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Held at Headquarters, New York, on Wednesday, 21 November 2001, at 10 a.m.

Chairman: Mr. Al-Hinai (Oman)

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The meeting was called to order at 10.25 a.m.

Agenda item 112: Advancement of women *(continued)*

Draft resolution A/C.3/56/L.24/Rev.1: Improvement of the situation of women in rural areas

1. **The Chairman** invited the Committee to take action on draft resolution A/C.3/56/L.24/Rev.1, which had no programme budget implications. He announced that Angola, the Democratic Republic of the Congo, Malaysia, the United Republic of Tanzania and Zambia had become sponsors of the draft resolution.

2. **Ms. Newell** (Secretary of the Committee) read out the revisions which the representative of Mongolia had made when introducing the draft resolution.

3. **Mr. Gansukh** (Mongolia) said that Burkina Faso, Kyrgyzstan, Morocco, Swaziland and Tunisia had also become sponsors.

4. **The Chairman** announced that Bhutan, Bolivia, Botswana, Colombia, Côte d'Ivoire, Croatia, the Dominican Republic, Ecuador, El Salvador, Fiji, the Gambia, Guatemala, Guinea, Madagascar, Malawi, Mozambique, Namibia, Nicaragua, the Niger, Sierra Leone, Suriname and Zimbabwe had also become sponsors.

5. **Ms. Ahme** (Sudan), explaining her Government's position on the sixth and seventh preambular paragraphs of the draft resolution, said that her delegation had sought to draw up the paragraphs in a balanced manner. With that in view, it had submitted a proposal to highlight the adverse effects of globalization on women in rural areas, but regrettably that proposal had not been taken into account. The adverse effects of globalization in rural areas of developing countries were well known. Women in rural areas had to perform domestic work and other tasks. It was regrettable that a resolution on the situation of women in rural areas made no reference to that fact, even though it had been specifically mentioned in the conclusions of many United Nations conferences. Her country was therefore unable to sponsor the draft resolution.

6. *Draft resolution A/C.3/56/L.24/Rev.1 was adopted without a vote.*

Agenda item 114: Report of the United Nations High Commissioner for Refugees, questions relating to refugees, returnees and displaced persons and humanitarian questions *(continued)*

Draft resolution A/C.3/56/L.39: Enlargement of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees

7. **The Chairman** invited the Committee to take action on draft resolution A/C.3/56/L.39, which had no programme budget implications. He announced that Chile, Colombia, Croatia, Ethiopia, Mozambique, Namibia, Nicaragua, Panama, Sierra Leone, the Sudan and Suriname had become sponsors.

8. *Draft resolution A/C.3/56/L.39 was adopted without a vote.*

Agenda item 115: Promotion and protection of the rights of children *(continued)*

Draft resolution A/C.3/56/L.28/Rev.1: The rights of the child

9. **The Chairman** invited the Committee to take action on draft resolution A/C.3/56/L.28/Rev.1, which had no programme budget implications.

10. **Ms. Newell** (Secretary of the Committee) read out the oral revisions which the representative of Belgium had made when introducing the draft resolution.

11. **Ms. Stevens** (Belgium) said that Armenia, Belarus, Panama, the Sudan and Swaziland had become sponsors. She said that there was a translation problem in paragraph 5 (c) of the English version, which did not correspond to the French version. She asked for the wording of the paragraph to be checked in all languages.

12. **The Chairman** announced that Afghanistan, Antigua and Barbuda, Botswana, Burkina Faso, Cambodia, Cameroon, Cape Verde, Côte d'Ivoire, Egypt, Ethiopia, Fiji, the Gambia, Georgia, Ghana, Guinea, Indonesia, Lesotho, Malawi, Mongolia, Mozambique, Nepal, Nicaragua, Nigeria, Pakistan, Saint Lucia, Somalia, Sri Lanka, Togo, Turkey, Uganda and Zimbabwe had also become sponsors.

13. *Draft resolution A/C.3/56/L.28/Rev.1, as orally revised, was adopted.*

14. **Ms. Kok Li Peng** (Singapore), explaining her Government's position, said that Singapore supported the general thrust of the draft resolution, even though it reaffirmed provisions that urged States parties, inter alia, to review their reservations with a view to withdrawing them.

15. Like all other international treaties, the Convention on the Rights of the Child was subject to the Vienna Convention on the Law of Treaties, which distinguished between permissible and impermissible reservations, depending on whether they were compatible with the object and purpose of the relevant treaties. Article 19 of the Vienna Convention explicitly permitted reservations compatible with the object and purpose of the treaty concerned. It was therefore inappropriate to suggest that States parties should be obliged to review permissible reservations with a view to withdrawing them. Reservations allowed countries to accede to international treaties at the earliest opportunity, while giving them flexibility in their compliance with the obligations of the treaty or convention, as required by the particular circumstances of each State party. The continued efforts by some delegations to discourage reservations were a source of concern and could make it more difficult for countries to accede to international treaties. The position she had just outlined applied to all resolutions referring to the issue of permissible reservations.

Draft resolution A/C.3/56/L.29: The girl child

16. **The Chairman** invited the Committee to take action on draft resolution A/C.3/56/L.29, which had no programme budget implications. He said that Armenia, Cambodia, France, Ghana, Indonesia, Malaysia, the Philippines and Togo had become sponsors.

17. **Mr. Chingenge** (Namibia) said that Algeria, Bulgaria, Burkina Faso, Cameroon, Chile, Colombia, Costa Rica, Côte d'Ivoire, Croatia, the Gambia, Greece, Guatemala, Guinea, Hungary, Israel, Liechtenstein, Malta, Nicaragua, Panama, Paraguay, Peru and Suriname had also become sponsors.

18. As he had said when introducing the draft resolution, the original aim had been for it to be submitted in the form in which it had been adopted by consensus the previous year. The Committee should have taken a decision on the current draft resolution weeks earlier, but had not done so because of the

concerns communicated by the United States delegation to the sponsors, who did not want to see any changes made in the draft resolution. Subsequently, the introduction of the draft resolution had been postponed to give the United States time to join the consensus. Later, it had been confirmed that a decision could be taken on the draft resolution, but the United States delegation had announced that it was proposing further changes, which it would forward to all concerned. However, it had still not done so, which suggested that there was no problem. He urged the Committee to adopt the draft resolution by consensus.

19. **The Chairman** informed the Committee that Afghanistan, Azerbaijan, Belarus, Bhutan, Cape Verde, Dominican Republic, El Salvador, Eritrea, Fiji, Guyana, Madagascar, Mongolia, the Republic of Korea, Somalia and Tunisia had also become sponsors of the draft resolution.

20. **Mr. Davison** (United States of America) requested a recorded vote on paragraph 1 of draft resolution A/C.3/56/L.29.

21. **Mr. Cha** (Republic of Korea) said that his delegation had become a sponsor of the draft resolution on 22 October.

22. *A recorded vote was taken on paragraph 1 of the draft resolution.*

In favour:

Afghanistan, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Cambodia, Cameroon, Canada, Cape Verde, Chad, Chile, China, Colombia, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gambia, Georgia, Germany, Ghana, Greece, Guatemala, Guinea, Guyana, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius,

Mexico, Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Lucia, San Marino, Saudi Arabia, Senegal, Sierra Leone, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syrian Arab Republic, Thailand, the former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zambia, Zimbabwe.

Against:

Democratic People's Republic of Korea, United States of America.

Abstaining:

None.

23. *Paragraph 1 was adopted by 148 votes to 2, with no abstentions.*

24. **Mr. Davison** (United States of America) said that the United States would join the consensus on the draft resolution to indicate its support for the promotion and protection of the human rights of the girl child. In Afghanistan, in particular, the world had observed with deep dismay how the regime was trampling under foot the human rights of its population, depriving children of their childhood. Currently, it was vital for the international community to speak with one voice in support of the rights of the girl child. Nevertheless, the United States was firmly opposed to the substance of some of the resolution's provisions, particularly paragraph 1, since it was not a party to any of the conventions referred to therein and did not therefore consider the universal ratification of those conventions to be necessary. As the United States had entered into no legal obligations under those agreements, it was not obliged to comply with any of their provisions. The main responsibility for promotion and protection of the human rights of the girl child lay with Member States.

25. *Draft resolution A/C.3/56/L.29 was adopted without a vote.*

26. **The Chairman** said that the Committee had thus completed its consideration of agenda item 115.

Agenda item 118: Right of peoples to self-determination (*continued*)

27. **Mr. Requeijo Gual** (Cuba) said that the Secretariat had announced on the previous Monday that action would be taken on draft resolution A/C.3/56/L.31 on "Use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination". The previous day his delegation had been surprised that no mention had been made of draft resolution A/C.3/56/L.31 when the draft resolutions to be adopted at the current meeting had been announced. For the second year in succession, adoption of the aforementioned draft resolution had been deferred, on the grounds that it had programme budget implications. Cuba found that situation difficult to understand, since there appeared to be discrimination in the way different draft resolutions were dealt with, depending on the body which submitted them. For example, draft resolution A/C.3/56/L.31 linked the use of mercenaries to the question of terrorism. Most importantly, it addressed a highly topical issue. When resolution 1373 (2001) had been introduced in the Security Council, calling, inter alia, for the establishment of a committee to monitor implementation of the resolution and thus having implications for the budget, the Secretariat had been able to determine the programme budget implications straight away so that the draft resolution could be adopted immediately. Cuba had submitted its draft resolution A/C.3/56/L.31 more than two weeks earlier and the Secretariat had distributed it on 6 November. Cuba felt that there had been adequate time to determine the programme budget implications. There was discrimination in the way different draft resolutions were dealt with, according to whether they originated from the Security Council or the General Assembly and its Main Committees, with preferential treatment being given to the former, and depending also on the country submitting them. Cuba hoped that the appropriate Secretariat unit would provide the necessary information as a matter of urgency to enable the Third Committee to discuss and act on the draft resolution in question. For Cuba it was a matter of principle which it felt bound to raise.

28. **The Chairman** announced that, although it had been intended to take action at the current meeting on

draft resolution A/C.3/56/L.31 on “Use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination”, he had been informed that a statement was being prepared on the programme budget implications of the draft resolution and action would be taken on it once that statement was available.

Draft resolution A/C.3/56/L.32: Universal realization of the right of peoples to self-determination

29. **The Chairman** informed the Committee that draft resolution A/C.3/56/L.32 had no programme budget implications. He said that Bosnia and Herzegovina, Chile, the Comoros and El Salvador had joined the original sponsors when the draft resolution was introduced and that subsequently Burkina Faso, Cameroon and Madagascar had likewise become sponsors.

30. **Mr. Andravi** (Pakistan) said that Togo had also become a sponsor of the draft resolution.

31. **The Chairman** announced that Afghanistan, Chad, Somalia and Suriname had also become sponsors.

32. *Draft resolution A/C.3/56/L.32 was adopted without a vote.*

33. **Ms. Ayuso** (Argentina) pointed out that her delegation fully supported the right to self-determination of peoples still under colonial domination and foreign occupation, in accordance with General Assembly resolutions 1514 (XV) and 2625 (XXV). Exercise of that right should in no way be aimed at the partial or total disruption of the national unity and territorial integrity of sovereign and independent States, as established in resolution 1514 (XV).

Draft resolution A/C.3/56/L.33: The right of the Palestinian people to self-determination

34. **The Chairman** informed the Committee that draft resolution A/C.3/56/L.33 had no programme budget implications. He announced that Chile and Guinea had become sponsors at the time when the resolution was introduced and that subsequently China, the Congo, the Czech Republic, Hungary and Suriname had also become sponsors.

35. **Mr. Roshdy** (Egypt), speaking as the main sponsor of the draft resolution, said that many other

States wished to become sponsors, namely Argentina, Belize, Cameroon, Croatia, India, Madagascar and Poland. He was aware that the pressure on members of the Committee created by the fact that its meetings coincided with the general debate of the General Assembly had prevented some States from taking part in the preparation of the draft resolution, which he nevertheless hoped would be adopted by consensus, since it represented a message from the Third Committee of the General Assembly and the United Nations regarding the right of the Palestinian people to self-determination and the peaceful co-existence of the peoples of the region.

36. **The Chairman** announced that Armenia, Cambodia, Cape Verde, Chad, the Democratic Republic of the Congo, Lesotho, Malawi, Nicaragua, Saint Lucia, Swaziland and Togo had become sponsors of the draft resolution.

37. **Mr. Zoumanigui** (Guinea) reminded the Committee that his delegation had been one of the original sponsors of the draft resolution.

38. **Mr. Mun Jong Chol** (Democratic People’s Republic of Korea), referring to the vote on paragraph 1 of draft resolution A/C.3/56/L.29, said that his delegation had voted in favour and not against.

39. **The Chairman** said that the Committee would take note of that fact and that the necessary correction would be made.

40. **Ms. Booto** (Democratic Republic of the Congo) said that, had she been present during the voting on paragraph 1 of draft resolution A/C.3/56/L.29, she would have voted in favour.

41. **The Chairman** said that the Committee would take note of her remark.

42. *At the request of the United States of America, a recorded vote was taken on draft resolution A/C.3/56/L.33 on the right of the Palestinian people to self-determination.*

In favour:

Afghanistan, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Cambodia, Cameroon, Canada,

Cape Verde, Chad, Chile, China, Colombia, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Democratic Republic of the Congo, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gambia, Georgia, Germany, Ghana, Greece, Guatemala, Guinea, Guyana, Haiti, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Lucia, San Marino, Saudi Arabia, Senegal, Sierra Leone, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syrian Arab Republic, Thailand, the former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zambia, Zimbabwe.

Against:

Israel, United States of America.

Abstaining:

None.

43. *Draft resolution A/C.3/56/L.33 was adopted by 152 votes to 2.*

44. **Mr. Millo** (Israel) said that Israel recognized the right of peoples to self-determination. The wishes of the Palestinian people could be realized through negotiations, but they must decide whether they wished to negotiate with Israel or with the United Nations. Just values could not prevail if bombs became an acceptable means of non-compliance with an agreed process. Israel would continue to oppose resolutions that tended to prejudge the outcome of negotiations.

45. **Mr. Laurin** (Canada) said that, while he fully supported the right to self-determination of the Palestinian people and the establishment of a Palestinian State, it would benefit both the Palestinian people and the other peoples of the region if that right were exercised via the peace process. Canada had voted in favour of the draft resolution because the latter supported the right of the Palestinian people and stressed the importance of the negotiating process for the exercise of that right. He also welcomed the fact that it affirmed the right of all States in the region to live in peace within secure and internationally recognized borders and echoed the call for an immediate resumption of negotiations within the Middle East peace process.

46. **Ms. Taracena** (Guatemala) said that, although she had voted in favour of the draft resolution because it recognized the right of the Palestinian people to self-determination and the need for that goal to be achieved through the establishment of their own State, she believed that the exercise of that right should not interfere with the right to self-determination of the State of Israel, which meant that it would have to be achieved within the framework of agreements between the Government of Israel and the Palestinian Authority.

47. **Mr. Rogov** (Russian Federation) said that he supported the draft resolution and was in favour of the Middle East process, which was based on Security Council resolutions 242 (1967) and 338 (1973), and on other agreements which provided for the exercise of the inalienable right of the Palestinian people to self-determination, including the right to their own State, in secure conditions for all peoples of the region.

48. **Mr. Heyward** (Australia) said that he had voted in favour of the draft resolution because as a whole it represented a clear restatement of the right of the Palestinian people to self-determination. However, had a vote been taken by paragraph, he would have abstained on paragraph 1, because he believed that the only just, lasting and comprehensive solution must come from the parties themselves and be the outcome of a process of peaceful negotiations based on Security Council resolutions 242 (1967) and 338 (1973) and the principle of "land for peace". Under the current circumstances, an end to violence and an early resumption of negotiations were more important than ever.

49. **Ms. Barghouti** (Observer for Palestine) said that the adoption of the draft resolution was highly important, particularly at the current juncture, since it affirmed clearly the right of the Palestinian people to their own independent State. It was also significant because of the firm and broad support it had commanded, in terms of both sponsors and votes. She regretted that the United States had again opposed the draft resolution and hoped that it would change its approach in the near future in line with the new stance taken by its Government, as announced by President Bush during the general debate in the General Assembly and confirmed by the United States Secretary of State, Mr. Powell, who had recently expressed his firm support for the establishment of a viable Palestinian State and had asked Israel to end its occupation.

50. The real problem continued to be the stance on the issue taken by Israel, especially with regard to the need to settle the question within the context of the Middle East peace process. The Palestinian Authority took the opposite point of view, believing in other words that, by opposing the right of the Palestinian people to self-determination, Israel was violating an essential aspect of the agreements, namely the mutual recognition of the two parties, and was thus jeopardizing the foundations of the peace process. That process was not a vehicle that would allow Israel to continue oppressing the Palestinian people and occupying their territory, but one that would lead to a lasting peace and co-existence based on equality and respect for the right to self-determination, which did not derive from any agreements but was a natural and inalienable right under the Charter of the United Nations and many other relevant instruments.

51. **Mr. Roshdy** (Egypt) expressed the hope that the Committee had deliberated on the matter for the last time and that the following year the Palestinian people would be able to exercise their inalienable right to self-determination as part of the peace process.

52. **Mr. Maartens** (Belgium), speaking on behalf of the European Union, the associated countries Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Romania, Slovakia, Slovenia and Turkey, and, in addition, Iceland and Norway, said he had voted in favour of the draft resolution because the European Union upheld the unconditional right of the Palestinian people to self-determination, including the possibility of establishing their own State. He

called on the parties to seek a negotiated solution in good faith on the basis of existing agreements and in accordance with the conditions laid down in the Mitchell Report, without prejudice to the aforementioned right, which could not be subject to any veto. The establishment of a Palestinian State offered Israel's best guarantee of security and acceptance as an equal partner within the region.

Agenda item 119 (a): Human rights questions: implementation of human rights instruments
(continued)

Draft resolution A/C.3/56/L.34: Torture and other cruel, inhuman or degrading treatment or punishment

53. **Ms. Newell** (Secretary of the Committee) read out the oral revisions which the representative of Denmark had made when introducing the draft resolution.

54. **The Chairman** announced that Argentina, Benin, Burkina Faso, Ecuador, Mali, Malta, Mauritius, Mexico, the Republic of Korea, the Republic of Moldova, Senegal, Sierra Leone and Ukraine had also become sponsors of the draft resolution.

55. **Ms. Newell** (Secretary of the Committee) read out a statement from the Controller of the United Nations indicating that paragraph 13 of the draft resolution would entail additional requirements for the biennium 2002-2003 of \$27,900 for the daily subsistence allowances of the four members of the pre-sessional working group and \$178,900 for the full cost of conference services for the sessions of the working group. Resources had been provided in section 22, Human rights, of the proposed programme budget for the biennium 2002-2003, for travel of the members of the Committee against Torture to attend its meetings. In addition, provision had been included under section 2 of the proposed programme budget, General Assembly affairs and conference services, not only for meetings programmed at the time of preparation of the budget, but also for meetings which might be authorized subsequently. Accordingly, should the General Assembly decide to adopt the draft resolution, no additional appropriation would be required.

56. **Mr. Hahn** (Denmark) announced that Suriname had become a sponsor of the draft resolution.

57. **The Chairman** announced that Afghanistan, Bangladesh, the Congo, Côte d'Ivoire, El Salvador,

Ethiopia, Mongolia, Mozambique, Nicaragua and Panama had also become sponsors.

58. **Mr. Shen** (China) said that, although he was not opposed to the draft resolution being adopted by consensus, he regretted that the sponsors had withdrawn without explanation the revised text of paragraph 13, which had been agreed after three rounds of negotiations. He pointed out that the Committee on Economic, Social and Cultural Rights was the sole human rights body to have been established by a resolution of the Economic and Social Council, the others having been established by human rights treaties, in other words, by the States parties to those treaties. He therefore wondered what form the General Assembly decision empowering the Committee against Torture to set up a subsidiary body should take and considered that the word "authorize" was inadequate.

59. **Mr. Davison** (United States of America) said that his delegation would join the consensus on the draft resolution. However, with regard to paragraph 11 concerning the export of torture equipment, he said that, although it firmly backed measures designed to prevent torture and the use of torture devices, his delegation did not support overly broad and vague calls for measures to be taken with regard to their production, such as those in paragraph 11, where serious problems of definition and scope remained.

60. **Ms. Elisha** (Benin) said that, had she been present, she would have voted in favour of draft resolutions A/C.3/56/L.29 and L.33.

61. *Draft resolution A/C.3/56/L.34, as orally revised, was adopted without a vote.*

62. **Mr. Tomoshige** (Japan) said that, although it had played an active part in the informal consultations on the draft resolution, his delegation had difficulty accepting paragraph 11, as it did not specify what constituted equipment specifically designed to inflict torture or other cruel, inhuman or degrading treatment. Nor did it spell out what end-uses of the production, and export of, and trade in, such equipment should be punishable, with the result that States would seemingly have to penalize all such acts, even if the equipment concerned was intended solely for use in exhibitions, films or plays, for example.

63. With regard to paragraph 13, the establishment of a pre-sessional working group would enable the Committee against Torture immediately to reduce the

current backlog in the consideration of reports and communications. At the same time, there were growing calls in many United Nations forums, such as the Commission on Human Rights, for streamlining of human rights treaty bodies. His Government therefore hoped that the Committee against Torture would continue to improve its working methods in the medium and long term in order to enhance its efficiency. Despite the difficulties it had noted in paragraph 11, Japan had joined the consensus because of the importance it attached to the eradication of torture.

Draft resolution A/C.3/56/L.36: International Covenants on Human Rights

64. **The Chairman** invited the Committee to take action on draft resolution A/C.3/56/L.36, which had replaced document A/C.3/56/L.35.

65. **Ms. Newell** (Secretary of the Committee) read out a statement from the Controller of the United Nations indicating that paragraph 27 of the draft resolution would entail additional requirements for the biennium 2002-2003 of \$22,500 for the daily subsistence allowances of the 18 members of the Human Rights Committee and \$403,900 for the full cost of conference services for ten meetings. Resources had been provided in section 22, Human rights, of the proposed programme budget for the biennium 2002-2003 for travel by the members of the Committee to attend its meetings. Provision had also been included under section 2 not only for meetings programmed at the time of preparation of the budget, but also for meetings which might be authorized subsequently. Accordingly, should the General Assembly approve the Committee's request to hold one additional week of meetings, no additional appropriation would be required.

66. **The Chairman** announced that Costa Rica, Croatia, Cyprus, Ecuador, Greece, Ireland, Italy, Luxembourg and Ukraine had become sponsors of the draft resolution.

67. **Ms. Martensson** (Sweden), speaking on behalf of the sponsors, announced that Australia, Austria, Belgium, Bulgaria, Iceland, Latvia, Lithuania, Malta, New Zealand, Panama, the Republic of Moldova, San Marino, Slovenia, South Africa and the former Yugoslav Republic of Macedonia had become sponsors of the draft resolution. She said that the Human Rights

Committee had been wrongly translated into Arabic as the Commission on Human Rights, an error that needed to be corrected. In paragraph 24 the word “welcomes” should be replaced by “takes note with appreciation of”. She hoped that the resolution would be adopted by consensus, as had been the case in previous years.

68. **The Chairman** announced that Afghanistan, Benin, El Salvador, Georgia, Panama and Venezuela had become sponsors of the draft resolution.

69. **Ms. Al-Hajali** (Syrian Arab Republic) requested that the second line of the Arabic version of paragraph 13 of the draft resolution, which referred to the Human Rights Committee, should be interpreted in the light of the French version of the text, to prevent any confusion with other committees. The same applied to any other mentions of the Human Rights Committee in the text of the draft resolution.

70. *Draft resolution A/C.3/56/L.36, as orally revised, was adopted.*

Draft resolution A/C.3/56/L.37: International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

71. **The Chairman** invited the Committee to take action on draft resolution A/C.3/56/L.37, which had no programme budget implications. He announced that Burkina Faso, Ethiopia and Turkey had become sponsors of the draft resolution.

72. **Ms. Monroy** (Mexico), speaking on behalf of the sponsors, announced that Mauritius, Morocco and Paraguay had also become sponsors.

73. **The Chairman** said that the Democratic Republic of the Congo, Mozambique, Nigeria, Sierra Leone and Suriname had also become sponsors.

74. *Draft resolution A/C.3/56/L.37 was adopted without a vote.*

75. **Ms. Monroy** (Mexico) thanked all delegations for their support, particularly the sponsors, saying that the aim was to secure early implementation of the Convention. She expressed particular thanks for the help given by the Bureau and the Secretariat in facilitating the adoption of the draft resolution.

Draft resolution A/C.3/56/L.38: Equitable geographical distribution of the membership of the human rights treaty bodies

76. **The Chairman** invited the Committee to take action on draft resolution A/C.3/56/L.38, which had no programme budget implications. He announced that Cambodia, Croatia and Indonesia had become sponsors.

77. **Mr. Requeijo Gual** (Cuba), speaking on behalf of the sponsors, said that the draft resolution was particularly important for improving the work of the treaty bodies. Regrettably, the regional group that benefited most from equitable geographical distribution had not shown sufficient flexibility within the Commission on Human Rights to enable the draft resolution to be adopted by consensus, which had particularly affected the regional groups of Eastern Europe, Asia and Latin America. Nevertheless, his delegation hoped that the group in question had had time to reflect and was willing to accept adoption of the draft resolution by consensus, as that would enhance the credibility, strength and functioning of the treaty bodies. It was possible to find experts whose skills and training were perfectly compatible with an equitable geographical distribution that would enable all regions to be duly represented on the bodies concerned. He announced that Algeria and India had become sponsors of the draft resolution.

78. **The Chairman** announced that Afghanistan, Belarus, Côte d'Ivoire, Lesotho, Mozambique, Nepal, Nigeria, Sierra Leone, Sri Lanka, Suriname and Zambia had also become sponsors.

79. **Mr. Salinas** (Chile) requested that a vote be taken on the draft resolution and said he wished to make a statement immediately after the voting.

80. **Mr. Laurin** (Canada), speaking also on behalf of Australia, Iceland, New Zealand, Norway, San Marino and the United States, said that his delegation had traditionally played a leading role in resolutions on the effective implementation of international human rights instruments. As States parties to the human rights treaties, the delegations he represented were very keen to have a sound and efficient treaty bodies system. They recognized the need for States parties to take various factors into account when electing members of the human rights treaty bodies and the resolution submitted the previous year to the General Assembly had highlighted the importance of taking into account

equitable geographical distribution, gender balance and representation of the principal legal systems.

81. While it was true that some regions of the world were inadequately represented on the treaty bodies, the same was true of women. However, unless the treaties themselves were amended, those factors were not compulsory requirements and it would be inappropriate to attach more importance to one factor than to others. It was also important not to give the impression that a quota system was being established in order to achieve equitable geographical representation, by making recommendations on the matter in the General Assembly or the Commission on Human Rights. The matter could be addressed solely by the States parties to the treaties concerned via the submission of official amendments. Lastly, the objective of universal ratification of human rights treaties would enhance the equitable geographical distribution of the membership of treaty bodies. For all the foregoing reasons, the delegations he represented would vote against the resolution and urged other Member States to do likewise.

82. **Ms. Stevens** (Belgium), speaking on behalf of the European Union, expressed serious reservations regarding an initiative that did not fall within the competence of the General Assembly, since the selection criteria used as a basis for the election of members of the treaty bodies were laid down in the international instruments governing those bodies and were the sole responsibility of the States parties to those instruments. In order to ensure more equitable geographical distribution, therefore, it should be stressed that States parties were responsible for putting forward candidates to the posts and supporting their applications. Apart from that responsibility, the best way of improving the geographical distribution of the membership of those bodies was to secure rapid universal ratification of the international human rights instruments, in line with the declaration made by the Secretary-General at the Millennium Assembly. For all the foregoing reasons, the European Union found it impossible to support the draft resolution.

83. **Mr. Millo** (Israel) said that his delegation endorsed the statements made by the representatives of Canada and Belgium.

84. *A recorded vote was taken on the draft resolution.*

In favour:

Afghanistan, Algeria, Angola, Antigua and Barbuda, Azerbaijan, Bahamas, Bahrain, Bangladesh, Belarus, Belize, Benin, Bhutan, Botswana, Brunei Darussalam, Cambodia, Cameroon, Cape Verde, Chad, China, Colombia, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Gambia, Georgia, Ghana, Guatemala, Guinea, Guyana, Haiti, India, Indonesia, Iran (Islamic Republic of), Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Nigeria, Oman, Pakistan, Paraguay, Peru, Qatar, Russian Federation, Saint Lucia, Saudi Arabia, Sierra Leone, Singapore, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Ukraine, United Arab Emirates, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Andorra, Armenia, Australia, Austria, Belgium, Bulgaria, Canada, Chile, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Monaco, Netherlands, New Zealand, Norway, Panama, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, San Marino, Slovenia, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland, United States of America, Yugoslavia.

Abstaining:

Argentina, Brazil, Burkina Faso, Senegal, the Former Yugoslav Republic of Macedonia.

85. *Draft resolution A/C.3/56/L.38 was adopted by 97 votes to 44, with 5 abstentions.*

86. **Mr. Salinas** (Chile) said that his delegation had voted against the draft resolution because it did not consider it appropriate to submit to the General Assembly matters which were the concern of the

Commission on Human Rights and, in particular, the States parties belonging to the treaty bodies. That would lead to unnecessary duplication of effort and devalue the work and the very existence of the Commission on Human Rights, a consideration that applied to all the functional commissions of the Economic and Social Council. Furthermore, given the current circumstances, it was not in the interest of the Third Committee's work for proposals that had already caused controversy in the Commission on Human Rights to be submitted for its approval.

87. **Mr. Cha** (Republic of Korea) said his delegation fully supported the statement by the representative of Canada regarding the draft resolution just adopted. The election of members of human rights treaty bodies should be the responsibility of States parties to the respective treaties in the form of amendments to those treaties. In that connection, the formulation of recommendations by the General Assembly could hamper the independent work of the treaty bodies. For that reason his delegation had voted against the resolution.

88. **Ms. Limpias** (Bolivia) said that, had she been present during the voting she would have voted in favour of the draft resolution.

89. **Mr. Requeijo Gual** (Cuba) welcomed the broad support the initiative had received from a substantial number of countries, showing that an overwhelming majority of the international community felt there was a pressing need to strengthen the work of the treaty bodies. It was now time to move from words to deeds. He hoped that it would be possible to adopt specific initiatives at the periodic meetings of the States parties.

90. However, he did not agree with the position taken by some delegations, according to which the resolutions adopted by the Commission on Human Rights should not be endorsed by the General Assembly, since those same delegations had not practised what they preached. It was also noticeable that some delegations had maintained that strengthening the treaty bodies was essentially a matter for meetings of States parties and the Commission on Human Rights, when some of those same delegations had sponsored other Commission resolutions calling on treaty bodies to establish subsidiary mechanisms and bodies in order to promote the micro-management of their work. It was regrettable that all the foregoing arguments should be used to oppose an elementary

question of justice, since all regions had the same rights and had qualified candidates capable of representing their respective cultures and civilizations and the rights of their peoples, thereby guaranteeing the universality of human rights.

Agenda item 114: Report of the United Nations High Commissioner for Refugees, question relating to refugees, returnees and displaced persons and humanitarian questions (*continued*) (A/56/3, A/56/12 and Add.1, A/56/128, A/56/333, A/56/335)

91. **Mr. Yaze** (Ethiopia) said that the proliferation of armed conflicts and deteriorating socio-economic conditions in many of the world's poorest countries, and in particular the lack of political will on the part of governments to resolve those problems, had become major factors compelling millions of people to flee their homes and live as refugees. The vast majority of refugees were fleeing from one poor country to another. The growing number of refugees and the complexity of the problem were beyond the capacity of poor host countries, and that was why it was so important that countries of origin, countries of asylum, the Office of the United Nations High Commissioner for Refugees (UNHCR), donor countries and the international community should cooperate and share responsibilities. However, the restrictive practices employed by the international community had been one of the main obstacles to effective burden-sharing.

92. Currently there were more than five million refugees and more than 20 million internally displaced persons in Africa. Their plight had become the most pressing problem in the African continent, since the presence of large numbers of refugees created further insecurity, threatening not only the countries and communities that had provided asylum but also the countries of origin and third countries. A more focused effort was needed by all concerned at all levels. To that end, African countries must devise a comprehensive refugee strategy based on African values and standards in cooperation with the international community. Top priority should therefore be given to the search for lasting solutions to existing conflicts. In that regard, Ethiopia welcomed the efforts of UNHCR to harmonize its activities with development agencies such as the United Nations Development Programme (UNDP) and the World Bank. Also of great value was the High Commissioner's "reach-out" process, in which UNHCR, non-governmental organizations and

the International Committee of the Red Cross worked together to develop the necessary skills and knowledge for the protection of refugees. However, in order to achieve better results and implement practical activities, there should be greater collaboration in coordinating the timing and areas of each agency's involvement.

93. At their annual summit in Lusaka, Zambia, in July 2001, the Heads of State of African countries had taken note of the alarming situation of refugees in the continent and expressed serious concern about it. It was time for African countries, in cooperation with UNHCR and the international community, to find a lasting solution to the refugee problem through the implementation of repatriation and reintegration programmes. To achieve that, however, the challenges of reintegration, which was often linked to development, reconciliation and peace-building, needed to be fully met.

94. As for Ethiopia, thanks to the prevalence of peace and stability in the country, about 1.1 million returnees from neighbouring countries had returned in a spontaneous as well as an organized manner since 1991. The repatriation of pre-1991 Ethiopian refugees from the Sudan had ended in March 2001. Ethiopia was pleased to inform the Committee that almost all Ethiopian refugees who had been living in neighbouring countries for several years had returned home. However, reintegration of those returnees was severely restricted by recurrent drought, poverty and the lack of social institutional capacity in the main returnee receiving areas in the country. Repatriation was the most durable solution to the refugee problem, but could only be sustainable if rehabilitation was combined with development assistance to strengthen the capacity of returnee receiving areas. Repatriation operations should be seen as a continuum, embracing both reintegration and sustainable development.

95. Ethiopia maintained an open-door policy towards refugees and was giving protection and assistance to a large number of refugees from neighbouring countries. The massive influx of refugees had adversely affected natural resources, social infrastructure, livestock and population in refugee settlement areas and their environs. In addition, as a result of Eritrean aggression, there were over 350,000 internally displaced Ethiopians. Ethiopia called on UNHCR to continue to assess the situation of refugees and internally displaced Ethiopians with a view to adapting its assistance policy

as refugees were repatriated to their respective places of origin.

96. Ethiopia was doing everything possible to provide effective protection and assistance to refugees and internally displaced persons. Repatriation would be a viable solution if returnees were reintegrated into their respective areas of origin. In that regard, Ethiopia called on UNHCR to provide adequate assistance and facilitate coordination with other United Nations agencies and donors. Recommendations for the implementation of the refugee and returnee programme in a given country should focus on the objective reality of each refugee-hosting country. Such recommendations should be based on a proper study in order to provide services to refugees in a cost-effective and efficient way.

97. **Ms. Kapalata** (United Republic of Tanzania) said she fully supported the statement made by the representative of Mozambique on behalf of the Southern African Development Community, although she wished to add a national perspective to the debate.

98. The report of the Secretary-General (A/56/335) explained that the United Republic of Tanzania was currently hosting 388,500 out of a total of 600,000 Burundi refugees. According to the October 2001 report of the Special Rapporteur on the situation of human rights in Burundi, most of the 400,694 Burundi refugees were in her country. The Special Rapporteur pointed out that that figure did not include the first wave of refugees during the 1970s, believed to number over 200,000.

99. She was bringing up the matter of statistics because she believed that, at a time when the fiftieth anniversary of the Convention relating to the Status of Refugees was being celebrated, the issue of the availability of correct data was important if assistance commensurate with needs was to be provided. She therefore welcomed the launching of "Project profile" in 2000. For countries such as her own, which hosted inordinately high numbers of refugees, the availability of accurate data was crucial.

100. In the same context, it was to be hoped that a comprehensive solution could be found to the question of the first wave of refugees, especially when it came to repatriation. Since the early 1960s, her Government had hosted refugees from Burundi and Rwanda and had continued to do so in cyclical waves up to the present. As the years went by, UNHCR had ceased to care for

those refugees, who had become the responsibility of the Government. Over the years, the burden had assumed unmanageable proportions, bearing in mind the number of urgent priorities.

101. Against that background, her Government had welcomed the installation of a transitional government in Burundi following the Arusha Peace Agreement, which would bolster the confidence of those of its nationals who were refugees wishing to secure voluntary repatriation. UNHCR, her Government and the Government of Burundi were establishing mechanisms to enable Burundi refugees in the United Republic of Tanzania to return to their homeland, so that they could contribute to the reconstruction and development of their country. It was to be hoped that the voluntary repatriation programme would be as comprehensive as possible and would include the first wave of refugees from the 1970s.

102. The report of the Secretary-General (A/56/333) defined unaccompanied minors and separated children as two distinct categories. It would therefore be useful in the current commemorative year to arrive at a common understanding of all categories of persons concerned.

103. As a signatory of the 1951 Convention relating to the Status of Refugees and the 1969 OAU Convention on refugees, the United Republic of Tanzania had never shirked from its responsibility of providing asylum when required, regardless of the economic hardship that the presence of refugees caused for local populations and the national economy, because of the country's desire to meet its international obligations. Paradoxically, however, as responsibilities had increased, resources had dwindled. In fact, according to the report of the High Commissioner (A/56/12), while the burden placed on her Government had increased, international support had declined. As a result of financial constraints, UNHCR and the World Food Programme had had to cancel numerous assistance activities. The report also pointed out that many States, often with limited resources, were continuing to admit and host large refugee populations in their territories. It was therefore not surprising that the quality of asylum had deteriorated. Her Government hoped that the issue would be objectively addressed in detail during the current commemorative year.

104. The security of refugees and those who worked with them continued to be a source of concern. It was a

challenge that her Government had had to face in recent years. While it was important to guarantee the security of refugees, most developing countries, such as her own, did not have the wherewithal to do so, and the assistance provided to the Government by UNHCR was therefore appreciated. For a country hosting some one million refugees, insecurity in and around refugee camps could spell disaster for the local population and represent a serious threat to the legitimacy of the Government in power. Her Government was ready to continue collaborating with UNHCR to address the security situation in and around refugee camps.

105. The United Republic of Tanzania welcomed the ministerial meeting to be held in Geneva the following month, attached great importance to its outcome and would therefore participate fully in its deliberations.

106. While the world was focusing its attention on Afghanistan, her Government hoped that other ongoing silent emergencies in Africa and in other parts of the world would be relegated to the background. Just as it argued for the harmonization of standards of treatment for refugees under the 1951 Geneva Convention, it also continued to urge all concerned to keep providing support and assistance in a spirit of international solidarity.

The meeting rose at 1.15 p.m.