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at 10 a.m.
New York

SUMMARY RECORD OF THE 57th MEETING

Chairman: Mr. SOMAVIA (Chile)

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The meeting was called to order at 10.35 a.m.

AGENDA ITEM 12: REPORT OF THE ECONOMIC AND SOCIAL COUNCIL (continued)
(A/C.3/45/L.71, L.75, L.76, L.78, L.79, L.80, L.91, L.92, L.73/Rev.1, L.94 and L.95)

Introduction of draft resolutions A/C.3/45/L.71, L.75, L.76, L.78, L.79, L.80 and L.91

1. Mr. TSCHIMBALANGA (Zaire) introduced, on behalf of the sponsors, the draft resolutions concerning assistance to refugees, returnees and displaced persons. He read out the text of the draft resolutions and announced that Angola, Cuba, India and Peru had joined the list of sponsors of draft resolution A/C.3/45/L.71, that Lesotho wished to co-sponsor draft resolution A/C.3/45/L.79 and that Swaziland and Trinidad and Tobago had joined the list of sponsors of draft resolution A/C.3/45/L.80. In view of the importance of assistance to countries sheltering refugee populations, returnees or displaced persons, he hoped that the draft resolutions would be adopted by consensus.

2. Mrs. AL-HAMAMI (Yemen) said that her country was not included in the list of sponsors in the Arabic version of draft resolution A/C.3/45/L.80.

Draft resolution A/C.3/45/L.92

3. Ms. DA SILVA (Venezuela) introduced, on behalf of the sponsors, draft resolution A/C.3/45/L.92 on the situation of human rights and fundamental freedoms in El Salvador, of which Peru had become a co-sponsor.

4. The draft resolution was the outcome of delicate negotiations between the many delegations directly concerned with its subject matter. It largely derived from the report of the Special Representative of the Commission on Human Rights and the relevant resolutions of the General Assembly and the Commission on Human Rights. It did, however, contain a new element in that it mentioned, in both the preamble and the operative paragraphs, the negotiating process undertaken, under the auspices and with the active participation of the Secretary-General and his personal representative, between the Salvadorian Government and the Frente Farabundo Martí para la Liberación Nacional. In general terms, the sponsors of the draft resolution were concerned by the persistence of the armed conflict in El Salvador, and in particular by the recent escalation of violence which was resulting in numerous and serious violations of human rights and international humanitarian law. They deplored the shortcomings of the Salvadorian legal system, and in particular the irregularities in the judicial proceedings in connection with the assassination of the Rector and other members of the Central American University. At the same time, they recognized the efforts made by the parties concerned to improve the human rights situation, and welcomed the Agreement on human rights adopted in July 1990 in Costa Rica. Finally, they urged the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional to continue their dialogue and foster agreements with a view to a firm and lasting peace.

(Ms. Da Silva, Venezuela)

5. She pointed out that an omission should be rectified by adding in paragraph 10, after "Commission on Human Rights resolution 1990/77" the words "of 7 March 1990". Also, in paragraph 11 of the Spanish version, the word "evaluación" should be replaced by "evolución". The sponsors of the draft resolution hoped that it would be adopted without a vote.

Draft resolution A/C.3/45/L.73/Rev.1

6. Mrs. WARZAZI (Morocco), speaking on behalf of the sponsors of draft resolution A/C.3/45/L.73/Rev.1, on the World Conference on Human Rights, of which Liechtenstein had become a sponsor, said that, in a spirit of compromise and after careful consideration, some of the proposed amendments submitted by India orally and by China in document A/C.3/45/L.95 had been taken into account by the sponsors. The first Chinese amendment, relating to the second paragraph of the draft resolution, had been accepted in its entirety. The second amendment, which was supported by Colombia, Lesotho, Sri Lanka and Uganda, had the drawback of omitting some fundamental concepts of the United Nations Charter, such as universal and effective respect for human rights and fundamental freedoms. As a better solution, her country was therefore proposing, as a sub-amendment to the Chinese amendment, that reference should be made to Articles 55 and 56 of the Charter. The third Chinese amendment had been accepted, and the words "over the past several years" in what was now the fourth paragraph had been deleted. With regard to the fourth amendment proposed by China, Morocco preferred to repeat in broad terms the Indian amendment by adding, in paragraph 1, a new subparagraph (b) with the following wording:

"(b) To examine the relation between development and the enjoyment by everyone of economic, social and cultural rights as well as civil and political rights;"

7. Accordingly, the Conference would not, as in the Chinese amendment, confine itself to examining the existing international economic environment, but would focus on the obstacles, of whatever kind and on whatever scale, to the full exercise of human rights. The sponsors regarded the other amendments proposed by China as unacceptable, since they considered that they would not be sufficient to ensure equitable geographical representation in the Preparatory Committee and would merely have the effect of giving additional seats to Africa.

8. In connection with the preparatory meetings mentioned in the final Chinese amendment, she drew attention to the fact that there seemed to be a contradiction between that amendment and paragraph 3 of the draft resolution, which gave the Preparatory Committee a mandate to make proposals to the General Assembly regarding the precise dates of the regional preparatory meetings for the Conference on Human Rights.

Amendments to draft resolution A/C.3/45/L.73 contained in document A/C.3/45/L.95

9. Mr. CHEN (China), introducing the amendments on behalf of his own country as well as Colombia, Lesotho, Sri Lanka and Uganda, thanked the Moroccan delegation for its efforts to make the amendments acceptable. His delegation thought it desirable that the World Conference on Human Rights should be held in 1993 on the occasion of the forty-fifth anniversary of the adoption of the Universal Declaration of Human Rights. The Conference would review the past and the experience gained in the light of developments since the last conference on human rights, and consider how in future to ensure the healthy development of the activities of the international community and the United Nations in that field.

10. The draft resolution submitted by Morocco was on the whole procedural, but it none the less contained important guidelines regarding the nature, scale, objectives and preparation of the Conference. He commended the Moroccan delegation for helping to initiate the idea of the Conference and to formulate the relevant draft resolution, and to the sponsors for their contribution in that respect. The text could be further improved in order to ensure that the World Conference on Human Rights reflected the reality and challenges faced by the Organization in the human rights field more comprehensively. He read out the first three amendments, which had been accepted after intensive consultations and which reflected the views and concerns of some delegations.

11. His delegation stressed the importance of the fourth amendment, which the Moroccan delegation and the other co-sponsors had already accepted in part. In China's view, paragraph 1 omitted an important aspect of the Conference's objectives, namely the link between the international economic environment and the full enjoyment of human rights universally, and its effects on the conditions in which not only civil and political rights, but also economic, social and cultural rights could be exercised by all. That paragraph was indispensable, because it concerned not only the question whether the large number of developing countries and their peoples could fully enjoy their human rights, but also the extent to which human rights were enjoyed in the developed countries, an issue that had been under consideration by the international community for some time. Thus, no matter how the issue was looked at, it would be inadmissible not to list it as one of the Conference's objectives.

12. The fifth amendment concerned the composition of the Preparatory Committee's bureau. After careful consideration, China believed that the bureau should be made up of ten persons, with one chairman, eight vice-chairmen and one rapporteur. The preparatory work was of crucial importance in making the conference a success. The bureau should not exist merely in name, but should be a decision-making body, and its arduous task would be difficult to fulfil with a limited staff. Moreover, the question of human rights was rather complex and open to divergent interpretations and opinions. The bureau's composition should therefore not only be based on geographical composition, but should also reflect different political and economic systems, cultures, religions and traditions. That was impossible in a bureau composed of five persons.

(Mr. Chen, China)

13. Regional preparatory meetings were essential for the success of the Conference. Such meetings could be held between the first and second meetings of the Preparatory Committee. The substantive discussions of the latter would focus attention on the agenda and the theme fixed for the Conference by the Preparatory Committee and would submit the results in writing to the second meeting of the Preparatory Committee as a basis for documents to be provided to the Conference. Those documents would be widely representative and as accurate as possible.

14. It was to be hoped that the sponsors of draft resolution A/C.3/45/L.73 would readily accept the proposed amendments, to which China attached great importance, so that the draft resolution on the World Conference on Human Rights could be adopted by consensus.

15. Mr. FONTAINE-ORTIZ (Cuba) asked the secretariat of the Third Committee to clarify paragraph 7 of draft resolution A/C.3/45/L.73. Concerning the source of financing for the meetings of the Preparatory Committee of the Conference and the organization of the Conference itself, his delegation asked under what section of the United Nations regular budget the necessary appropriations would fall if the expenditures were not provided for under section 23. The secretariat could reply to that question at a later date.

Draft resolution A/C.3/45/L.94

16. The CHAIRMAN said that consideration of draft resolution A/C.3/45/L.94, entitled "Situation of human rights in Afghanistan", was postponed until the following day.

AGENDA ITEM 108: INTERNATIONAL ACTION TO COMBAT DRUG ABUSE AND ILLICIT TRAFFICKING
(continued) (A/C.3/45/L.40 and L.41)

Draft resolution A/C.3/45/L.40

17. Mr. FONTAINE-ORTIZ (Cuba) said that in order to reach a consensus on the draft resolution, his delegation proposed a number of minor amendments which, in the view of the sponsors, did not alter the draft resolution's meaning or objective. In paragraph 1, the phrase "should be based on strict respect for" should be replaced by "should continue to be based on strict respect for". Paragraph 4 should be replaced by the following wording:

"Calls upon the Secretary-General to take duly into account the principles set forth in this resolution in his report to the forty-sixth session of the General Assembly."

18. His delegation hoped that the draft resolution, as amended, could be adopted without a vote.

19. Draft resolution A/C.3/45/L.40, as orally amended, was adopted without a vote.

Draft resolution A/C.3/45/L.41

20. The CHAIRMAN said that Ireland, Pakistan, the Netherlands, Suriname and Samoa had become co-sponsors.

21. Draft resolution A/C.3/45/L.41 was adopted without a vote.

AGENDA ITEM 93: HUMAN RIGHTS AND SCIENTIFIC AND TECHNOLOGICAL DEVELOPMENTS
(continued) (A/C.3/45/L.57/Rev.1)

Draft resolution A/C.3/45/L.57/Rev.1

22. The CHAIRMAN said that Vanuatu had become a co-sponsor of the draft resolution.

23. Mr. ERDENECHULUUN (Mongolia) introduced, on behalf of the sponsors, the revised draft resolution, which was the outcome of intensive consultations. He explained in detail the amendments to the original text and read out the new wording of preambular paragraph 9. In preambular paragraph 10, the numbers of the resolutions had been added, and in paragraph 3, the words "the Preparatory Committee of" had been inserted. It was also necessary to replace paragraph 4 by the following wording:

"4. Considers that the competent bodies of the United Nations should continue to work actively to improve and clean up the environment."

24. The sponsors had endeavoured to incorporate in the text as many suggestions as possible, and the delegations had made commendable efforts to display understanding and a constructive attitude thereby making it possible to reach a consensus. The sponsors therefore hoped that the revised draft resolution would be adopted without a vote.

25. Mr. RAVEN (United Kingdom) was concerned that the wording proposed for the new paragraph 4 might lead to duplication of effort. In introducing the draft resolution initially, Mongolia had stressed the need to avoid such a situation. In the view of his delegation, it might be preferable to study the question further, unless Mongolia was prepared to indicate in its proposed text that duplication of effort must be avoided.

26. Mr. ERDENECHULUUN (Mongolia) confirmed the position stated by his delegation on 23 November when the draft resolution had been introduced. In his view the draft must under no circumstances lead to duplication in the work of United Nations organs. If the United Kingdom delegation had a proposal to formulate, he was ready to discuss it and, to that end, proposed a possible suspension of the meeting for 5 to 10 minutes to settle the matter.

27. Mr. RAVEN (United Kingdom) welcomed the fact that the Mongolian delegation had confirmed the need to avoid duplication. Nevertheless the new paragraph 4 should be formulated in such a manner as to leave no doubt in that regard. His delegation was preparing suggestions which could be considered in informal consultations.

28. The CHAIRMAN suggested that the Committee should defer its consideration of draft resolution A/C.3/45/L.57/Rev.1 so that delegations could reach agreement on the new text.

AGENDA ITEM 110: ENHANCING THE EFFECTIVENESS OF THE PRINCIPLE OF PERIODIC AND GENUINE ELECTIONS (continued) (A/C.3/45/L.58)

Draft resolution A/C.3/45/L.58

29. The CHAIRMAN said that Panama had joined the sponsors of the draft resolution.

30. Mr. MIN (Myanmar) said that draft resolution A/C.3/45/L.58 was totally unacceptable to his delegation. In essence it constituted a flagrant attempt to interfere in the internal affairs of a Member State in contravention of the principle set forth in Article 2, paragraph 7, of the Charter of the United Nations, which prohibited the United Nations from intervening in matters which were essentially within the domestic jurisdiction of any State.

31. The sponsors of the draft resolution were seeking to dictate to the Myanmar Government how it should conduct the country's affairs. Never before in the 45 years of the Organisation's existence had the General Assembly adopted a resolution of that nature. To do so now would open Pandora's box and set a very dangerous precedent.

32. Non-intervention by the United Nations in the internal affairs of a State was a principle whose absolute inviolability guaranteed a world order of peace, freedom and justice. The principle had been reaffirmed in innumerable United Nations resolutions and declarations, as well as in a great number of legal and political instruments adopted at the bilateral, regional and global levels.

33. In particular, States had reaffirmed their commitment to that principle in the final declaration of the Asian-African Conference held at Bandung in 1955, in the final declarations of successive conferences of the Movement of Non-Aligned Countries, and in the Charters of the Organization of American States, the League of Arab States and the Organisation of African Unity. The Helsinki accord, signed in 1975 by 35 countries, including all but one of the sponsors of draft resolution A/C.3/45/L.58, committed the signatories to refrain from any intervention, direct or indirect, individual or collective, in the internal or external affairs of another participating State. His delegation did not understand why that commitment should be confined only to the countries of Europe and North America, and not apply to countries of the South, in Africa, Asia, Latin America and the Caribbean and Oceania.

34. It was not the first time that attempts had been made to question certain principles of the Charter of the United Nations. In particular, with regard to Article 2, paragraph 1, which set forth the principle of the sovereign equality of States, he recalled that at the current session, on 17 October, the Sixth Committee, in the course of its consideration of agenda item 144 relating to the report of the Special Committee on the Charter of the United Nations, had heard an

(Mr. Min, Myanmar)

astonishing statement by a representative of a permanent member of the Security Council, who had asserted that it was to be hoped that discussion of the issue would be free of such tendentious arguments as the suggestion that there was something democratic about the principle of one nation, one vote. Such an assertion was tantamount to questioning one of the cardinal principles on which the United Nations was founded and which would determine the pattern of inter-State relations in tomorrow's world. The statement had been fittingly and decisively rebutted by the representatives of Argentina, Ecuador and Mexico, and there was little doubt that those three delegations had voiced the indignation of the entire membership of the United Nations except for a very tiny minority. His delegation was in complete agreement with their views, and had no doubt that adoption of the draft resolution would embolden those who were so inclined to modify the fundamental principles of the Charter.

35. Further, the sponsors of the draft seemed to think that certain obligations under the Universal Declaration of Human Rights had primacy over those set forth in Article 2, paragraph 7, of the Charter. Yet, Article 103 of the Charter stipulated very clearly that:

"In the event of a conflict between the obligations of the Members of the United Nations under the present Charter and their obligations under any other international agreement, their obligations under the present Charter shall prevail."

By calling into question those provisions, draft resolution A/C.3/45/L.58, if adopted, would set another dangerous precedent. The question arose of whether other principles as important as those set forth in Article 2, paragraph 7, and Article 103 would not in turn be called into question.

36. It would be recalled that the item entitled "Enhancing the effectiveness of the principle of periodic and genuine elections" had been included in the Committee's agenda for the first time at the forty-second session of the General Assembly only after the representative of the United States, who had introduced it, had given a number of assurances, one of which was that no attempt would be made to undermine the sovereignty of States. The Third Committee was now considering a draft resolution which deviated dangerously from the original purpose of the item. The same applied to another text, draft resolution A/C.3/45/L.56. His delegation was confident that the General Assembly, in its wisdom, would not adopt the draft resolution under consideration or any similar resolution at the current or any future session.

37. Mr. SEZAKI (Japan) recalled, in connection with draft resolution A/C.3/45/L.58, that the Commission on Human Rights had recently sent an independent expert to Myanmar to consider the situation there directly with the Government. It happened that the expert in question was an eminent Japanese expert in human rights and humanitarian activities.

(Mr. Sezaki, Japan)

38. A report on the situation of human rights in Myanmar was to appear shortly and would be considered at the subsequent session of the Commission on Human Rights so as to determine what measures might be appropriate. His delegation thus thought it essential not to act at the current session of the General Assembly in a manner which might prejudice either the consideration of that report, which had not yet been completed, or any decision to which it might give rise. In-depth consultations had shown that all the parties concerned shared the view of his delegation. Accordingly, he proposed the deferral of any decision on Myanmar, and in particular on draft resolution A/C.3/45/L.58, to the forty-sixth session of the General Assembly. He proposed that the Committee should adopt his delegation's proposal as a draft decision immediately without a vote.

39. The draft decision submitted by the delegation of Japan was adopted without a vote.

40. Mr. ENGFELDT (Sweden) said that the principle that the will of the people was the basis of the authority of government was contained in article 21 of the Universal Declaration of Human Rights. That will was expressed in periodic and genuine elections which were by universal and equal suffrage and were held by secret vote or by equivalent free voting procedures. Everyone had the right to take part in the government of his or her country, either directly or through freely chosen representatives.

41. That was what the people of Myanmar had done. After having expressed, in various ways, their desire for a multiparty democratic system of Government, the people of Myanmar had, for the first time in three decades, taken part in free and fair elections on 27 May 1990. An overwhelming majority of the electors had supported the political opposition.

42. Although those elections had been held six months earlier, no new national assembly reflecting the results of those elections had been convened, and a number of politically active persons had been detained. While the sponsors of draft resolution A/C.3/45/L.58 had wished to draw attention to that grave contravention of the Universal Declaration of Human Rights, they had nevertheless agreed to defer consideration of the draft until the forty-sixth session of the General Assembly. The draft resolution had given rise to concern among many delegations but that concern was largely based on procedural and technical considerations. While the sponsors regretted those objections, they also wished to respect them, since they believed that the human rights situation in Myanmar was too important an issue to be made the object of controversy on such grounds.

43. On 14 November 1990, the Permanent Representative of Myanmar had given his assurances to the Third Committee that the democratic process would be respected through the transfer of power. The sponsors of the draft resolution and, no doubt, all the members of the Committee hoped that the violations of human rights addressed in the draft resolution would have been satisfactorily resolved long before the General Assembly resumed its consideration of the matter. Moreover, the deferment of the draft resolution to the forty-sixth session of the Assembly in no

(Mr. Engfeldt, Sweden)

way meant that the Commission on Human Rights at its forty-seventh session would not be able to take any other initiative regarding the situation in Myanmar. His delegation sincerely hoped that the human rights situation in Myanmar would be thoroughly examined by the Commission.

AGENDA ITEM 12: REPORT OF THE ECONOMIC AND SOCIAL COUNCIL (continued)
(A/C.3/45/L.69, L.70, L.74, L.81 and L.84-L.89)

Draft resolution A/C.3/45/L.69

44. Mr. YEGOROV (Byelorussian Soviet Socialist Republic) said that, in the last preambular paragraph of the draft resolution, the asterisk should be replaced by the symbol "A/45/404".

45. Draft resolution A/C.3/45/L.69 was adopted without a vote.

Draft resolution A/C.3/45/L.70

46. Draft resolution A/C.3/45/L.70 was adopted without a vote.

Draft resolution A/C.3/45/L.74

47. Draft resolution A/C.3/45/L.74 was adopted without a vote.

Draft resolution A/C.3/45/L.81

48. The CHAIRMAN said that Samoa and New Zealand had become sponsors of the draft resolution.

49. Draft resolution A/C.3/45/L.81 was adopted without a vote.

Draft resolution A/C.3/45/L.84

50. The CHAIRMAN said that Samoa had become a sponsor of the draft resolution.

51. Mrs. ASHTON (Bolivia) said that her country wished to join the sponsors of the draft resolution.

52. Draft resolution A/C.3/45/L.84 was adopted without a vote.

Draft resolution A/C.3/45/L.85

53. Mr. GARRETON (Chile) said that his country wished to become a sponsor of the draft resolution.

54. Draft resolution A/C.3/45/L.85 was adopted without a vote.

Draft resolution A/C.3/45/L.86

55. The CHAIRMAN said that Vanuatu had become a sponsor of the draft resolution.
56. Mrs. KAMAL (Secretary of the Committee) said that a number of oral revisions had been made to the draft resolution. In the sixth preambular paragraph, the phrase "with a view to making final recommendations" had been deleted. In the last preambular paragraph, "1990" had been corrected to read "1989". In paragraph 7, the words "bearing in mind the work of the Committee on Crime Prevention and Control" had been inserted after the words "Human Rights". In paragraph 8 (b), the word "sample" had been deleted. Consequently, the second line of paragraph 9 had been amended to read: "consider this draft model with a view to a further elaboration". Finally, the phrase ", on the basis of a report of the Secretary-General on the implementation of the present resolution" had been added to the end of paragraph 12.
57. Mr. GARRETON (Chile) said that his delegation wished to become a sponsor of the draft resolution.
58. Draft resolution A/C.3/45/L.86, as orally revised, was adopted without a vote.

Draft resolution A/C.3/45/L.87

59. Mr. RIETJENS (Belgium) said that his delegation had been asked to make a minor revision to the draft, about which he had not been able to consult the other sponsors. Paragraph 3 ended with a list of cities where training courses or workshops had been organized; that list had been based on information contained in the Secretary-General's report (A/45/348). In introducing agenda item 12 on 20 November, the Director of the Implementation of International Instruments and Procedures Branch had stated that a workshop had been held at Kiev from 24 to 28 September 1990. The revision consisted in adding, in the penultimate line of operative paragraph 3, the word "Kiev" between "Castelgandolfo," and "Manila" and deleting the words "in his report" in the preceding line.
60. Mr. YEGOROV (Ukrainian Soviet Socialist Republic) said that his delegation had joined the sponsors of the draft resolution.
61. Mr. AGUILAR-HECHT (Guatemala) said that his delegation had also become a sponsor of the draft resolution.
62. Draft resolution A/C.3/45/L.87, as orally revised, was adopted without a vote.
- Draft resolution A/C.3/45/L.88
63. Draft resolution A/C.3/45/L.88 was adopted without a vote.
- Draft resolution A/C.3/45/L.89
64. Draft resolution A/C.3/45/L.89 was adopted without a vote.

The meeting rose at 12.50 p.m.