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Chairman:

Mr. SOMAVIA

(Chile)

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AGENDA ITEM 94: ALTERNATIVE APPROACHES AND WAYS AND MEANS WITHIN THE UNITED NATIONS SYSTEM FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS (continued) (A/45/523, A/45/590, A/45/640; E/CN.4/1990/9/Rev.1)

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1. Mr. KRENKEL (Austria), speaking on agenda item 100, said that the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders had been the most productive so far in terms of the number and variety of resolutions adopted. By recommending to the General Assembly the adoption of the four draft model treaties dealing respectively with extradition, mutual assistance in criminal matters, transfer of proceedings in criminal matters, and transfer of supervision of offenders conditionally sentenced or conditionally released, the Congress had revealed a new trend in the efforts of the United Nations in the field of crime prevention and criminal justice which placed increased emphasis on practical assistance to Member States. The four model treaties could, moreover, be used as a blueprint for future bilateral treaties; they thus helped to improve co-operation, for example in the fight against terrorism and organized crime, as well as providing better opportunities for the social reintegration of offenders.

2. Considerable progress had also been made in the field of United Nations norms, such as the Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules). Austria also welcomed the adoption of the Basic Principles on the Role of Lawyers, the Guidelines on the Role of Prosecutors, and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials. All those norms, which had been adopted by consensus, were to be regarded as landmarks in the continuous efforts of the United Nations to find agreement on principles of criminal procedure and police activities. They were also welcome as part of the endeavours of the United Nations in the human rights area.

3. It was a matter of urgency, on the one hand, to promote the effective implementation of existing norms and instruments adopted by the international community and, on the other hand, to formulate concrete proposals on the priorities to be adopted for the future work programme of the United Nations in crime prevention and criminal justice. His delegation therefore welcomed the proposal made at the Eighth Congress to establish working groups for those two tasks. It would also be necessary to strengthen the human and financial resources of the Crime Prevention and Criminal Justice Branch of the Centre for Social Development and Humanitarian Affairs, so that the United Nations could continue to perform the functions entrusted to it by the international community with respect to

(Mr. Krenkel, Austria)

co-operation in crime prevention and criminal justice. Austria had long participated in the work of the United Nations in that field and it was prepared to participate in the work of the intergovernmental working group which was to elaborate proposals for an effective crime prevention and criminal justice programme and its effective implementation.

4. Mr. IGNATOV (Union of Soviet Socialist Republics), speaking on agenda item 100, said that development created complex and pressing problems in all continents and in every country, but there were some problems common to all mankind, such as the increasingly serious threat of crime. A great majority of the participants in the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders had noted with concern the emergence of unfavourable trends, such as the quantitative increase in crime, in particular acts of violence against property and persons, and the expansion of transnational criminality which could cause the political and economic destabilization of States and have harmful effects on the well-being of society. Organized crime and terrorism were acquiring increasingly threatening dimensions and undermining people's confidence in justice and the rule of law. Corruption in government was spreading to the point of jeopardizing the very existence of institutions. Drug addiction and its corollary, drug trafficking, were the true scourge of the twentieth century.

5. Unfortunately, the proliferation of crime noted in the report of the Eighth Congress also affected the Soviet Union. The exacerbation of those pernicious phenomena was even directly linked to the process of making the Soviet Union into a genuinely democratic and open society. In the Soviet Union it was the "profile" of crime itself which had changed. The statistics indicated for 1989 an increase of 31 per cent in the overall crime rate and of 42 per cent in serious crimes. Moreover, there had been an extraordinary surge in organized crime. For example, in 1990 more than 900 groups in that category had been discovered, groups which had committed thousands of serious crimes. Organized crime was prospering above all in the parallel economy which represented some 150 billion roubles, of which 14 billion were accounted for by drug trafficking.

6. It should not be assumed that the law-enforcement bodies were indifferent to the quantitative increase in crime; on the contrary, they were resolutely committed to the fight against criminals. But it must be acknowledged that the policy of restructuring and openness had brought to the surface problems which the authorities either had not suspected or had preferred to close their eyes to. Soviet people often thought that they did not have the experience or the technical means needed to combat such forms of crime which were new to them. There was also an increasing tendency for criminal links to be established between the Soviet mafia and foreign criminal organizations, something which could only increase as the Soviet Union moved towards a market economy.

7. No country could achieve the desired results by its own efforts alone, and crime could be fought only by strengthening international co-operation. It was from that standpoint that the resolutions of the Eighth Congress were of great importance. The four model treaties and the norms and guidelines which had been

(Mr. Ignatov, USSR)

adopted opened up enormous possibilities for the practical organization of international co-operation in the fight against crime, and especially in certain priority areas such as the fight against organized crime, drug trafficking, the "laundering" of money, terrorism, crimes against cultural property and crimes against the environment.

8. Particular importance attached to the second resolution of the Congress, concerning the review of the functions and programme of work of the United Nations in crime prevention and criminal justice. If adopted by the General Assembly, it would be a landmark in the history of international co-operation in the matter. The resolution was based on the report of the Committee on Crime Prevention and Control, of which he was a member, entitled "The need for the creation of an effective international crime and justice programme" (A/1990/31/Add.1). The report contained not only an analysis of the dynamics and structure of crime in the world but also practical recommendations for a programme and new mechanisms to make it work. The establishment of an intergovernmental working group to elaborate proposals for an effective crime prevention and criminal justice programme, the consideration of such proposals at ministerial meetings, and the study of the possible need for a convention or other international instrument on such a programme might constitute a turning point in international co-operation for the concrete organization of the fight against crime.

9. In the same resolution, the Congress called for the strengthening of the Crime Prevention and Criminal Justice Branch of the Centre for Social Development and Humanitarian Affairs of the United Nations Office at Vienna. That was also an urgent question in view of the additional tasks which would be entrusted to the Branch under the current and future programme. The implementation of the resolution would of course have financial implications, but his delegation considered that the programme should not be implemented at the expense of other United Nations programmes.

10. His delegation considered the guidelines and rules worked out by the Congress for non-custodial measures, the treatment of prisoners, measures against organized crime, the prevention of juvenile delinquency, the protection of juveniles deprived of their liberty and the use of force and firearms by law enforcement officials praiseworthy. There was no doubt that the implementation of those rules and guidelines would contribute to protection of the human rights of victims as well as offenders.

11. For some years, the Soviet Union had been engaged in reforming its penal justice system, as a part of the construction of a State ruled by law, and in doing so had taken as models the relevant international instruments, including those worked out by the United Nations. The Soviet Union intended not merely to incorporate those rules into its own legislation but to put them into practice by bringing them to the attention of law enforcement bodies. For that reason it had published a collection of United Nations documents and recommendations on human rights and measures against crime in 1989 and also intended to publish the report of the Eighth Congress.

(Mr. Ignatov, USSR)

12. He hoped that the draft resolution before the Third Committee concerning international co-operation against organized criminal activities would as usual be adopted by consensus and would help give effect to the decisions adopted by the Eighth Congress. Crime knew no frontiers and the defence of legality in an increasingly interdependent world was the concern of all countries.

13. Mrs. BENNANI (Morocco), speaking on agenda item 100, said that the seven preceding United Nations Congresses on the Prevention of Crime and the Treatment of Offenders had succeeded not only in creating a body of universally accepted principles, rules and guidelines but also in laying the foundation for strengthened international co-operation to deal with the rise of crime.

14. The phenomenon of crime threatened peace, the security of individuals and societies and development, and made lasting and sustained progress impossible. Moreover, technological changes and the internationalization of many activities had made crime a world-wide scourge. Crime and the fight against crime absorbed resources that the developing countries could devote to economic and social development. In view of that situation, the United Nations had taken on the task of achieving the common goal, to prevent crime and to diminish its effects on society, relying for that purpose on the full material and political support of Member States.

15. The Eighth Congress, held recently in Havana, had emphasized the "transnationalization" of crime and the increase in criminality. Most of its resolutions and decisions had been adopted by consensus, although the Western countries had considered that the administration of justice must go hand-in-hand with respect for the rights of individuals and the African, Asian and Latin American representatives had laid greater stress on the relationship between justice and development and the need to attack the causes of crime and not its consequences. Her delegation took note in particular of the resolution requesting a detailed study of the role of education in the prevention of crime and penal justice, that on the organization of an international year of the rehabilitation of offenders, and the resolutions dealing with domestic violence, proposing international co-operation in the effective and uniform prevention and control of terrorism and on the protection of the human rights of the victims of crime and abuse of power.

16. Conscious of the fact that justice was the foundation for a modern and civilized society, the Kingdom of Morocco had subscribed since its return to independence to the United Nations Charter and the Universal Declaration of Human Rights and had ratified the two international conventions on human rights. It had then undertaken to work out a code of penal and civil law based on both the precepts of Islam, which was the religion of almost all Moroccans, and modern legal principles, of which justice, equity and tolerance were the common denominators. The 1972 constitution, which was still in force, confirmed the primacy of law and the importance of the establishment of a lawful state respecting human rights and fundamental freedoms.

(Mrs. Bennani, Morocco)

17. As a part of the consolidation of the rule of law in Morocco, King Hassan II had on 8 May 1990 established an Advisory Council on Human Rights representing all national political and trade union movements to monitor respect for human rights throughout the kingdom. Administrative courts would be established in all the regions to combat any abuses of power by the authorities. Moroccan citizens would thus be able to complain to that supreme authority, which was made up of persons known for their integrity, their impartiality and their devotion to the cause of justice and respect for human rights.

18. The prevention of crime and the fight against the spread of juvenile delinquency must be supported by social justice and equity in order to prevent arbitrary rule and despotism, the enemies of democracy and human rights, which were fundamental values for any modern and civilized society wishing to ensure peace, stability and economic and social progress.

19. In view of the interdependence of the interests of the States making up the international community, the Kingdom of Morocco wished to co-operate with other countries and the United Nations to combat the rise of crime and the spread of juvenile delinquency and organized crime, to establish peace and security for goods and persons throughout the world and to contribute to the extent that it could to the establishment of a peaceful, just and prosperous world.

20. Mr. BONNEMAISON (France), speaking on agenda item 100, said that the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders had demonstrated how fundamental the problem of crime was both for development - since a real state of internal war existed in some countries paralysed by terrorism, drug trafficking and massive corruption - and for democracy - because, faced with growing insecurity, people might turn to authoritarian solutions. Emphasizing the value of the discussions of the Congress and the scope and usefulness of the resolutions adopted, he drew attention to the most innovative themes and especially the desire to reinforce individual rights shown in the resolutions dealing with minimum standard rules for custodial and non-custodial treatment of offenders. His delegation welcomed that development, which was in conformity with the humanistic principles which had inspired the Universal Declaration of Human Rights but did not compromise the firm resolve to combat crime.

21. His delegation noted that a resolution had been adopted for the first time on the prevention of urban crime. That initiative was important because massive urban delinquency was one of the basic causes of the insecurity felt by city-dwellers. Faced with the failure of policies based solely on the strengthening of repression or on social action, local initiatives to deal with delinquency had gained increasing support among decision-makers in recent years. Moreover, cities were becoming increasingly important politically because of their growing economic and social role and the increasing transfer of responsibilities to local elected officials. The emergence of local policies for the prevention of delinquency was also a response to the development of social needs themselves. People were much more concerned with minor and middle-level delinquency than with terrorism or large-scale crime. They were increasingly aware that the solution to those problems lay in the rehabilitation of deteriorated neighborhoods and greater

(Mr. Bonnemaison, France)

involvement of the young in community life rather than in the strengthening of police forces or stricter justice.

22. The resolution on the prevention of urban crime seemed to embody two major objectives: to bring all the participants in the struggle against crime together to decide jointly on the implementation of specific measures, and to establish at the local level global strategies encompassing prevention, control and solidarity with crime victims and enjoying the support of regional and national authorities.

23. His delegation then recapitulated the priorities to be observed in implementing the United Nations crime prevention programme. Since the needs of Member States varied, reflecting their differing levels of development and the varied nature of the problem of crime, care must be taken to devise appropriate solutions in each case. His delegation, which was fully aware of those difficulties, intended to play an active role in the consideration of those issues. The needs expressed by States seemed to suggest two priorities: the development of technical co-operation to assist developing countries; and the promotion of exchanges of information among practitioners on both the success and failure of measures tried in practice. In that connection, France welcomed the encouragement given by the Congress to the convening, at Paris, from 18 to 20 November 1991, of the Second International Conference on Urban Safety, Drugs and the Prevention of Crime, which would provide a follow-up to the exchanges between towns begun at the Montreal Conference, held in 1989. His delegation also supported the reference in the resolution on the prevention of urban crime to the creation of an international foundation for the prevention of crime, which would associate practitioners in charge of the formulation and the implementation of national and local policies on crime prevention and facilitate exchanges of information and technical co-operation. His delegation wished to contribute to future work in that area.

24. He fully endorsed the Congress resolution on the review of the functioning and programme of work of the United Nations in crime prevention and criminal justice, and commended the Committee on Crime Prevention and Control for its work. The resolution was significant in that it offered a sound method of work which would make United Nations activities more effective. France intended to contribute to the work of the intergovernmental group entrusted with producing a report proposing more effective international co-operation against crime. His delegation would place itself at the disposal of the United Nations by participating actively in organizing the ministerial meeting to consider the report of the intergovernmental working group, and did not exclude the possibility of offering to host the Conference. Yet while activities should be geared to the priorities stated, the question of United Nations machinery to combat crime must also be considered. In that connection, he commended the significant work of the Crime Prevention and Criminal Justice Branch, which, however, no longer seemed to have the means to meet the objectives established by the Eighth Congress.

25. Turning to agenda item 95, he referred to humanitarian assistance to victims of natural disasters and similar emergency situations. In that connection there

(Mr. Bonnemaïson, France)

was a need for new approaches and developments to defend and promote human rights, and his delegation intended to play an active role and pursue further endeavours in that domain.

26. The peoples of the world lived in fear of a sudden upheaval or gradual change in the natural, climatic, economic and ecological balances governing their existence. They must be protected against the potentially catastrophic consequences of such phenomena. That was why the need for assistance and emergency relief for victims constituted an ongoing need and a duty for all countries. The question could not be tackled from a humanitarian standpoint alone; its various aspects, including respect for and promotion of human rights, must be considered. Moreover, the question had been before the Committee for several years. As early as 1981, the Jordanian delegation, to which France paid tribute, had proposed that the Committee should consider the definition of a new international humanitarian order. The Secretary-General, in a number of documents, had reported to the Third Committee on consultations with States and international agencies. Several recommendations emerging from those initiatives had already been taken into account by France, which was endeavouring to implement them in accordance with its humanitarian tradition. Nevertheless, the Committee must continue to explore every means whereby the United Nations might contribute to guaranteeing men and women the full exercise of their inalienable rights. It was in that spirit that the French Government had, at the forty-third session of the General Assembly, together with 35 other countries, sponsored a draft resolution on humanitarian assistance to victims of natural disasters and similar emergency situations. Adoption of that text had undoubtedly represented a decisive step forward in providing international relief to victims, as demonstrated by several major relief operations over the past two years.

27. His delegation thanked the Secretary-General for the report he had prepared in accordance with General Assembly resolution 43/131 on the basis of an in-depth inquiry made by the United Nations Disaster Relief Co-ordinator of States and governmental, intergovernmental and non-governmental organizations (A/45/587). The inquiry revealed both the general awareness of the imperative importance of humanitarian assistance and the gulf remaining between intentions and commitments and activities. His delegation fully endorsed the proposals contained in the report and wished to make an active contribution to their implementation, including implementation of the Secretary-General's idea for the gradual and concerted establishment of relief corridors for the delivery of medical and food assistance to the victims of disasters and similar emergency situations. His delegation had already begun consultations with the co-sponsors of resolution 43/131, with a view to incorporating the new elements contained in the report of the Secretary-General in the draft resolution to be submitted at the current session, in order to consolidate the gains made under the preceding resolution and to further progress in a specific and pragmatic manner so as to continue the construction of the new international humanitarian order. Without underestimating the magnitude of the task before it, the United Nations must promote, co-ordinate and deliver the humanitarian assistance to which so many men and women and organizations throughout the world devoted their efforts.



28. Mr. MARKS (United States of America), with reference to agenda item 100, said that his delegation would like to present its views concerning the 13 draft resolutions recommended to the General Assembly for adoption by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders. In particular, he drew attention to draft resolution 2, entitled "Review of the functioning and programme of work of the United Nations in crime prevention and criminal justice", which had grown out of a request by the Committee on Crime Prevention and Control for the development of a totally new international crime and justice programme encompassing all the functions necessary to help countries combat problems of national and transnational crime. In the draft resolution, the Eighth Congress had proposed a mechanism for creating a new programme for international co-operation in relation to crime and criminal justice by advocating, firstly, the establishment of an intergovernmental working group, and, secondly, the convening of a ministerial meeting to develop the necessary structure and direction. Given the magnitude of the problem and the inadequacy of current approaches, his delegation hoped that that proposal would command broad support.

29. The fundamental importance of the proposal called into question the desirability of giving immediate consideration to the other draft resolutions submitted by the Eighth Congress to the General Assembly. There was no question of minimizing the importance of those texts, which accorded with recommendations contained in the Milan Plan of Action. The Milan Plan committed the United Nations to concentrating its limited criminal justice resources on developing a more effective response to the most serious forms of transnational crime (organized crime, narcotics trafficking, terrorism). Notwithstanding the significance of the other drafts, the General Assembly should consider whether it would not be wiser to await the fundamental restructuring of the crime and justice programme so that new initiatives could be adapted to the structures and priorities of the new programme.

30. His delegation paid a tribute to the professional quality of the work of the Secretariat's Crime Prevention and Criminal Justice Branch and the related work of the United Nations institutes. It noted, however, that Governments had been minimally involved in the preparation, and still less in the drafting, of the many resolutions produced by the Congress and that the Committee on Crime Prevention and Control itself had only been able to devote very limited time to that task. Even the Governments represented had been unable to give in-depth consideration to each of the 45 resolutions and decisions adopted. Those instruments needed to undergo thorough review and analysis by Member States and by the Secretariat before adoption by the General Assembly and, in some cases, publication in the United Nations official compilation of human-rights instruments. Indeed, consideration needed to be given to submitting several items to the Sixth Committee for review, not only because of their legal nature but because that Committee had recently engaged in relevant work, especially on imprisonment and detention.

31. In conclusion, his delegation urged the Third Committee to concentrate its efforts on reform and rationalization of United Nations activities in the area concerned by taking action on draft resolution 2 without adopting new instruments or model treaties which Member States and experts had not had an opportunity to study and perhaps improve. In any event, the United States Government was working

(Mr. Marks, United States)

on substantive proposals which it would wish to make if the Committee decided to act on the other draft resolutions as well.

32. Mr. ZAWACKI (Poland), speaking on agenda item 100, said that despite all its efforts to combat crime and the economic problems out of which crime obviously arose, Poland was far from having found a solution.

33. Hoping to profit from the experience of other countries, Poland had taken an active part in the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, the recommendations and resolutions of which it fully supported.

34. Although the problems concerned were for the time being unknown in Poland, it was particularly interested in the implementation of the Eighth Congress' proposals on national and international action to combat transnational crime and especially organized crime and terrorism. All the factors conducive to those two types of criminal activity (including technical advances in transport and communications and the computerization of banking systems) were also a sine qua non of political, economic and social development, so that by choosing to develop, Poland would be exposed sooner or later to that type of crime. If the process could not be stopped it must at least be controlled. However, the problem was highly complex, not only because action must be taken in several branches of law (criminal law, economic and financial law, customs law and foreign-exchange regulations), but also because all the law-enforcement agencies were undergoing deep changes aimed at creating a new criminal-justice system. Poland had, however, included provisions concerning terrorism in the new criminal code that it was preparing.

35. United Nations standards and guiding principles in regard to crime prevention and criminal justice were extremely useful because they were based on universal values and also because they helped in the development of internal systems of criminal justice. Direct co-operation between agencies of criminal justice and States, governed by international conventions and bilateral agreements, was also of great value. Poland, which was a party to a great number of international conventions, had also entered into many agreements for mutual legal assistance. It co-operated in the work of the Helsinki Institute for Crime Prevention and Control.

36. Since the implementation of United Nations rules by many Member States left much to be desired, it would seem reasonable to concentrate on the effective implementation of the existing rules rather than strive to elaborate new ones.

37. Ms. BACH-TOBJI (Tunisia), speaking on agenda item 94, emphasized the growing interest accorded by the international community to the right to development, currently recognized as an inalienable human right. The Declaration on the Right to Development, adopted in 1986, was a further contribution to the various legal standards and instruments establishing the connection between development and other human rights. In that context, Tunisia reiterated its support for articles 1 and 3 of the Declaration; article 3 laid down that States had the primary responsibility for creating conditions favourable to the realization of the right to development.

(Ms. Bach-Tobji, Tunisia)

38. Since human rights were indivisible, it was necessary, in order to eliminate those obstacles that still hampered the implementation of the right to development, to institute an integrated and global approach at the national level consisting of policies and measures in the various sectors of human activity, which could not be done without free choice by the population of the mode of development or without that national mobilization which was the fundamental condition for real development; such a mobilization was possible only if the individual exercised his freedom and his rights to the full, thus creating in him the spirit of initiative and the will to participate without which there could be no collective development effort.

39. The objectives of development could only be achieved in an appropriate international environment and it was therefore necessary to seek to eliminate sources of tension and all situations in which human rights were denied (foreign domination, racism, apartheid), and to bring about peace, security and disarmament. The right to development also depended on a more equitable international economic order, which pre-supposed a solution of the problems of the economic imbalance between North and South, of foreign debt and of the deterioration of the terms of trade.

40. Her delegation had been gratified by the convening in January 1990, in accordance with Commission on Human Rights resolution 1989/45, of the Global Consultation on the Realization of the Right to Development as a Human Right, and endorsed the recommendations put out as a result of that Consultation (E/CN.4/1990/9/Rev.1), in particular the following: (i) United Nations supervisory bodies in the field of human rights should include special comments and recommendations regarding the right to development in their review of the periodic reports of States parties; (ii) the Secretary-General should appoint a committee to review the progress made in the implementation of the right to development; (iii) an overall programme of assistance to States should be established to facilitate the implementation of the right to development.

41. Mr. VEUTHEY (International Committee of the Red Cross) said that the new international humanitarian order was based on human solidarity in an international society and that the promotion of the well-being of individuals should not be limited to scientific, political and economic progress but should extend to the humanitarian field. The Independent Commission on Humanitarian Issues, in whose work the International Committee of the Red Cross (ICRC) had participated, had been clear in that respect. The Commission's recommendations applied in varying degrees to ICRC, to the League of Red Cross and Red Crescent Societies and to the societies themselves, and some of the recommendations in respect of medical and social aid and assistance to migrants and stateless persons had already been put into effect. ICRC for its part was closely interested in those recommendations aimed at reinforcing protection by certain categories of the victims of conflict, such as civilian populations and non-combatants, who were entitled to respect for their lives and physical and moral integrity in all circumstances without distinction. It also endorsed the Commission's proposals calling for the ratification by all States of the 1977 additional Protocols to the 1949 Geneva Conventions, for the

(Mr. Veuthey)

strengthening of the role of the United Nations in promoting respect for international humanitarian law, for mobilizing the media and the non-governmental organisations in favour of the implementation of that law and for the adoption of texts incorporating its provisions in national domestic legislation. It also repeated its appeal to States to accede to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons which may be Deemed to be Excessively Injurious or to have Indiscriminate Effects.

42. ICRC wished to emphasize that Governments should make the rules and principles of humanitarian law better known to the entire public, starting with the armed forces, political authorities and universities, as required by the 1949 Geneva Conventions, and to remind Governments that it was ready to help them in their task. In that respect, he commended the co-operation initiated with the United Nations Centre for Human Rights in the area of information. In connection with the conclusions and recommendations of the Commission, he said that the warnings sounded by Governments against any action which might inadvertently weaken the existing law and the guarantees and protection it provided were, in the opinion of ICRC, justified.

43. As for situations which were not covered by the International Humanitarian Law, ICRC found that the Commission's proposal concerning the preparation of a draft code of humanitarian conduct which would be applicable everywhere, at all times, in all circumstances and in respect of everybody was deserving of consideration, provided that the code was accepted by governments by consensus and did not weaken the existing law. At present, ICRC acted under bilateral agreements with countries when it intervened in situations not covered by the Conventions.

44. ICRC had noted with interest the Commission's recommendations designed to strengthen assistance to displaced persons who were not protected by the existing conventions on refugees. Those recommendations provided a useful complement to the International Red Cross policy on aid to refugees adopted at Manila in 1981.

45. The Commission's detailed conclusions and recommendations concerning the management of disasters, in particular the need to have greater recourse to concerted action and to strengthen international co-operation in order to increase the efficaciousness of relief operations while at the same time abiding by the terms of reference of the respective organizations were of direct concern to ICRC, the League of Red Cross and Red Crescent Societies and the Societies themselves and deserved careful study.

46. Mr. MONTALVO (Ecuador) said the effective enjoyment of human rights and fundamental freedoms, the establishment of a new international humanitarian order and the prevention of crime and the treatment of offenders had one thing in common - they all depended on international co-operation and solidarity. With regard to the first of those topics and the right to property, in particular, he said the Constitution of Ecuador guaranteed the right to private ownership if its exercise as a fundamental right was viewed as having social value in that it favoured personal fulfilment, and not as an end in and of itself. His Government

(Mr. Montalvo, Ecuador)

was, moreover, firmly convinced that every nation had the right to development and that the process of development was inconceivable unless all the fundamental human rights were respected. Having taken note of the conclusions and recommendations of the global consultation on the right to development, he expressed concern with regard to the obstacles which still stood in the way of the application of the right to development as a human right. On the other hand, he commended the information activities undertaken by the United Nations in the field of human rights since he felt they provided a way of spreading knowledge concerning human rights and a means of ensuring the practical application of one of them - the right to information. Since information had a leading role to play in the promotion of development as a human right, the necessary resources must, in so far as possible, be devoted to it, and, in addition, the programmes and activities of the United Nations Centre for Human Rights should be expanded and diversified, as should the Department of Public Information.

47. With regard to the establishment of a new international humanitarian order, he said that Ecuador supported all regulatory initiatives taken in that connection and also those whose aim was to improve upon and expand international co-operation in the humanitarian field. Since Ecuador itself had been the victim of many natural disasters throughout its history, it was bound to understand and support action designed to cope with unexpected situations or cases of force majeure. It endorsed the remarks made by the United Nations Disaster Relief Co-ordinator concerning the rapidity and efficaciousness of disaster relief and the high priority which should be assigned to it. The idea of creating a permanent fund for immediate humanitarian assistance and giving specialized non-governmental organizations a leading role to play in relief operations was also very wise in his delegation's estimation. In that connection he said Ecuador wished to pay a tribute to the work accomplished by the Office of the United Nations Disaster Relief Co-ordinator, the International Committee of the Red Cross and the United Nations High Commissioner for Refugees, whose very encouraging report, contained in document A/45/12, showed what could be done when men acted out of generosity and good will. The report of the Secretary-General on the new international humanitarian order (A/45/524) also made a very useful contribution to the application of General Assembly resolutions and the implementation of national policies not only in the realm of relief but also in connection with disaster prevention.

48. Criminal justice and crime prevention were among the priority concerns of the Government of Ecuador. Thus, at domestic level, Congress was studying a new penal procedure code to facilitate and accelerate the administration of justice. At the external level, Ecuador had approved, with no reservations, the second Optional Protocol to the international Covenant on Civil and Political Rights, which had been adopted the preceding year and related to the abolition of capital punishment, and had been the first country member of the Organization of American States to ratify a similar protocol to the American Convention on Human Rights. His delegation felt, however, that the increase in all forms of criminality should be viewed within the context of the economic and social crisis experienced by the developing countries and that it would not abate until the problem of poverty in those countries had been settled. To deal with drug-related crime, international

(Mr. Montalvo, Ecuador)

crime and other new and advanced forms of criminality, there was need for extensive international co-operation which operated at a remove from the traditional concept of justice, favouring innovative measures which struck at the social and human roots of the problem and at its judiciary aspects, were geared more to prevention and less to repression and viewed the punishment of offenders as a means of social and human rehabilitation. The eighth Congress on the Prevention of Crime and the Treatment of Offenders had shown originality and far-sightedness in that respect. It had helped to establish a more fair and humane penal system. In that connection, he said that Ecuador reaffirmed its support, based on its beliefs and legal tradition, of the draft aimed at putting a moratorium on the death penalty. Having abolished the death penalty years ago, it felt that the right to life was the most important right of any human being and by definition could not be tampered with for any reason at all, even for reasons of sanction. In spite of all the philosophical, moral, legal and other arguments in support of the abolition of the death penalty, the draft had unfortunately not been adopted at Havana. Ecuador hoped, however, that it would be taken up again and adopted by the Third Committee.

The meeting rose at noon