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SUMMARY RECORD OF THE 36th MEETING

Chairman: Mr. KOULYK (Ukrainian Soviet
(Vice-Chairman) Socialist Republic)

Chairman of the Advisory Committee on Administrative
and Budgetary Questions: Mr. MSELLE

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In the absence of the Chairman, Mr. Koulyk (Ukrainian Soviet Socialist Republic), Vice-Chairman, took the Chair.

The meeting was called to order at 3.30 p.m.

AGENDA ITEM 119: PROGRAMME PLANNING (continued) (A/45/3, A/45/6, A/45/16 (Part I) and Add.1 and A/45/16 (Part II), A/45/204, A/45/218 and Corr.1 and Add.1 and Add.1/Corr.1, A/45/279 and A/45/617; A/C.5/45/42 and A/C.5/45/CRP.1)

Proposed medium-term plan for the period 1992-1997 (continued)

1. The CHAIRMAN said that, if he heard no objection, he would take it that the Committee wished to hear any further views or concerns which delegations might wish to express on the various programmes of the proposed medium-term plan for the period 1992-1997.

2. It was so decided.

Major programme I. Maintenance of peace and security, disarmament and decolonization (continued)

3. The CHAIRMAN said that the Secretariat had already taken note of the views and concerns expressed by various delegations in connection with major programme I.

4. Ms. GOICOCHEA (Cuba) said it was her understanding that there was no legal basis for the inclusion of subprogramme 3 in programme 1. Under programme 4, her delegation hoped that the Secretariat would delete any reference to the number of Territories awaiting decolonization, referring instead simply to Non-Self-Governing and other Territories. The narrative of that programme should also be adjusted to reflect its legislative mandate under General Assembly resolution 1514 (XV).

5. Noting that her delegation had already requested clarification as to the legal basis for the inclusion of subprogramme 4 under programme 7, she inquired why the phrase "the regional impact of the limitation of international arms transfers" had been included in paragraph 7.52 (b). The narrative of programme 8, meanwhile, should be adjusted to reflect the provisions of General Assembly resolution 44/46.

6. Ms. BERENQUER (Brazil) requested clarification as to the implications of the words "other forms" of intercession in paragraph 1.10 (a) and of "extrabudgetary funds related to peace-keeping activities" in paragraph 1.15. She also wished to know what was meant by the "review of the organizational structure within the Secretariat", in light of the reference, earlier in paragraph 1.15, to the Senior Planning and Monitoring Group for Peace-keeping Operations.

7. In paragraph 7.5, the reference to nuclear warheads should precede the mention of increasing arms transfers. Her delegation believed that there was no legislative mandate for activities "to discourage the proliferation of ballistic missiles" or for "limitations on arms transfers", both mentioned in paragraph 7.8,

(Ms. Berenguer, Brazil)

in which case those references should be deleted. Her delegation also agreed with the representative of Cuba that the assignment of priorities for regional centres, under subprogramme 4 of programme 7, was a matter to be decided by the countries of the region concerned.

8. Mr. OSELLA (Argentina) said that the conclusions and recommendations of the Committee for Programme and Co-ordination (CPC) relating to programme 4 (A/45/16 (Part I), para. 97) should be incorporated into the final version of the proposed medium-term plan.

9. Mr. CONMY (Ireland), noting that the First Committee had chosen to transmit no views on the programmes relating to disarmament, said that there were obviously shortcomings in the process of consultations with other United Nations bodies. Those shortcomings would need to be addressed when considering future medium-term plan proposals.

Major programme II. Implementation, codification and progressive development of international law (continued)

10. Ms. GOICOCHEA (Cuba) said that the comments of CPC in paragraph 131 of its report (A/45/16 (Part I)), as well as the discussions at the previous and current sessions of the General Assembly, made it clear that there was no express mandate for the reference in paragraph 9.39 to the establishment of an international criminal court. That reference should therefore be deleted.

11. Her delegation's comments on peace-making were valid for all programmes of the proposed medium-term plan.

12. The Secretariat's response to her delegation's question concerning paragraph 9.33 had been unsatisfactory. Further explanation should be given in the paper being prepared for the Committee's informal consultations.

13. Mr. BELHAJ (Tunisia) said that reference should be made, in subprogramme 3 of programme 9, to the United Nations Decade of International Law. The comments of CPC in connection with paragraphs 10.35 and 10.66 (A/45/16 (Part I), para. 139) should be duly reflected in the final version of the proposed medium-term plan.

Major Programme III. International co-operation for economic and social development (continued)

14. Ms. GOICOCHEA (Cuba) asked why, under programme 11, no account had been taken of the explicit mandate laid down in paragraph 6 of General Assembly resolution 44/215. The reference to alleviation of poverty in paragraph 11.18 (b) should be amended to read "eradication of poverty", in accordance with General Assembly resolution 44/212. Mention should be made, in connection with the subprogramme on co-ordination of policies and action to combat world hunger, of the impact of such policies on the economic and social development of States, in conformity with pertinent General Assembly resolutions.

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15. Mr. CLAVIJO (Colombia) agreed with the representative of Cuba that the eradication of poverty should be established as a paramount objective of activities in the economic and social fields. If the draft resolution confirming that priority were to be adopted by the Second Committee, it should probably also be incorporated into the narrative of programme 12 of major programme IV.

Major programme IV. International economic co-operation for development (continued)

16. The CHAIRMAN said that the views already expressed by the representative of Brazil on major programme IV had been noted by the Secretariat.

17. Mr. BELHAJ (Tunisia), referring to subprogramme 6 of programme 12, said that paragraph 12.64 should include a reference to the eighteenth special session of the General Assembly and that paragraph 12.65 should mention desertification. Under programme 13, the word "equitable" in paragraph 13.32 (a) should be amended to read "favourable", and the entire phrase "under favourable terms and conditions" should be included in paragraph 13.32 (b) after the word "technology".

18. With reference to programme 14, paragraph 14.11 should include a reference to the pertinent paragraphs of the Declaration on International Economic Co-operation, adopted at the eighteenth special session of the General Assembly. Paragraph 14.12 (b) should mention the urgent need to end negative transfers of resources and their replacement by positive transfers in favour of developing countries. Paragraph 14.13 should also emphasize negative flows of financial resources. Subprogramme 2 of programme 14 should include an explicit reference to the report of the Personal Representative of the Secretary-General on Debt, and paragraph 14.16 should mention the middle-income countries.

19. Ms. GOICOCHEA (Cuba), referring to programme 12, said that paragraph 12.4 should include a more direct reference to the economic situation of the developing countries, as highlighted during the eighteenth special session of the General Assembly. Paragraph 12.6 should mention the expectations that changes in the disarmament area would facilitate the release of resources required to promote the economic development of the developing countries. The second sentence of paragraph 12.13 should refer to "fully sustained development". The fifth sentence of paragraph 12.23 should include the words "and promote the economic development" after the words "growth momentum". In the following sentence, the words "growth-oriented adjustment" should be amended to read "growth-oriented policies". With regard to paragraph 12.33, her delegation was unaware of any legislative mandate for "the reassessment of the role of Governments in furthering the processes of economic and social development" or for an analysis of "the efficiency and efficacy of selected institutions". The reference, in paragraph 12.36, to "the levelling and eventual reduction of defence expenditures in developed and developing countries" should be amended to reflect the mandates of the First Committee, which referred to all States, and particularly to nuclear-weapon States with the largest military arsenals. In paragraph 12.45, it should be made clear that the reference to "adjustment efforts" derived essentially from adjustment programmes. Her delegation shared the views expressed by the representative of Tunisia in connection with subprogramme 6.

(Ms. Goicochea, Cuba)

20. Under programme 14, her delegation, while noting the recommendations of CPC contained in paragraphs 166 (c) and (d) of its report, requested clarification as to whether the programme referred specifically to the situation of the developing countries. In view of its serious concerns with respect to programme 21, her delegation requested that a representative of the Department of Technical Co-operation for Development (TCD) explain the legislative basis for that programme's new orientation. The programme appeared to constitute interference in the internal affairs of States and to run counter to the spirit of Economic and Social Council resolutions 1985/10 and 1988/115, to paragraph 21.26 of the programme narrative and to paragraph 1 (d) of the preamble of the Regulations and Rules Governing Programme Planning.

21. Ms. BERENGER (Brazil) said that, while she did not wish to repeat what she had said during the previous discussion of major programme IV, her delegation felt very strongly that the programme did not reflect the new mandate arising out of the resolution adopted by consensus at the eighteenth special session of the General Assembly and General Assembly resolutions 44/205 and 44/232. It shared the views of the Cuban and Tunisian delegations in that regard. She thanked the representative of Ireland for his reminder of the importance of the opinions of the other Main Committees. To her knowledge, there had been no opposition to the views expressed in the Second Committee by the Group of 77 with respect to programmes 13 and 14 of the medium-term plan, and there was no reason why the Fifth Committee should not take them into account.

22. With respect to programme 19, since natural resources would be one of the main topics of the United Nations Conference on Environment and Development, the programme should be adjusted in order to harmonize fully with preparations for the Conference. The same was true of programme 20, on energy. Her delegation felt strongly that protecting the environment called for international co-operation on energy. Both natural resources and energy were closely linked with programme 16, about which her delegation had previously expressed its views.

23. Mr. KINCHEN (United Kingdom) said that he hoped the views expressed by his delegation in other forums would be taken into consideration even if they were not reiterated before the Fifth Committee in formal meeting. He was not sure that there was a cohesive view in either the Second Committee or the Third Committee on major programme IV, or on major programmes V and VI for that matter. His delegation supported the views expressed by the representative of Italy on behalf of the 12 States members of the European Community.

24. If the Committee was seeking to recast some of the major elements of the proposed plan during the course of its formal meetings, he might add that, in terms of the Regulations and Rules Governing Programme Planning, the division of programmes 9 through 29 into separate major programmes was questionable, as was the way in which those programmes had been broken down into subprogrammes. For example, subprogramme 3 of programme 12 strongly resembled subprogramme 2 of programme 14. There was a great deal that might be criticized with respect to the drafting and the legislative mandate of some of the programmes and subprogrammes.

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(Mr. Kinchen, United Kingdom)

25. He would not reiterate all the amendments that his delegation had proposed should be made to programme 23, since he hoped that points that had been made earlier would be taken into consideration in determining the final text. Lastly, as the Committee would remember, his delegation had raised the issue of reliance on legislative mandates that were over five years old. While he realized that it might take considerable time to justify the inclusion of each such mandate according to the Regulations and Rules, he nevertheless wished to ask the Secretariat to add that topic to the list of questions on which it should comment.

Major programme V. International co-operation for social development (continued)

26. Ms. GOICOCHEA (Cuba) said that her delegation had a number of questions regarding programme 28. In the last sentence of paragraph 28.8, there was mention of the actions to be taken by the International Narcotics Control Board (INCB) in the event that, in its opinion, Governments were not fully applying the provisions of drug control treaties or were encountering difficulties in doing so and she asked the Secretariat to give its interpretation of the meaning and scope of that sentence. Concerning paragraph 28.17 (a), she would like to know in what form assistance to Governments in connection with drug control treaties had been dealt with in the relevant resolutions, since the language of the sentence in question appeared somewhat coercive. She would also like the Secretariat to discuss the scope of paragraph 28.29 with regard to assistance to developing countries. Paragraph 28.35 referred to actions that might be taken by ICNB, including the imposition of sanctions. She was curious as to the scope of such actions and wondered on what legal authority they could be based. She was not sure that ICNB had the power to recommend sanctions.

27. Turning to programme 29, she said that paragraph 29.18 referred to the existence of a movement for an international criminal jurisdiction. In that connection, she wished to reaffirm the comments made by her delegation during the discussion of programme 9, on international law. Paragraph 29.20, which cited the legislative authority for subprogramme 2, should also include a reference to the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders. Lastly, referring to paragraph 29.32, which spoke of abolishing or decreasing the use of capital punishment, she said that, despite extensive debate on that subject, no clear decision had been reached, and she wondered about the legal basis for the reference.

28. Mr. MICHALSKI (United States of America) said that he wished to associate his delegation with the views expressed by the representative of Cuba regarding capital punishment. His delegation would like to hear the Secretariat's explanations with regard to programme 29.

Major programme VI. Regional co-operation for economic and social development
(continued)

29. Ms. GOICOCHEA (Cuba), referring to programme 33, said that paragraph 33.5 mentioned a need to reform and rationalize the public sector "both as regards the activities and functions of the central Government and in respect of the performance and the role played by public enterprises". She was unsure as to the legislative authority for that statement and would like to know on which resolutions of the Economic Commission for Latin America and the Caribbean (ECLAC) it was based.

Major programme VII. Human rights, fundamental freedoms and humanitarian affairs
(continued)

30. Ms. ROTHEISER (Austria) said that, in the light of the importance that her country attached to the promotion and protection of human rights, she wished to reiterate the views already expressed by her delegation at the thirtieth session of CPC and in the Third Committee. Programme 35 should refer specifically to all international human rights instruments, including the Universal Declaration of Human Rights. In principle, her delegation agreed with the decision to give highest priority among the subprogrammes to subprogramme 1. However, that subprogramme should contain a reference to the implementation of international standards, as the current plan did. With respect to subprogramme 2, she said that the rights of migrant workers and the rights of minorities were of a different nature, and a clear distinction should be made regarding activities in that field. Subprogramme 4 covered a wide range of issues that were not related to human rights and should be dealt with in other programmes. Lastly, her delegation underscored the importance of strengthening the capacity of the Centre for Human Rights by providing adequate staffing and additional financial resources from the regular budget.

31. Ms. GOICOCHEA (Cuba), referring to programme 35, said that it was important for the programme to reflect the relationship between human rights and economic and social development. The second sentence of paragraph 35.3 should either be deleted or amended, since it did not give a complete assessment of that relationship. With respect to paragraph 35.6, she would like to receive information from the Secretariat concerning the meaning of the statement that greater emphasis would be given to "the requirements of national institution-building, as well as information and education". The final sentence of paragraph 35.12 should be qualified by a clear statement to the effect that such action would be taken only when it had been demonstrated that all existing resources had been exhausted at the national level and that there were still certain flagrant violations of human rights. Paragraph 35.22 should include a reference to other forms of discrimination besides racial discrimination. With reference to paragraph 35.31 (a), which mentioned the training of government officials or "other persons" whose functions were related to the promotion and protection of human rights, she said she would like clarification of the term "other persons"; she wondered whether it might mean human rights experts acting in a private capacity or, possibly, intergovernmental organizations.

32. Mr. CHEN XU (China) said that programme 35 did not give a balanced and complete picture and that his delegation shared the views expressed in the Third Committee on behalf of the Group of 77 regarding the relationship between human rights, peace and development, as well as the rights of peoples to self-determination and independence. It supported the opinion expressed by the representative of Cuba concerning paragraph 35.3 and thought that the views expressed in paragraph 298 of the report of CPC (A/45/16 (Part I)) should be incorporated in that paragraph. With respect to paragraph 35.41, his delegation agreed with the Group of 77 that the paragraph should be reworded to reflect the importance of the fundamental right of peoples to self-determination, which should take precedence over other aspects of human rights, such as bio-medical technology and discrimination against HIV-infected persons.

33. Ms. DAES (Greece) said that her delegation supported the views expressed by the representative of Austria regarding the desirability of strengthening the Centre for Human Rights so that it would be able to play a greater role in the promotion and protection of human rights. She asked the Chairman to ask the Secretary-General to submit to the Fifth Committee the report requested in resolution 1990/47 of the Economic and Social Council. As the observer for her country had stated at the thirtieth session of CPC, it was necessary to consider the very close relationship between the protection and promotion of human rights and international peace and security.

34. Mr. KINCHEN (United Kingdom) said that his delegation shared the views expressed by the representatives of other delegations with respect to the importance of programme 35. It was willing to be bound by the conclusions of CPC as long as other delegations felt so bound. In references made to the views expressed in the Third Committee with regard to the proposed medium-term plan, prominence had been given to the opinions of the Group of 77, and he wished to stress that the views of his delegation had been expressed by the representative of Italy, speaking on behalf of the 12 States members of the European Community. Reference had also been made to the discussion of programme 35 in the report of CPC; the very divergence of the views presented in that report indicated that there was no consensus.

35. Mr. MICHALSKI (United States of America) said that, with respect to the views of the Group of 77 regarding human rights priorities, it was not possible to set priorities in that area, and his delegation was opposed to the rewording of paragraph 35.41. It shared the concerns expressed by the representatives of Austria and Greece with regard to the financing of human rights programmes, which currently represented only 1 per cent of the United Nations budget, and it hoped that future budgets would provide increased financing through the redeployment of funds.

36. Mr. LAOUARI (Algeria) said that some aspects of the promotion and protection of human rights had been ignored or insufficiently developed in programme 35, despite numerous mandates. His delegation attached considerable importance to the right of peoples to self-determination and independence, a view that had been expressed in the Third Committee on behalf of the Group of 77. It thought that the programme should be revised to reflect the need to protect human rights in the occupied Palestinian territories.

37. Mr. MEDINA (Israel), referring to the comments of the representative of Algeria, said that programme 35 should be revised to provide for the protection of the population of Judea and Samaria against the Palestine Liberation Organization, which was eliminating all those who did not agree with it.

Major programme VIII. Public information (continued)

Major programme IX. Conference services (continued)

Major programme X. Administrative services (continued)

38. The CHAIRMAN noted that there were no further comments on major programmes VIII, IX and X. The Committee had thus concluded its consideration in formal meeting of the proposed medium-term plan for the period 1992-1997.

39. Ms. GOICOCHEA (Cuba) reminded the Chairman that she had requested that a representative of the Department of Technical Co-operation for Development (TCD) who was involved with programme 21 on public administration and finance should explain certain aspects of that programme to the Committee. It was important to hear that explanation in formal meeting, since the problem concerned the programme in general, not just certain elements, and since negotiations in informal meeting would be closely related to the information supplied regarding the legislative mandate for the programme.

40. The CHAIRMAN said that the Cuban representative's comments had been noted and would be reflected in the paper to be prepared by the Secretariat. It was hoped that a representative of TCD would be available to speak to the Committee the following day. The Cuban representative would also have an opportunity to receive additional clarification during informal meetings.

The meeting rose at 4.50 p.m.