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Chairman: Mr. Hachani (Tunisia)

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The meeting was called to order at 7.25 p.m.

Agenda item 110 (c): Human rights questions: human rights situations and reports of special rapporteurs and representatives (*continued*) (A/C.3/53/L.47)

Draft resolution contained in document A/C.3/53/L.47, on the situation of human rights in the Democratic Republic of the Congo

1. **Mr. Theuermann** (Austria), speaking on behalf of the European Union, said that after intensive consultations, a compromise text had been drafted which could be adopted by the Committee without a vote. He said that the delegations of Poland, Afghanistan and Liechtenstein joined in co-sponsoring the resolution.

2. There were a number of amendments to be made to the original text. In preambular paragraph 1, line 2, the words “as elaborated in” should be deleted and in preambular paragraph 3, the word “Recalling” should be replaced by “Noting”. In operative paragraph 2, the words “with appreciation” should be deleted; in operative paragraph 3, line 1, the word “deep” should be deleted; in lines 3 to 4 the words “by the Government of the Democratic Republic of the Congo and other parties involved in the conflict” should be replaced by “committed in the territory of the Democratic Republic of the Congo” and in lines 7 to 9, “as well as the incitement to hatred against specific ethnic groups and attacks against civilians because of their ethnic origin” should be deleted. A new operative paragraph 4 *bis* should be added as follows: “Supports all regional efforts aiming at a peaceful settlement of the conflict”; and in operative paragraph 5, the words “freely undertaken” should be deleted. Operative paragraph 6 should be deleted and replaced by “Stresses the need for the Government of the Democratic Republic of the Congo to assist and protect the civilian population, including refugees and internally displaced persons within the territory of the Democratic Republic of the Congo”. In operative paragraph 7, the words “Calls upon” should be replaced by “Encourages”; in line 2, the words “and other parties to the conflict” should be replaced by “to continue” and in line 3, “and calls upon other parties to allow access also” should be added to the end of the paragraph. Operative paragraph 8 should be replaced by “Stresses the need to lift restrictions on the work of non-governmental organizations and to ensure respect for the right to freedom of expression and opinion and for the right to freedom of association”. In operative paragraph 9, line 7, “in particular” should be deleted and the sub-points (i) through (v) should likewise be deleted. In operative paragraph 10, line 3, the words “calls for” should be replaced by “encourages” and in operative paragraph 12,

line 4, the words “and the Government of Rwanda” should be deleted. In operative paragraph 13, line 1, “Deplores the failure” should be replaced by “Regrets the lack of cooperation” and, in line 2, “to cooperate” should be deleted. In operative paragraph 14, line 2, the word “requests” should be replaced by “encourages”. In paragraph 16, lines 2 to 3, the words “and in any planning for an international peacekeeping or peace-building presence in the country” should be deleted and the entire paragraph 17 should likewise be deleted.

3. **Mr. Winnick** (United States of America), speaking in explanation of vote, said that while his delegation would support the draft resolution, it could no longer be a co-sponsor because the new text did not reflect the grave human rights situation in the country, as clearly described in the report of the Special Rapporteur, especially with regard to the incitement of hatred against ethnic groups and attacks on civilians of particular ethnic groups.

4. **Mr. Hynes** (Canada), speaking in explanation of vote, said that his delegation as well would support the draft resolution but could no longer be a co-sponsor since the proposed text did not present a full and adequate picture of the human rights situation in the Democratic Republic of the Congo. He also said that perhaps the time had come to review the process of informal consultations and discussions in order to give all delegations and co-sponsors an equal opportunity to express their views.

5. **Mr. Mwamba Kapanga** (Democratic Republic of the Congo), speaking in explanation of vote, expressed his indignation at the negative image of his country presented in the original draft resolution, which was based on unconfirmed allegations contained in the Special Rapporteur’s report. The aggression of which his country was a victim was in large part responsible for the human rights situation. Recalling paragraphs 1 and 7 of Article 2 of the Charter of the United Nations concerning the sovereignty of Member States, he said that the draft resolution in its original version attempted to impose a solution on his country.

6. He stressed that the Democratic Republic of the Congo, despite the many ethnic groups within its territory, had no record of racial or ethnic strife. Indeed, at the beginning of the current conflict, an interdepartmental commission for humanitarian questions was created and the International Committee of the Red Cross had free access to prisoners and other detainees. He wondered why his Government was specifically named in the report whereas other groups involved in the conflict were simply alluded to. His country was simply exercising its legitimate right to defend itself against aggression and in his opinion the authors of the draft

resolution were imposing a double standard — attacking his Government and painting the aggressors as the victims. His Government had endeavoured to protect vulnerable populations, for example, the Tutsis who were housed in several camps which the International Committee of the Red Cross had a right to visit. Such acts illustrated the Congolese people's attachment to the culture of peace and human rights.

7. The amended draft resolution was the result of concessions made by all parties concerned and therefore, as proof of his Government's desire to see real improvement in the human rights situation in the Democratic Republic of the Congo, his delegation was ready to accept the consensus text. He urged the Committee to adopt the amended resolution without a vote.

8. **The Chairman** said that he took it that the Committee wished to adopt draft resolution A/C.3/53/L.47, as orally amended, without a vote.

9. *It was so decided.*

Agenda item 110 (b): Human rights questions: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms *(continued)*

Draft resolution contained in document A/C.3/53/L.58 on the right to development

10. **The Chairman** informed the Committee that consultations were continuing on the draft resolution. Therefore, if there was no objection, the Committee would not deal with that item until its next meeting.

11. *It was so decided.*

Expression of farewell to Mrs. Alvarez (Dominican Republic)

12. **Mr. Najem** (Rapporteur) expressed the heartfelt thanks of the Third Committee to Mrs. Julia Alvarez, representative of the Dominican Republic, for her 20 years of devoted service to the Third Committee.

13. **Mrs. Alvarez** (Dominican Republic) said that she was very moved and that it had been an honour and a pleasure for her to have had the opportunity of working with the Third Committee.

The meeting rose at 7.55 p.m.