



Third Committee

Summary record of the 52nd meeting

Held at Headquarters, New York, on Thursday, 18 November 1999, at 3 p.m.

Chairman: Mr. Galuška (Czech Republic)

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The meeting was called to order at 3.25 p.m.

Agenda Item 111: Report of the United Nations High Commissioner for Refugees, questions relating to refugees, returnees and displaced persons and humanitarian questions (*continued*) (A/C.3/54/L.94, L.95 and L.99)

Draft resolution A/C.3/54/L.94: Assistance to unaccompanied refugee minors

1. **Ms. Ahmed** (Sudan), introducing the draft resolution on behalf of the original sponsors and Guinea, Mauritania and Turkey, said that the draft resolution drew attention to the extreme vulnerability of unaccompanied refugee minors, urging the international community to provide them with all necessary assistance to expedite their return to, and reunification with, their families or ensuring their rehabilitation.

2. The text underlined that unaccompanied refugee minors were most at risk of neglect, violence and all kinds of abuse and recognized the need for additional efforts by the Office of the High Commissioner for Refugees to address such problems. Taking note of the report of the Special Representative of the Secretary-General for Children and Armed Conflict (A/54/430, annex), the text expressed deep concern at the continued plight of unaccompanied minors, emphasizing the need for information on their number and whereabouts and for adequate resources for related programmes. It further urged the Office of the High Commissioner, international organizations and non-governmental organizations concerned to assist and protect unaccompanied refugee minors, mobilizing resources commensurate with their needs.

3. The sponsors hoped that, as in previous years, the draft resolution would be adopted without a vote.

Draft resolution A/C.3/54/L.95: Office of the United Nations High Commissioner for Refugees

4. **Mr. Wintorp** (Denmark), speaking on behalf of the Nordic countries, introduced the draft resolution on behalf of the original sponsors and of Antigua and Barbuda, Barbados, Belarus, Brazil, Burkina Faso, the Dominican Republic, Equatorial Guinea, Guyana, India, Jamaica, Latvia, Malawi, Mozambique, Namibia, Paraguay, Peru, Rwanda, St. Kitts and Nevis, St. Lucia, Suriname and Venezuela. The sponsors wished to revise the text to align it with the corresponding General Assembly resolution of the previous session (resolution 53/125); accordingly, the

words “refugees, returnees and displaced” should be inserted between the words “of” and “persons” in paragraph 23.

5. The draft resolution was based on resolution 53/125, the report of the High Commissioner (A/54/12) and the report of the Executive Committee of the High Commissioner’s Programme (A/54/12/Add.1). New elements included the references in paragraphs 4, 5 and 20 respectively to the fiftieth anniversary of the Geneva Conventions of 1949, the thirtieth anniversary of the Organization of African Unity Convention governing the specific aspects of refugee problems in Africa, and the role of elderly refugees.

6. **Mr. Prasad** (India) said that, in view of the change which had been announced to the draft resolution, his delegation no longer wished to be considered a sponsor.

Draft resolution A/C.3/54/L.99: Assistance to refugees, returnees and displaced persons in Africa

7. **Ms. Samah** (Algeria) introduced the draft resolution on behalf of the original sponsors and of Croatia, the United Arab Emirates and Yemen. She said it was based on the corresponding General Assembly resolution of the previous session (resolution 53/126), with changes to take account of the Organization of African Unity Ministerial Conference of December 1998 and other meetings, and of international developments.

Agenda item 116: Human rights questions (*continued*)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*) (A/C.3/54/L.67, L.70, L.72-L.75, L.77 and L.78)

Draft resolution A/C.3/54/L.85: The right to development

8. **Mr. Montwedi** (Republic of South Africa) introduced the draft resolution on behalf of the sponsors and remarked that the States members of the Movement of Non-Aligned Countries were greatly concerned at the lack of progress in implementing the right to development, the more so as the Declaration on that right (General Assembly resolution 41/128, annex) had been adopted 13 years previously.

Draft resolution A/C.3/54/L.70: Human rights and terrorism

9. **The Chairman** invited the Committee to take action on draft resolution A/C.3/54/L.70, which had no

programme budget implications. He reminded the Committee that, when the draft resolution had been introduced, the representative of Turkey had orally revised it by deleting paragraph 7, and that Cuba, Malaysia and the Philippines had been announced as sponsors.

10. **Mr. Bilman** (Turkey), speaking on behalf of the sponsors, joined by Kazakhstan, recalled that the draft resolution was based on resolutions on the same topic adopted at previous sessions and said that the utmost care had been taken when adding new elements to use language that had already been adopted by the United Nations bodies concerned. The sponsors were happy to see that the basic human rights of victims of terrorism were receiving wider recognition worldwide. They believed that non-State actors did violate human rights by their terrorist acts, and that such acts must be condemned.

11. **The Chairman** announced that, at the request of the United States of America, a recorded vote would be taken.

12. **Ms. Eckey** (Norway) speaking in explanation of vote before the voting, said that her country firmly condemned terrorism and was committed to fighting it. Norway could not, however, support the draft resolution, because it believed that terrorism was a subject for the Sixth Committee. In Norway's view, terrorist organizations as such could not commit human rights violations: only Governments had human rights obligations.

13. **Ms. Liira** (Finland) spoke in explanation of vote before the voting on behalf of the European Union, the associated countries Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Romania, and Slovakia, and in addition, Iceland. She unequivocally condemned terrorism as an unjustifiable criminal act, and she reaffirmed the European Union's determination to fight terrorism as well as its sympathy for the victims. She stressed, however, the importance of the sixteenth preambular paragraph and paragraph 4, and reiterated that efforts to fight terrorism must themselves fully respect all international human rights standards.

14. Despite its commitment to combat terrorism, the European Union could not support draft resolution A/C.3/54/L.70, out of concern that it did not distinguish between human rights violations, which were acts of States, and acts of terrorism. She stressed that the Sixth Committee was the appropriate forum for efforts by the international community to combat terrorism, and noted the Sixth Committee's recent efforts to develop draft conventions on the suppression of acts of nuclear terrorism and the suppression of the financing of terrorism. She

regretted that the European Union would therefore abstain during the vote on draft resolution A/C.3/54/L.70.

15. *A recorded vote was taken.*

In favour:

Algeria, Angola, Antigua and Barbuda, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Bhutan, Botswana, Brazil, Brunei Darussalam, Cambodia, Cameroon, Cape Verde, China, Colombia, Costa Rica, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Georgia, Ghana, Grenada, Guatemala, Guyana, Haiti, India, Indonesia, Iran (Islamic Republic of), Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Lao People's Democratic Republic, Libyan Arab Jamahiriya, Madagascar, Malaysia, Maldives, Mali, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Republic of Moldova, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Senegal, Sierra Leone, Singapore, Sri Lanka, Sudan, Suriname, Swaziland, Tajikistan, Thailand, The former Yugoslav Republic of Macedonia, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Uganda, Ukraine, United Arab Emirates, United Republic of Tanzania, Uruguay, Viet Nam, Zambia, Zimbabwe.

Against:

None.

Abstaining:

Andorra, Argentina, Armenia, Australia, Austria, Belgium, Benin, Bulgaria, Burkina Faso, Canada, Chile, Congo, Croatia, Cyprus, Czech Republic, Denmark, Dominica, Estonia, Ethiopia, Finland, France, Gambia, Germany, Greece, Guinea, Guinea-Bissau, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Lebanon, Liechtenstein, Lithuania, Luxembourg, Malawi, Malta, Marshall Islands, Mexico, Micronesia (Federated States of), Monaco, Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Korea, Romania, Samoa, San Marino, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sweden, Syrian Arab Republic, Togo, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela.

16. *Draft resolution A/C.3/54/L.70 was adopted by 93 votes to none, with 63 abstentions.*

17. **Mr. Najem** (Lebanon) said that his delegation had abstained because there was still no definition of terrorism acceptable to all States. He stressed that a distinction needed to be made between terrorism and a people's legitimate right to fight foreign occupation. The latter was a right recognized by international instruments such as General Assembly resolution 46/51 and the Charter of the United Nations. His delegation condemned terrorism in all of its forms and pointed out that his country was itself a victim of terrorism as a result of the Israeli occupation and Israeli attacks in the south of Lebanon.

18. **Mr. Bocalandro** (Argentina) condemned all forms of terrorism and stressed that the fight against terrorism was an internal, criminal matter. Human rights violations were the result of acts by States and their agents. While supporting efforts to fight the scourge of terrorism, his delegation had been obliged to abstain because the draft resolution, in equating terrorist acts with human rights violations, conferred upon terrorism undue legitimacy.

19. **Mr. Sulaiman** (Syrian Arab Republic) reiterated his delegation's condemnation of all forms of terrorism, which were criminal acts that violated the territorial integrity and sovereignty of States. His delegation had nevertheless abstained during the voting. He regretted that the draft resolution made no reference to General Assembly resolution 46/51 which had been adopted by consensus, or relevant resolutions of the Commission on Human Rights. He stressed the need to develop a definition of international terrorism which was acceptable to all States. He reiterated that the Charter of the United Nations, the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations and other international instruments guaranteed the legitimate right of peoples to struggle against foreign occupation. He stressed that there must be a distinction made between terrorism and that just struggle, without which any discussion of terrorism was pointless.

20. **Mr. Gallagher** (United States) regretted that his delegation had been obliged to abstain. He stressed his Government's commitment to the fight against terrorism and to international cooperation in that area. Regrettably, however, the draft resolution, in describing terrorist acts as violations of human rights, gave terrorism undue legitimacy. Terrorists were not States, they were criminals who had to be held responsible for their actions. He further suggested that discussions of terrorism were better suited to other forums, such as the Sixth Committee.

21. **Mr. Tapia** (Chile) said that his delegation had been obliged to abstain. He stressed that only States or their agents could be held responsible for violations of human rights whereas terrorist acts were crimes to be punished by internal criminal codes. Any attempt to assimilate terrorist acts to human rights violations could weaken the application of domestic criminal law.

22. **Ms. Monroy** (Mexico) strongly condemned terrorism in all its forms. Terrorism could damage the stability of States and she recognized that terrorist acts could give rise to situations where it was difficult to protect human rights. Nevertheless her delegation was concerned at the apparent link in the draft resolution between terrorist acts and human rights violations. She stressed that terrorist acts were simply criminal acts. That distinction should be made clear in the international community's efforts to combat terrorism. Her delegation had therefore been obliged to abstain.

23. **Mr. Wenaweser** (Liechtenstein) stressed the need to fight terrorism and supported the efforts of the Sixth Committee in that area. The draft resolution was not a satisfactory reflection of the complex nature of the question. It did not distinguish between States or their agents and other actors. In addition, he would have preferred that the fourteenth preambular paragraph should be deleted since it implicitly referred to international norms dealing with refugees. Failing deletion, there should at least be a reference to the principle of non-refoulement. His delegation had therefore abstained.

Draft resolution A/C.3/54/L.67: Protection of migrants

24. **The Chairman** informed the Committee that the draft resolution had no programme budget implications and noted that Algeria wished to be added to the list of sponsors.

25. **Mr. Albin** (Mexico) noted with regret that one delegation had expressed concerns about the tenth preambular paragraph. He stressed that the paragraph simply referred to an advisory opinion of an important human rights body in his region, and was relevant to the subject of the draft resolution. He hoped that the draft resolution would be acceptable to all delegations and that it would be adopted without a vote.

26. **The Chairman** informed the Committee that a separate recorded vote had been requested on the tenth preambular paragraph of the draft resolution.

27. *A recorded vote was taken.*

In favour:

Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Bahamas, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bolivia, Bosnia and Herzegovina, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Cambodia, Cameroon, Canada, Cape Verde, Chad, Chile, Colombia, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Finland, France, Gambia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Hungary, Iceland, Ireland, Italy, Japan, Jordan, Lao People's Democratic Republic, Latvia, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Maldives, Mali, Malta, Mauritius, Mexico, Monaco, Morocco, Mozambique, Namibia, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Senegal, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Thailand, The former Yugoslav Republic of Macedonia, Togo, Tunisia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

United States of America.

Abstaining:

Azerbaijan, Bhutan, China, Estonia, Georgia, India, Indonesia, Jamaica, Kenya, Madagascar, Malaysia, Marshall Islands, Micronesia (Federated States of), Myanmar, Nepal, Pakistan, Sierra Leone, Singapore, Trinidad and Tobago.

28. *The tenth preambular paragraph of draft resolution A/C.3/54/L.67 was adopted by 121 votes to 1, with 19 abstentions.*

29. **The Chairman** said he took it that the Committee wished to adopt the draft resolution, as a whole, without a vote.

30. *Draft resolution A/C.3/54/L.67, as a whole, was adopted.*

31. **Mr. McCamman** (United States) said he regretted that it had been necessary to request a vote on the tenth

preambular paragraph and that his delegation had been obliged to vote against it. He strongly supported the Committee's efforts to improve the conditions of migrant workers and the fundamental goals of the draft resolution. Unfortunately the main sponsor had included a reference to a recent decision of the Inter-American Court of Human Rights in an advisory proceeding initiated by the main sponsor. That proceeding concerned the death penalty and the Vienna Convention on Consular Relations. He noted that the States party to the Vienna Convention had not charged the Inter-American Court of Human Rights, which was not a United Nations body, with the interpretation of the Convention. The proceeding before the Inter-American Court had unquestionably been directed against the United States. Nevertheless the Court had issued its decision in Spanish only and the United States had not even had a fair opportunity to read and evaluate the decision. He could not, therefore, agree to take note of that decision as stated in the tenth preambular paragraph.

32. **Ms. Chan** (Singapore) expressed her delegation's concern with the first part of paragraph 3, which called upon States to review and revise immigration policies with a view to eliminating all discriminatory practices against migrants. She noted that migrants in Singapore enjoyed the same protection under the law as citizens, and in some cases enjoyed more protection than citizens.

33. Singapore had a large, heterogenous population relative to its very small land area. An uncontrolled influx of immigrants, whether permanent or temporary, would lead to extensive social and economic disruption. She therefore believed that immigration policy should be a domestic issue within the sovereign jurisdiction of each State, which would develop its policy based on its own particular circumstances. In the interests of harmony her delegation had nevertheless joined in the consensus on the draft resolution but reserved the right to take up the issue in the future.

Draft resolution A/C.3/54/L.72: Situation of human rights in Cambodia

34. **The Chairman** said that the draft resolution contained no programme budget implications.

35. **Ms. Newell** (Secretary) read out the oral corrections made to the draft resolution by the representative of Japan on behalf of the sponsors at the time of its introduction. She also read a statement submitted by the Controller informing the Committee that, with reference to paragraph 1 of the draft resolution, resources for the operation of the Office of the High Commissioner in Cambodia and the

coordination of the geographic desks had been included in the relevant section of the proposed programme budget for 2000-2001. The same applied, *mutatis mutandis*, to draft resolution A/C.3/54/L.78 (which would be considered later in the meeting) in respect of paragraph 5, concerning emergency preparedness and response mechanisms.

36. In that context, the Controller also drew attention to General Assembly resolution 45/248, part B VI.

37. **Mr. Umeda** (Japan) said that Canada and Malta had joined the sponsors.

38. **Mr. Nay Meng Eang** (Cambodia) said that certain paragraphs of the draft were based on issues raised in the reports of the Special Representative for human rights in Cambodia. Some of those issues were based on rumour and on exaggerated allegations from the political opposition. Cambodia was governed by the rule of law and all crimes were investigated by the competent authorities. The terms “extrajudicial” and “illegal” in paragraph 8 were thus inappropriate. His Government was fully committed to bringing the Khmer Rouge to account; two of its leaders were currently in custody pending trial. “Discrimination against women” (para. 14) and “racial discrimination” (para. 20) were virtually non-existent in Cambodia.

39. *Draft resolution A/C.3/54/L.72 was adopted.*

Draft resolution A/C.3/54/L.73: Strengthening United Nations action in the field of human rights through the promotion of international cooperation and the importance of non-selectivity, impartiality and objectivity

40. **The Chairman** said the draft resolution contained no programme budget implications, and that Madagascar, Nigeria and Suriname wished to join the sponsors.

41. *Draft resolution A/C.3/54/L.73 was adopted.*

Draft resolution A/C.3/54/L.74: Respect for the principles of national sovereignty and non-interference in the internal affairs of States in their electoral processes

42. **The Chairman** said the draft resolution contained no programme budget implications, and that Madagascar, Nigeria and Suriname wished to join the sponsors.

43. **Mr. Musa** (Nigeria) withdrew his delegation’s sponsorship of the draft resolution.

44. **Ms. Hämäläinen** (Finland) spoke in explanation of vote before the voting, on behalf of the European Union, the associated countries Bulgaria, Cyprus, the Czech

Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Romania, Slovakia and Slovenia and, in addition, Iceland and Liechtenstein. The draft resolution inappropriately discredited the efforts made by many States to enhance the effectiveness of the principle of periodic and genuine elections. In past years, many States had requested electoral assistance, *inter alia*, from the United Nations and such assistance was clearly provided only at their request. Selective use should not be made of the Charter to justify limitations to the right to vote at periodic and genuine elections. Two years previously, a number of delegations had voted against a similar initiative. The European Union wished to encourage other delegations to vote likewise.

45. *At the request of the United States, a recorded vote was taken.*

In favour:

Algeria, Angola, Antigua and Barbuda, Bahamas, Bahrain, Bangladesh, Barbados, Belize, Bhutan, Bolivia, Brunei Darussalam, Burkina Faso, Cambodia, Cameroon, Cape Verde, China, Colombia, Congo, Côte d’Ivoire, Cuba, Democratic People’s Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominica, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Gambia, Guinea, Guinea-Bissau, Guyana, India, Indonesia, Iran (Islamic Republic of), Jamaica, Jordan, Kuwait, Lao People’s Democratic Republic, Lebanon, Libyan Arab Jamahiriya, Madagascar, Malaysia, Maldives, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Oman, Pakistan, Papua New Guinea, Peru, Philippines, Qatar, Saint Kitts and Nevis, Saint Lucia, Saudi Arabia, Singapore, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Trinidad and Tobago, Tunisia, United Arab Emirates, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Andorra, Argentina, Armenia, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Chile, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Federated States of Micronesia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Kazakhstan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Monaco, Netherlands, New Zealand, Nigeria, Norway, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Samoa, San Marino, Slovakia,

Slovenia, South Africa, Spain, Sweden, The former Yugoslav Republic of Macedonia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining:

Belarus, Brazil, Costa Rica, Ghana, Guatemala, Kenya, Malawi, Mali, Nicaragua, Panama, Paraguay, Senegal, Sierra Leone, Solomon Islands.

46. *Draft resolution A/C.3/54/L.74 was adopted by 78 votes to 57, with 14 abstentions.*

47. **Ms. De Armas García** (Cuba) expressed her regret that consensus had not been achieved even though the text had been adapted to reflect the current situation and to express recognition of the fact that electoral assistance was provided at the request of Member States.

Draft resolution A/C.3/54/L.75: Respect for the right to universal freedom of travel and the vital importance of family reunification

48. **The Chairman** said that the draft resolution contained no programme budget implications, and that Madagascar had become a sponsor.

49. *A recorded vote was taken on draft resolution A/C.3/54/L.75.*

In favour:

Algeria, Angola, Antigua and Barbuda, Argentina, Armenia, Bangladesh, Barbados, Belize, Benin, Bhutan, Bolivia, Brazil, Brunei Darussalam, Burkina Faso, Cambodia, Cameroon, Cape Verde, Chile, China, Colombia, Congo, Costa Rica, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Gambia, Ghana, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, India, Indonesia, Iran (Islamic Republic of), Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Libyan Arab Jamahiriya, Madagascar, Mali, Mauritius, Mexico, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Senegal, Sierra Leone, Sudan, Suriname, Swaziland, Syrian Arab Republic, Trinidad and Tobago, Tunisia, Turkey, United Arab Emirates, Uruguay, Venezuela, Viet Nam, Yemen, Zimbabwe.

Against:

United States of America.

Abstaining:

Andorra, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Belarus, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Federated States of Micronesia, Finland, France, Georgia, Germany, Greece, Grenada, Hungary, Iceland, Ireland, Israel, Italy, Japan, Kazakhstan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malawi, Malaysia, Maldives, Malta, Marshall Islands, Monaco, Mongolia, Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Samoa, San Marino, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sweden, Thailand, The former Yugoslav Republic of Macedonia, Togo, Ukraine, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uzbekistan, Zambia.

50. *Draft resolution A/C.3/54/L.75 was adopted by 88 votes to 1, with 68 abstentions.*

51. **Mr. Tapia** (Chile), speaking in explanation of vote, said that his delegation had supported the draft resolution in view of the importance of promoting the human rights of migrants. Reference should, however, have been made in the text to the principle that all persons had the right to leave their country and to return. As it stood, the draft resolution was overly selective.

52. **Mr. Albin** (Mexico), speaking in explanation of vote, said that his delegation had also voted in favour of the draft, since freedom of movement was an established right which applied to all persons, whether or not they were migrants.

53. **Ms. De Armas García** (Cuba) said that nowadays all barriers restricting people's freedom of movement should be removed.

Draft resolution A/C.3/54/L.77: National institutions for the promotion and protection of human rights

54. **The Chairman** said the draft resolution contained no programme budget implications and noted that Cameroon, Croatia, Cyprus, El Salvador, Ghana, Greece, Guatemala, Ireland, Jordan, Nigeria, the Philippines, the Republic of Moldova, the Sudan, The former Yugoslav Republic of Macedonia, Togo and also Tunisia wished to sponsor the draft resolution.

55. *Draft resolution A/C.3/54/L.77 was adopted.*

Draft resolution A/C.3/54/L.78: Human rights and mass exoduses

56. **The Chairman** said the draft resolution contained no programme budget implications.

57. **Ms. Chatsis** (Canada), introducing a revision on behalf of the sponsors, said that, with a view to clarifying the scope of paragraph 14, the words “consistent with international law” should be inserted after the words “internally displaced persons”. She noted that France, Panama, the Philippines, the Republic of Korea, the Russian Federation, the United Kingdom and the United States had joined in sponsoring the draft resolution.

58. *Draft resolution A/C.3/54/L.78, as orally revised, was adopted.*

59. **Mr. Bhattacharjee** (India) said that his delegation had joined the consensus on the draft resolution, but considered that paragraph 5 should have been updated to reflect the fact that the United Nations Development Programme (UNDP) had been engaged in disaster prevention for the past two years. Moreover, although humanitarian assistance and human rights were mutually reinforcing, they should be kept separate.

(c) Human rights situations and reports of special rapporteurs and representatives (*continued*)
(A/C.3/54/L.59, L.81, L.82, L.86, L.87/Rev.1 and L.96-L.98)

Draft resolution A/C.3/54/L.86: Situation of human rights in Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro)

60. **Mr. Carle** (United States of America) introduced the draft resolution on behalf of the original sponsors and of Australia, Bosnia and Herzegovina, Japan, Pakistan and Poland. The sponsors wished to make a number of changes to the published text: in paragraph 13, the words “the rights of” should be inserted between the words “of” and “persons”; in paragraph 40, the words “and of the Government of the Republic of Serbia” should be inserted between the words “Montenegro” and “or”; and in paragraph 41, the words “and of the Government of the Republic of Serbia” should be inserted between the words “Montenegro” and “indicted”.

61. The draft resolution was relevant to the United Nations community and to the three countries mentioned in its title because building peace was always a most arduous task. The draft resolution represented an

opportunity to help guide international efforts at building healthy, multi-ethnic democracies in the three countries and to maintain the United Nations community’s involvement with them; it would also concentrate the countries’ Governments on areas where their unfortunate recent histories continued to distort their societies.

62. Considering all three countries together was reasonable, as they were all signatories to the Dayton Peace Agreement and had all been parts of the former Yugoslavia. However, they had sharply varied records. Progress had been made in Bosnia and Herzegovina and the Republic of Croatia regarding their human rights situations. Tragically, the Federal Republic of Yugoslavia (Serbia and Montenegro) continued to ignore its obligations flowing from the Peace Agreement and to abuse its own people’s rights. Worse still, the regime of President Milošević had turned a crisis of its own making into a tragedy of historic proportions. To cite only a few examples from a long list of outrages, during the past year the Milošević regime had engaged in Kosovo in a policy of mass deportation, arson and shelling and systematic seizures of documents whereby it had cynically turned citizens into non-citizens. It was for that reason that President Milošević and other officials of the Federal Republic of Yugoslavia (Serbia and Montenegro) had recently been indicted by the International Criminal Tribunal for the Former Yugoslavia, and the draft resolution rightly called for them and all other indictees to be brought to justice: if that did not happen, improvement of human rights in the region would be impossible.

63. An amendment dealing with sensitive points that the Third Committee did not normally have in its mandate had been proposed to the draft resolution in the belief that citing a clause from the corresponding resolution of the previous session would improve the text. That was a serious error. Much had happened in the past year, most of it bad, and the situation in Yugoslavia was no longer what it had been in November 1998. To include the amendment would be to infringe the prerogatives of the Security Council. The Security Council had, in its sensitive and carefully agreed resolution 1244 (1999), made clear that in the long term Kosovo’s status would be a matter to be decided under United Nations auspices. To include the proposed amendment would, by suggesting a contrary process, subtly pervert the guidelines and agreement embodied in the Security Council resolution and endanger the United Nations effort to build a successful multi-ethnic society in Kosovo. It would also comfort the Milošević regime by implying that the international community was

backing away from its commitments in that resolution. The Committee must not inadvertently grant to that regime what the Security Council had taken such care to guard against. It must therefore reject the amendment.

Draft resolution A/C.3/54/L.87/Rev.1: Situation of human rights in Rwanda

64. **Mr. Norfolk** (Canada) introduced the draft resolution on behalf of his own country and of Australia, Japan, New Zealand and the United States, which had joined as sponsors. The text recognized that the Rwandan authorities were endeavouring, in a very difficult environment, to improve the human rights situation in the country and urged not only them, but also the international community to continue in that vein. Following negotiation and agreement with Rwanda, the sponsors wished to make a number of changes to the published text of the draft resolution.

65. Paragraph 8 should be revised to read:

“Notes improvements in the human rights situation in Rwanda since the last session of the General Assembly, expresses concern at those violations of human rights that are reported, and urges the Government of Rwanda to continue to investigate and prosecute such violations;”.

66. Paragraphs 15 and 17 should be deleted; in paragraph 18, the phrase “to address weakness in legislation” should be deleted; paragraph 19 should be revised to read:

“Encourages the Government of Rwanda, other international organizations and non-governmental organizations to provide, within a mutually agreed framework of cooperation, support for the reconstruction of a human rights infrastructure;”;

and paragraph 25 should be deleted.

Amendment in document A/C.3/54/L.96 to draft resolution A/C.3/54/L.86: Situation of human rights in Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro)

Amendments in document A/C.3/54/L.97 to draft resolution A/C.3/54/L.82: The situation of human rights in Kosovo

67. **Mr. Zmievski** (Russian Federation) said that he wished to introduce the amendments in documents A/C.3/54/L.96 and L.97 together.

68. His delegation was proposing amendments to draft resolution A/C.3/54/L.82 because, regrettably, the operative part of the draft resolution was not free from reproach. He understood that the authors of that text were looking to the future. It should not be forgotten, however, that history contained many examples of the tragic consequences of arbitrarily altering universally recognized boundaries and calling in question the principle of the territorial integrity of States, the principle on which, for example, the pan-European Helsinki Process was based. The amendments that his delegation was proposing sought to preserve that principle and virtually reproduced provisions of Security Council resolution 1244 (1999). The principle of territorial integrity was fundamental to the resolution of the Kosovo situation; ignoring it would jeopardize the possibility of a solution, as well as peace and security in the region as a whole, and might, therefore, do irreparable harm to human rights in Kosovo and in the Federal Republic of Yugoslavia as a whole.

69. Similar considerations had motivated his delegation’s proposed amendment to draft resolution A/C.3/54/L.96, which reproduced in full the fourth preambular paragraph of General Assembly resolution 53/163 on the former Yugoslavia.

70. He expressed surprise that the delegation of the United States had apparently gone against the Committee’s established practice by commenting on one of his country’s amendments before it had been introduced.

Amendments in document A/C.3/54/L.98 to draft resolution A/C.3/54/L.81: Situation of human rights in the Sudan

71. **Mr. Gallagher** (United States of America) withdrew the proposed amendments submitted by his delegation in document A/C.3/54/L.98.

72. **The Chairman** invited the Committee to take action on draft resolution A/C.3/54/L.59, which contained no programme budget implications, and noted that Liechtenstein and Malta had joined the sponsors.

73. **Mr. Naber** (Jordan), making a general statement on the draft resolution before the vote, said that in order to achieve international consensus on human rights, the comprehensive nature of those rights must be affirmed, ensuring that they were enjoyed by all persons, regardless of their gender, origin, religion, political affiliation or any other distinguishing characteristics.

74. The world had achieved great progress in the previous half century in strengthening, promoting and

ensuring the widespread protection of human rights through the adoption of international human rights instruments and the exertion of the necessary political will for their implementation. Human rights issues in all States represented the legitimate interests of the international community.

75. International monitoring of human rights standards touched upon a sensitive issue relating to the principle of sovereignty of States. That principle could not, however, be used to legitimize coercive treatment of human beings, including behaviour that demonstrated contempt for the dignity of individuals or denied them their rights as guaranteed under international law.

76. If human rights standards constituted the basis of justice in the world, the process of monitoring their application should be objective and accurate. Accountability should be based on agreed standards and norms, promoted and developed by all individuals, groups and States through a process of constructive and ongoing dialogue.

77. Until accurate standards had been developed, his delegation would continue to abstain on human rights resolutions on which there was no consensus, with the exception of resolutions relating to ethnic violations and ethnic conflicts, together with crimes of genocide, which constituted peremptory norms as defined in article 53 of the Vienna Convention on the Law of Treaties of 1969 as norms from which no derogation was permitted.

78. **Mr. Nour** (Egypt), speaking in explanation of vote before the voting, said that while the Government of Egypt reiterated its commitment to respect human rights and fundamental freedoms throughout the world, it believed that human rights should not be used as a tool to apply pressure on particular States or to interfere in their internal affairs. Double standards in dealing with human rights issues should be eschewed. Account should be taken of the need to respect diverse cultures, customs and tradition.

79. With regard to paragraph 16 of the draft resolution, his delegation wished to reaffirm that, while national guarantees and agreed international guarantees were needed in respect of the application of the penalty of capital punishment, there was no international consensus on the penalty itself. Capital punishment was sanctioned under Islamic Shariah law and other legal codes. Article 6 of the International Covenant on Civil and Political Rights also recognized the use of capital punishment.

80. Every State had a sovereign right to enact national legislation that reflected the cultural values and

imperatives of the society concerned, ensuring the security and safety of individuals in accordance with internationally agreed principles relating to respect for human rights and fundamental freedoms.

81. In view of the positive development which had occurred in the Islamic Republic of Iran with respect to human rights, and which had been recognized in some parts of the draft resolution, his delegation had decided to abstain in the voting.

82. **Mr. Garcia** (El Salvador), speaking in explanation of vote before the vote, said that El Salvador recognized the important reform process launched by the Government of the Islamic Republic of Iran to build a modern, democratic society. In that context, El Salvador was committed to the respect and protection of the fundamental rights of the Iranian people in accordance with the principles enshrined in the Universal Declaration of Human Rights.

83. The reform process should be further strengthened to promote profound changes in order to foster harmony among the various political and religious groups.

84. El Salvador would vote in favour of the draft resolution in the hope that the Iranian Government would redouble its reform efforts to promote human rights and the fundamental freedoms of the entire population as soon as possible.

85. **Mr. Sergiwa** (Libyan Arab Jamahiriya), speaking in explanation of vote before the voting, said that the allegations contained in the draft resolution were general, vague and obsolete. They ignored the responsibilities of the State concerned, its right to defend its official religion and to enact legislation that was in keeping with the cultural and religious characteristics of its society.

86. Paragraph 14 of the draft resolution referred to detained members of the Iranian Jewish community, ignoring the response given by the Government of the Islamic Republic of Iran to the Special Rapporteur on the elimination of all forms of religious intolerance that the persons concerned had been accused of espionage on behalf of foreign States.

87. The draft resolution further ignored a letter referred to in paragraph 64 of the report of the Special Rapporteur on the elimination of all forms of religious intolerance (A/54/386, p. 10). That letter, which emanated from the Jewish community in the Islamic Republic of Iran, stated that the community was well treated and enjoyed their full constitutional rights, and that the accusations levelled

against the members of the Jewish community had nothing to do with their religious affiliation.

88. Paragraph 10 of the draft resolution stated that the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran had not visited that country since 1996, thereby casting doubt on the accuracy of the information contained in his report. Such information had been obtained from foreign rather than official sources.

89. Paragraph 7 contained an inherent contradiction, referring to the gradual increase in the presence of women in public life, while at the same time expressing concern at continued discrimination against women in law and in practice.

90. In view of the political motives behind the draft resolution, the lack of objectivity in dealing with human rights situations and the failure of the text to reflect diverse historical, cultural and religious characteristics, his delegation had decided to vote against the draft resolution.

91. **Mr. Al-Ethary** (Yemen) said that his delegation would abstain in the voting on the draft resolutions which did not command a consensus. Yemen would further explain its reasons in the plenary Assembly.

92. *A recorded vote was taken on draft resolution A/C.3/54/L.59.*

In favour:

Andorra, Australia, Austria, Bahamas, Barbados, Belgium, Belize, Brazil, Bulgaria, Canada, Chile, Costa Rica, Croatia, Czech Republic, Denmark, Dominica, Ecuador, El Salvador, Estonia, Finland, France, Germany, Greece, Grenada, Guatemala, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Mauritius, Micronesia (Federated States of), Monaco, Mongolia, Netherlands, New Zealand, Nigeria, Norway, Paraguay, Poland, Portugal, Romania, St. Kitts and Nevis, Samoa, San Marino, Slovakia, Slovenia, Solomon Islands, Spain, Sweden, Trinidad and Tobago, United Kingdom of Great Britain and Northern Ireland, United States of America.

Against:

Afghanistan, Armenia, Azerbaijan, Bahrain, Bangladesh, Belarus, Bhutan, Brunei Darussalam, China, Colombia, Cuba, Democratic People's Republic of Korea, Democratic Republic of Congo, Djibouti, Gambia, India, Indonesia, Iran (Islamic Republic of), Kuwait, Lebanon, Libyan Arab Jamahiriya, Malaysia, Maldives, Morocco, Myanmar,

Nepal, Pakistan, Philippines, Qatar, Saudi Arabia, Senegal, Sri Lanka, Sudan, Syrian Arab Republic, Tajikistan, Tunisia, Turkmenistan, United Republic of Tanzania, Venezuela, Viet Nam, Zimbabwe.

Abstaining:

Algeria, Angola, Antigua and Barbuda, Argentina, Benin, Bolivia, Botswana, Burkina Faso, Cambodia, Cameroon, Cape Verde, Congo, Cote d'Ivoire, Cyprus, Egypt, Eritrea, Ethiopia, Georgia, Ghana, Guinea, Guinea-Bissau, Guyana, Haiti, Jamaica, Jordan, Kenya, Lao People's Democratic Republic, Madagascar, Malawi, Mexico, Mozambique, Namibia, Nicaragua, Oman, Panama, Peru, Republic of Korea, Republic of Moldova, Russian Federation, Saint Lucia, Sierra Leone, Singapore, South Africa, Suriname, Swaziland, Thailand, The former Yugoslav Republic of Macedonia, Togo, Uganda, Ukraine, United Arab Emirates, Uruguay, Zambia.

93. *Draft resolution A/C.3/54/L.59 was adopted by 60 votes to 41, with 53 abstentions.*

94. **Mr. Fadaifard** (Islamic Republic of Iran) expressed deep regret that his delegation had been denied the possibility of making a statement before the vote was taken.

95. He drew attention to the fact that the attitude behind the submission of the draft resolution each session had not changed since the early 1980s, when the corresponding resolution had been adopted in what was now called the Subcommission on the Promotion and Protection of Human Rights and in the Commission on Human Rights. At that time it might have been said that the political intention behind such a resolution had been to isolate the Government of Iran at the international level and to prepare the ground for its eventual change. Circumstances had evolved inside the country and with respect to its interaction at the international level.

96. The current political dynamism in Iran was the product of a genuine and deep-rooted process of social and political development, and not a by-product of outside pressure. That process would continue and be strengthened independently of the passage of the draft resolution.

97. The traditional sponsors of the draft resolution sought to perpetuate a confrontational approach which was not conducive to genuine cooperation and which did not reflect an open and honest exchange of views. While his Government had expressed its readiness to achieve a plan of action based on results and with clear timetables, the sponsors of the draft resolution had opted for a formula which served only limited and short-sighted political

interests. Consensus required more than hollow gestures and public posturing. Iran reiterated its willingness to engage in genuine and honest dialogue provided that the respective concerns and positions of each side were considered on an equal footing and that certain provisions and recommendations were not taken for granted.

98. His delegation did not believe that draft resolution A/C.3/54/L.59 presented a sound and fair basis for the continued monitoring of the situation of human rights in the Islamic Republic. In spite of the unacceptable language and provisions of the draft resolution, the Government remained fully committed to the promotion and protection of human rights and would continue to vigorously pursue its policies to that end.

99. **Mr. Carranza** (Guatemala), speaking in explanation of vote, said his Government was sensitive to the observance of human rights in all countries, given its own history on the subject in the recent past. Although Guatemala shared the objectives and concerns expressed in draft resolution A/C.3/54/L.59, it found some merit in the argument presented by the Islamic Republic of Iran. The objectives sought by the draft resolution could be better achieved through an agreed plan, including a country visit by the Special Representative. However, despite the absence of such a plan, and taking into account the report presented by the Special Representative, his Government had decided to support the draft resolution.

100. **Ms. Kapalata** (United Republic of Tanzania), speaking in explanation of vote, said that her delegation regretted that there had not been adequate follow-up to some of the observations made by the Special Representative. Furthermore, her Government shared the concerns of the Special Representative with regard to extrajudicial executions, incarceration of political prisoners without due process of law and the rights of minorities in the Islamic Republic of Iran. Those issues were systemic difficulties whose solution required the engagement of the Iranian Government in partnership with the Special Representative.

101. Nevertheless, there had been some developments which indicated steady progress towards fundamental change. It was particularly heartening to note that Iranian society itself had generated such change through political processes, including democratic elections.

102. The positive comments on press freedom and the situation of women contained in the Special Representative's report had indicated that there was still work outstanding on providing a legal framework for the recognition of the status of women. Her Government

remained convinced that recognition of achievements would encourage reform in the Islamic Republic and regretted that the draft resolution had failed to recognize the constructive process under way in that country.

103. Her Government's decision to change its vote was intended to encourage that process, and she expressed the hope that the Islamic Republic would consider such encouragement as a call for further determined action in the consolidation and expansion of the reform process.

104. **Ms. Nguyen Thi Nha** (Viet Nam) said that direct dialogue between Member States was the very best way to promote mutual understanding and improve the human rights situation. Her delegation was therefore not in a position to support a draft resolution criticizing a Member State.

105. **Mr. Umeda** (Japan) said that although Japan welcomed the changes under way in the Islamic Republic of Iran, his country had nevertheless voted in favour of the draft resolution as there was still room for improvement.

106. **Mr. Belli** (Brazil), while acknowledging the positive developments brought about by the reform process, said his country had voted in favour of the draft resolution to express its concern at the discrimination against religious minorities.

107. **Mr. Maulion** (Philippines) said that the Islamic Republic of Iran was undoubtedly capable of making further improvements and he hoped that his country's vote against the draft resolution would encourage the Islamic Republic to make a special effort in the promotion of human rights.

108. **Ms. Newell** (Secretary) said she took full responsibility for her failure to notify the Chairman of the Islamic Republic of Iran's wish to speak before the vote had been taken on draft resolution A/C.3/54/L.59, and she therefore wished to apologize to the representative of the Islamic Republic.

The meeting rose at 6.15 p.m.