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THIRD COMMITTEE
63rd meeting
held on
Wednesday, 5 December 1990
at 3 p.m.
New York

SUMMARY RECORD OF THE 63rd MEETING

Chairman:

Mr. SOMAVIA

(Chile)

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COMPLETION OF THE WORK OF THE COMMITTEE

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The meeting was called to order at 3.45 p.m.

AGENDA ITEM 12: REPORT OF THE ECONOMIC AND SOCIAL COUNCIL (continued)
(A/C.3/45/L.82/Rev.2, L.101; L.2, L.100, L.103)

Draft resolution A/C.3/45/L.82/Rev.2

1. Mr. MORA GODOY (Cuba), introducing revised draft resolution A/C.3/45/L.82/Rev.2 concerning the strengthening of United Nations action in the human rights field through the promotion of international co-operation and the importance of non-selectivity, impartiality and objectivity, said that, after lengthy consultations, it appeared that a consensus had been reached on the draft under consideration. Amendments had been made first of all to the title. Reference was no longer made to "strict observance of the principle of non-intervention" but to "the importance of non-selectivity, impartiality and objectivity". The Spanish text should read "la importancia" instead of "importancia". The definite article had already been included in the English and French versions of the text.
2. The third and fourth preambular paragraphs remained virtually unchanged. On the other hand, the fifth preambular paragraph was completely new. The General Assembly reaffirmed that Member States should continue to act, for the purposes stated in the preceding paragraph, in conformity with the provisions of the Charter. The new ninth preambular paragraph recalled General Assembly resolutions 37/200, 41/155 and 43/155 and not just resolution 32/130, which produced a more balanced text. The tenth preambular paragraph retained only the references to General Assembly resolutions 2131 (XX), 2625 (XXV) and 36/103, omitting the remainder of the text. In order to take into account the concerns voiced by a number of delegations in paragraph 2, the sentence "Affirms the responsibility of Member States to promote ..." had been replaced by the sentence "Reaffirms that it is a purpose of the United Nations and the task of all Member States in co-operation with the Organization to promote ...".
3. Paragraph 5 had been completely reworded. In its new form, it affirmed that the promotion of human rights should be guided by the principles of non-selectivity, impartiality and objectivity and should not be used for political ends. The text of paragraph 6 had been amended to make it more general. For example, the reference to "an atmosphere of détente" had been deleted. In paragraph 7, only the beginning of the text of draft resolution A/C.3/45/L.82/Rev.1 had been retained, so that it read: "Underlines, in this context, the continuing need for impartial and objective information on the political, economic and social situations and events of all countries;". Paragraph 8 was also more general than that of the previous draft. In paragraph 9, the phrase requesting the Commission on Human Rights to report, through the Economic and Social Council, to the General Assembly at its forty-sixth session had been deleted.
4. Last minute consultations had resulted in two changes in the text of draft resolution A/C.3/45/L.82/Rev.2. It was proposed that in the seventh and twelfth preambular paragraphs, as well as in paragraph 8, the expression "including the

(Mr. Mora Godoy, Cuba)

Charter" should be replaced by the expression "in particular the Charter". In addition, in paragraph 1, the words "including respect for territorial integrity" should be added to the end of the text.

5. Lastly, he said that the delegation of New Zealand had just informed him that, in paragraph 6 of the English version, the words "as well as" should be inserted between the phrases "promotion of international co-operation" and "to an effective promotion, ...".

6. He hoped that draft resolution A/C.3/45/L.82/Rev.2, as orally revised, could be adopted by consensus and that it would mark the beginning of a new era of international co-operation in the promotion and protection of human rights, having regard to the importance of the principles of non-selectivity, impartiality and objectivity, which excluded any manipulation of human rights for political ends.

7. Mrs. WARZAZI (Morocco) congratulated the delegation of Cuba for having introduced a draft resolution which emphasized non-selectivity, impartiality and objectivity in the field of human rights. Ever since the Third Committee had had the case of Chile referred to it, the delegation of Morocco had always insisted that the question of the promotion of human rights should not be exploited for political ends because it felt that it would be extremely harmful in that regard if some countries were subjected to defamation campaigns while they were endeavouring to promote human rights in a difficult situation. The delegation of Morocco had, therefore, joined the consensus which had been reached on the draft resolution under consideration.

8. Draft resolution A/C.3/45/L.82/Rev.2 as orally revised was adopted without a vote.

9. The sponsors withdrew their amendments to draft resolution A/C.3/45/L.82, contained in document A/C.3/45/L.101.

10. Mr. WALDROP (United States) said that his delegation had joined in the adoption without a vote of draft resolution A/C.3/45/L.82/Rev.2 in the hope that the principles cited in the text and set forth both in the Universal Declaration of Human Rights and in other human rights instruments adopted by the United Nations would be implemented by all Member States. As provided in Articles 55 and 56 of the Charter, the Organization and all its Members were required to work together for "universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion". In his delegation's view, those obligations constituted the essential meaning of the draft resolution just adopted.

11. Mr. COITAFVI (Italy), speaking on behalf of the EEC member countries, said that the Twelve had joined the consensus on draft resolution A/C.3/45/L.82/Rev.2, and wished to point out that the draft resolution just adopted should not give the impression that the measures taken to promote or protect human rights and fundamental freedoms could constitute interference in the internal affairs of a

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(Mr. Cottafavi, Italy)

State. That viewpoint was confirmed by international law and by the very existence of the International Court of Justice. Lastly, the Twelve recalled once again in that context, the principles set forth in Articles 55 and 56 of the Charter.

12. Ms. COOMBS (New Zealand) said that the resolution just adopted reaffirmed important human rights principles that should be respected by Member States. Since those principles had already been set out in detail in the United Nations Charter, the Universal Declaration on Human Rights and in the two International Covenants on human rights, there was, therefore, no reason to draft a new resolution on them. The principle of the universality of human rights and the obligation contracted by Member States to co-operate to ensure universal and effective respect for those rights and fundamental freedoms were clearly set forth in Articles 55 and 56 of the Charter. Any new approach to those questions needed to be thoroughly studied, and, while her delegation appreciated the efforts made by the various delegations concerned to arrive at a text which could gain a consensus, she none the less regretted the haste with which the draft had had to be considered.

13. In any event, it did not appear that there was any point in the Commission on Human Rights continuing consideration of the question because its agenda was crowded and its work had to be focused on the non-selective, impartial and objective application of the existing standards.

14. Mr. DUHS (Sweden) said that the Nordic countries reserved the right to explain their position on the resolution in plenary session.

15. Mr. PEREIRA-BURGOS (Panama) said that his delegation had joined the consensus that had emerged on draft resolution A/C.3/45/L.82/Rev.2, the text of which, as a result of the amendments of Australia and the United Kingdom, was very different from the initial draft.

16. The previous day, a retired colonel of the Panamanian police force had led an uprising against the President of the Republic with a view to re-establishing the military Government which, for 21 years, had been destroying the political, economic and social fabric of the country. Twenty-four hours earlier, in Argentina, another group had tried to overthrow the régime of President Menem. In both cases, the attempted coup d'état had failed. However, if it had succeeded, Panama and Argentina would have found themselves back in the macabre situation which the Commission on Human Rights knew well. The two peoples would once again have been subjected to torture, silence and exile, and the dictatorship would have been protected by the sacrosanct principle of non-intervention. For that reason, his delegation pronounced itself resolutely in favour of respect for the principles set forth in the draft resolution that had just been adopted, so that no State, whatever its political régime, should have absolute power.

17. He wished to have included in the summary record of the current meeting the first two preambular paragraphs cited in paragraph 9 of the amendments submitted by the Australian and United Kingdom delegations to draft resolution A/C.3/45/L.82, which had been withdrawn by their sponsors and had been issued in document A/C.3/45/L.101. The two paragraphs read as follows:

(Mr. Pereira-Burgos, Panama)

"Bearing in mind also that mass and flagrant violations of human rights in one State may threaten the peace and development of neighbouring States, of a region or of the international community as a whole,

"Recognizing that violations of human rights, wherever they exist, are of concern to the United Nations,".

18. In Panama, the death penalty did not exist, and all persons who had participated in the attempted coup d'état would be judged in due form. Public opinion had never supported those members of the military who did not understand that they were responsible for the economic and social bankruptcy that the current constitutional Government had inherited. The positive element in the cases of Panama and Argentina, was the will of the people to reject members of the military who rushed into such adventures.

19. Mr. DU (China) said that, as the draft resolution had been distributed late, his delegation had not had time to receive the instructions of its Government on the subject. It hoped, therefore, that it would be authorized to give its decision on that text at a plenary meeting of the General Assembly before it was put to the vote.

20. The CHAIRMAN confirmed that the rules of procedure authorized delegations who so wished to explain their position in plenary session.

Rationalization of the work of the Third Committee (A/C.3/45/L.100)

21. The CHAIRMAN invited members of the Committee to consider the last important question before them under agenda item 12. He recalled that, at its 2nd meeting, on 21 October, the Committee had established an open-ended working group to consider means of rationalizing the programme of work of the Committee, including the proposals submitted to the Committee in document A/C.3/45/L.2. The report of that Working Group was issued as document A/C.3/45/L.100.

22. Mrs. SHERMAN-PETER (Bahamas), speaking as assistant to the Chairman on that item, read out the few changes of a technical nature that had been made in the report of the Working Group, following informal consultations.

23. In the first line of paragraph 1 of document A/C.3/45/L.100, after the words "24 September", the word "1990" should be added. At the foot of page 3 of the document, the following words should be added between parentheses after the text of footnote 4: "This arrangement will be reviewed at the conclusion of the work of the Third Committee at the forty-fifth session of the General Assembly". On page 9, between the words "World conference on human rights" and the words "Torture and inhuman treatment, etc.", the following should be added: "Developments relating to the Centre for Human Rights". At the foot of the same page, the last four lines should be deleted. On page 11, a colon should be added at the end of the fourth line from the end.

24. Miss KAMAL (Secretary of the Committee) added that, on page 15 of the report, under the head "Documentation", the sixth paragraph should be deleted.

25. Document A/C.3/45/L.100, as amended, was adopted without a vote.

Draft resolution A/C.3/45/L.103

26. The CHAIRMAN invited the members of the Committee to consider the draft resolution which he had proposed, entitled "Rationalization of the work of the Third Committee".

27. Draft resolution A/C.3/45/L.103 was adopted without a vote.

28. The CHAIRMAN announced that the Committee had concluded its consideration of agenda item 12.

29. Mr. KRENKEL (Austria) paid tribute to all the delegations which had contributed to the process of the rationalization of the work of the Committee, in particular, to the Working Group which had drawn up the report contained in document A/C.3/45/L.100, to Mrs. Sherman-Peter (Bahamas), who, by her competence had considerably facilitated the task, to Mrs. BENARI (Acting Secretary of the Committee) whose assistance and professional experience had been basically decisive, and to all the officers and the secretariat of the Committee.

30. The CHAIRMAN said that he was satisfied with the outcome of the work of the Committee, which, having finally managed to rationalize its programme, would, in the future, be more efficient. He thanked all those who had been unsparing with their efforts towards that goal and paid special tribute to the representatives of Austria and Australia for their work of co-ordination. He stressed also the irreplaceable role of all the officers and the secretariat of the Committee. The adoption of resolution A/C.3/45/L.103 would unquestionably constitute an important step.

31. Mr. RAVEN (United Kingdom), referring to draft resolutions A/C.3/45/L.62 and L.72, both of which dealt with the financing of human rights bodies, stressed the great importance which his country had always attached to that question. He regretted, in particular, that the Centre for Human Rights did not have all the resources it needed.

32. As Member States were, in his view, responsible to a large extent for the financial problems of the United Nations, he launched an appeal to those countries which were in arrears in paying their contributions to discharge their financial obligations as soon as possible.

33. The meeting was suspended at 5.35 p.m. and resumed at 6.40 p.m.

COMPLETION OF THE COMMITTEE'S WORK

34. An exchange of courtesies took place, in which Mrs. MULINDWA MATOW (Uganda), on behalf of the Group of African States, Mr. OMRAN (United Arab Emirates), on behalf of the Group of Asian States, Mr. OLIYNYK (Soviet Socialist Republic of Ukraine), on behalf of the Group of Eastern European States, Mr. CASAJUANA (Spain), on behalf of the Group of Western European and Other States, and Mr. SARDENBERG (Brazil), on behalf of the Group of Latin American and Caribbean States, took part.

35. The CHAIRMAN after thanking all those who had contributed to the success of the work of the Third Committee, said that the strength of the Committee lay in its personality and charisma, traits which would be valuable to it in the future. The end of the cold war and the advance of democracy, positive elements in themselves, tended to obscure the fact that the evolution of the social situation in the world was rather negative. Poverty was increasing, as well as unemployment, to the point where it had become possible to speak of a retreat of social democracy in the face of the advance of political democracy. The Third Committee would therefore be called upon to make a more thorough analysis of social questions. Moreover, the dissolution of the ideological blocs, which was a great relief for the countries concerned, might nevertheless create a vacuum; the danger therefore existed of seeing the emergence of a dehumanized world in which decisions would be taken in a purely technocratic way. It was for the Third Committee to study the values that united countries on the social level. Since the Third Committee was the higher forum of the international community in which all questions relating to human beings were dealt with, its members were therefore invested in that regard with a heavy responsibility.

36. In conclusion, he stressed the symbolic significance of the fact that the chairmanship of the Third Committee at the forty-fifth session of the General Assembly had been entrusted to a representative of Chile, a country whose situation with regard to human rights had long been the focus of the Third Committee's attention. In that continued attention, he saw an example of a very understandable selectivity which showed the justification for United Nations action in the field of human rights.

The meeting rose at 5.20 p.m.