active support to the efforts to promote a new international humanitarian order;
2. Encourages Governments as well as governmental and non-governmental organizations that have not yet done so to provide their comments and expertise to the Secretary-General regarding the humanitarian order and the report of the Independent Commission on International Humanitarian Issues;
3. Invites the Independent Bureau for Humanitarian Issues to continue and further strengthen its essential role in following up the work of the Independent Commission;
4. Invites Governments to make available to the Secretary-General, on a voluntary basis, information and expertise on humanitarian issues of concern to them in order to identify opportunities for future action;

5. Requests the Secretary-General to remain in contact with Governments as well as governmental and non-governmental organizations and the Independent Bureau for Humanitarian Issues and to report on the progress made by them to the General Assembly at its forty-seventh session;

6. Decides to review at its forty-seventh session the question of a new international humanitarian order.

DRAFT RESOLUTION III

Promotion of international co-operation in the humanitarian field

The General Assembly,

Recalling its resolutions 42/121 of 7 December 1987 and 43/130 of 8 December 1988,

Noting that one of the purposes of the United Nations, set forth in its Charter, is to achieve international co-operation in solving international problems of a humanitarian character,

Recalling the Universal Declaration of Human Rights, 4/ which proclaims, inter alia, that recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Recalling also that everyone is entitled to a social and international order in which universally recognized human rights and fundamental freedoms can be fully realized,

Mindful of the fact that unresolved humanitarian problems may impede the effective realization of human rights and even lead to violations of these rights,

Convinced that solving humanitarian problems requires co-operation and harmonization of actions taken by Governments, international bodies, non-governmental organizations and individuals,

Mindful of the significance of the existing workable system to promote, facilitate and co-ordinate humanitarian activities carried out by Governments, the United Nations system and intergovernmental and non-governmental organizations,

1. Calls upon Governments, the United Nations system and intergovernmental and non-governmental organizations further to develop international co-operation in the humanitarian field;

4/ Resolution 217 A (III).

2. Reiterates that international co-operation in the humanitarian field will facilitate better understanding, mutual respect, confidence and tolerance among countries and peoples, thus contributing to a more just and non-violent world;

3. Notes the need to identify humanitarian problems of the highest priority and to develop a universal strategy of action in the humanitarian field;

4. Invites Governments to promote, within existing mechanisms, regular exchanges of information and of national experience in addressing humanitarian problems;

5. Calls for the broadening of the concept of international co-operation in the humanitarian field through effective bilateral dialogue and activities pertaining to specific humanitarian issues;

6. Encourages the international community to contribute substantially and regularly to international humanitarian activities;

7. Invites all non-governmental organizations concerned with the humanitarian issues examined by the Independent Commission on International Humanitarian Issues and working with strictly humanitarian motives to bear in mind the recommendations and suggestions made in the report 5/ of the Independent Commission in the context of their policies and actions in the field;

8. Decides to consider this issue at its forty-seventh session under the item entitled "New international humanitarian order".

5/ Winning the Human Race? The Report of the Independent Commission on International Humanitarian Issues (London and New Jersey, Zed Books Ltd., 1988).