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Chairman: Mr. Al-Hinai (Oman)

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The meeting was called to order at 10.20 a.m.

Agenda item 114: Report of the United Nations High Commissioner for Refugees, questions relating to refugees, returnees and displaced persons and humanitarian questions (continued) (A/C.3/56/L.70 and L.74)

Draft resolution A/C.3/56/L.70: Follow-up to the Regional Conference to Address the Problems of Refugees, Displaced Persons, Other Forms of Involuntary Displacement and Returnees in the Countries of the Commonwealth of Independent States and Relevant Neighbouring States

1. **Mr. Knyazhinskiy** (Russian Federation), introducing draft resolution A/C.3/56/L.70 on behalf of the sponsors, which had been joined by Afghanistan, Austria, Belgium, Cyprus, Croatia, Denmark, Finland, France, Germany, Ireland, Italy, Kyrgyzstan, Luxembourg, Norway, the Netherlands, Portugal, Sweden and Turkmenistan, said that the text was based on previous resolutions adopted by consensus and reflected the changes in the situation since the previous resolution had been adopted on the topic in December 1999. Its purpose was to call the attention of the international community to the difficult situation of involuntary emigrants in the countries of the Commonwealth of Independent States and to reaffirm the importance of the Programme of Action adopted in 1996. His delegation hoped that the Committee would adopt the draft resolution by consensus.

Draft resolution A/C.3/56/L.74: Office of the United Nations High Commissioner for Refugees

2. **Ms. Raatikainen** (Finland), introducing draft resolution A/C.3/56/L.74 on behalf of the sponsors, which had been joined by the Bahamas, Belarus, Ghana and the Sudan, said that the text had been revised so that the last four lines of paragraph 9 would read: "... reaffirming that voluntary repatriation remains the preferred solution, supported by necessary rehabilitation and development assistance, to facilitate sustainable reintegration".

3. The draft resolution supported the work of the Office of the High Commissioner and offered guidance for the achievement of durable solutions. The text, presented on the fiftieth anniversary of the Convention relating to the Status of Refugees, was the fruit of

extensive consultations; it was to be hoped that it could be adopted by consensus.

Agenda item 118: Right of peoples to self-determination (continued) (A/C.3/56/L.31)

Draft resolution A/C.3/56/L.31: Use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination

4. **The Chairman** invited the Committee to take action on draft resolution A/C.3/56/L.31 and noted that a statement submitted by the Secretary-General in accordance with rule 153 of the rules of procedure on the programme budget implications of the draft resolution was contained in document A/C.3/56/L.77.

5. **Mr. Reyes Rodríguez** (Cuba) said that, in addition to El Salvador, India, Madagascar, Namibia, Nicaragua and Swaziland, Algeria had also become a sponsor.

6. *A recorded vote was taken on draft resolution A/C.3/56/L.31.*

In favour:

Afghanistan, Algeria, Angola, Argentina, Armenia, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, China, Colombia, Congo, Costa Rica, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominican Republic, Ecuador, Egypt, Eritrea, Ethiopia, Gambia, Ghana, Guinea, Guyana, Honduras, India, Indonesia, Iran (Islamic Republic of), Jamaica, Jordan, Kenya, Kuwait, Lebanon, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mexico, Mongolia, Morocco, Mozambique, Namibia, Nepal, Nicaragua, Nigeria, Oman, Panama, Peru, Philippines, Qatar, Russian Federation, Saint Lucia, Saudi Arabia, Senegal, Singapore, South Africa, Sri Lanka, Sudan, Swaziland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Belgium, Canada, Czech Republic, Denmark, Finland, Germany, Hungary, Iceland, Israel, Italy, Japan, Luxembourg, Micronesia (Federated States of), Netherlands, Norway, Poland, Sweden, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining:

Andorra, Australia, Austria, Chile, Croatia, Cyprus, Estonia, France, Georgia, Greece, Ireland, Kazakhstan, Latvia, Liechtenstein, Lithuania, Malta, Monaco, New Zealand, Portugal, Republic of Korea, Republic of Moldova, Romania, San Marino, Sierra Leone, Slovakia, Slovenia, Spain, the former Yugoslav Republic of Macedonia, Turkey, Yugoslavia.

7. *Draft resolution A/C.3/56/L.31 was adopted by 92 votes to 20, with 30 abstentions.**

8. **Mr. McCamman** (United States of America), speaking in explanation of vote, said that his delegation did not think that the Third Committee was the appropriate forum for dealing with problems related to the activities of mercenaries, which should not be considered primarily a human rights issue or a threat to the right of peoples to self-determination. The mandate of the Special Rapporteur on the use of mercenaries should be terminated, as recommended in the report of the Bureau of the fifty-fourth session of the Commission on Human Rights on rationalization of the work of the Commission (E/CN.4/1999/104, para. 20).

9. **Mr. Maertens** (Belgium), speaking on behalf of the European Union, said that, although the members of the European Union shared the concerns expressed in the report of the Special Rapporteur (A/56/224), they had not supported the draft resolution because they doubted that the Third Committee was the appropriate forum for dealing with the problems raised by the activities of mercenaries. The task of devising a legal definition of the term “mercenary” belonged to the Sixth Committee, as did the issues of extradition and prosecution of mercenaries involved in terrorist activities. Moreover, the link between the activities of mercenaries and terrorism did not appear to be part of the mandate of the Third Committee, so it should cease

to consider the issue. The European Union also thought that the scarce resources available to the Office of the United Nations High Commissioner for Human Rights should not be allocated to those issues and that the financial implications of paragraph 10 of the draft resolution were unacceptable.

10. **Mr. Akopian** (Armenia) said that his delegation had voted in favour because the conflicts in the region of southern Caucasus provided very clear examples of the use of mercenaries against peoples under alien domination who had attempted to exercise their legitimate right to self-determination. For example, mercenaries recruited in Afghanistan, many associated with terrorist cells run by al-Qa`idah, were still present in the region posing as members of humanitarian and charitable organizations.

Agenda item 119: 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.3/56/L.41, L.44-L.48, L.51-L.53, L.59-L.61, L.63, L.66 and L.69)**

Draft resolution A/C.3/56/L.53: Strengthening the role of the United Nations in enhancing the effectiveness of the principle of periodic and genuine elections and the promotion of democratization

11. **Mr. McCamman** (United States of America) introduced draft resolution A/C.3/56/L.53 on behalf of the sponsors, joined by Afghanistan, Azerbaijan, Bangladesh, Belarus, Burundi, Cameroon, Cape Verde, the Democratic Republic of the Congo, the Dominican Republic, Georgia, Ghana, Guyana, India, Iceland, Kazakhstan, Kenya, Lithuania, Madagascar, Malawi, Malta, Micronesia (Federated States of), Nicaragua, Nigeria, Sierra Leone, Slovakia and Uruguay. After outlining the main elements of the text, he said that his delegation hoped that the draft resolution would be adopted by consensus.

Draft resolution A/C.3/56/L.59: Human rights and terrorism

12. **Ms. Samah** (Algeria), introducing draft resolution A/C.3/56/L.59 on behalf of the sponsors, joined by Colombia, Costa Rica, Georgia, Kazakhstan, Kenya, Madagascar and Mauritania, said that, since the events of 11 September, worldwide mobilization

* The delegations of Guatemala, Mauritius, Myanmar, Pakistan and Paraguay subsequently informed the Committee that if they had been present during the voting they would have voted in favour of the draft resolution.

against terrorism had assumed particular importance. The text of the draft resolution was based on that of previous ones and contained elements proposed by her delegation and by the Commission on Human Rights. The sponsors hoped that it could be adopted by consensus and were therefore continuing with consultations on a few paragraphs.

Draft resolution A/C.3/56/L.60: Human rights in the administration of justice

Draft resolution A/C.3/56/L.61: Effective promotion of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities

13. **Mr. Marschik** (Austria) introduced draft resolution A/C.3/56/L.60 on behalf of the sponsors, joined by Afghanistan, Armenia, Cameroon, Eritrea, Ghana, Malta, Nicaragua, Nigeria, the Republic of Moldova, Senegal, Sierra Leone and Thailand. After reviewing the principal elements of the draft resolution, he said that as a result of consultations the following revisions had been made. The order of the two parts of paragraph 10 should be reversed, so that the part beginning with “encourages the Office” would come first and the part beginning with “Commends the Office” would come last. In the same paragraph, the words “strengthening national legal systems and” should be deleted. In paragraph 11 the word “monitoring” should be deleted.

14. Also introducing draft resolution A/C.3/56/L.61 on behalf of the sponsors, joined by Armenia, Belarus, Bolivia, Eritrea, Malta, Nigeria, the Republic of Moldova and the Sudan, he said that after consultations a few revisions had been made to the text. The closing words of the fourth preambular paragraph, “measures adopted in this area contribute significantly to conflict prevention”, should read: “measures adopted in this area can also contribute significantly to conflict prevention”. In the fifth preambular paragraph, the phrase “to promote understanding of and tolerance towards” should be expanded to read: “to promote an inclusive society and understanding of and tolerance towards”. In paragraph 7 the words “places and shrines” should be deleted. In paragraph 9, the word “concerned” should be deleted, and the phrase “welcomes ... the issuance of” should be changed to “draws attention to the work on”. His delegation hoped that, as in previous years, both draft resolutions would be adopted by consensus.

Draft resolution A/C.3/56/L.63: Protection of and assistance to internally displaced persons

15. **Mr. Valvatne** (Norway) introducing draft resolution A/C.3/56/L.63 on behalf of the sponsors listed on the document, which should show the name of Italy rather than Israel, said that Afghanistan, Brazil, France, Malta, Mozambique, Nicaragua and the Republic of Moldova had joined the original sponsors. The most significant provisions were to be found in the fourth, fifth and tenth preambular paragraphs and in paragraphs 2, 4 and 7. His delegation hoped that the draft resolution would be adopted without a vote.

Draft resolution A/C.3/56/L.69: Subregional Centre for Human Rights and Democracy in Central Africa

16. **Mr. Iléka** (Democratic Republic of the Congo), introducing draft resolution A/C.3/56/L.69 on behalf of the original sponsors and Angola, the Central African Republic, Chad, the Congo, Equatorial Guinea, Gabon and Sao Tome and Principe, said that the aim of the draft resolution was to have the General Assembly take note of the success of the Centre and continue to allocate the necessary funds. The sponsors hoped that the Committee would adopt the draft resolution by consensus.

Draft resolution A/C.3/56/L.41: Human rights and unilateral coercive measures

17. **The Chairman** invited the Committee to take action on draft resolution A/C.3/56/L.41, which had no programme-budget implications.

18. **Mr. Montwedi** (South Africa) said that the draft resolution was sponsored by all the members of the Movement of Non-Aligned Countries and China. They hoped that it would be adopted without a vote.

19. **The Chairman** announced that a recorded vote had been requested.

20. *A recorded vote was taken on draft resolution A/C.3/56/L.41.*

In favour:

Afghanistan, Algeria, Angola, Argentina, Armenia, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, Chile, China, Colombia, Costa Rica, Côte d'Ivoire, Cuba, Democratic People's Republic of

Korea, Democratic Republic of the Congo, Djibouti, Dominican Republic, Ecuador, Egypt, Eritrea, Ethiopia, Gambia, Ghana, Guatemala, Guinea, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Jamaica, Jordan, Kenya, Kuwait, Lebanon, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Mali, Mauritania, Mexico, Mongolia, Morocco, Mozambique, Namibia, Nepal, Nicaragua, Nigeria, Oman, Panama, Paraguay, Peru, Philippines, Qatar, Russian Federation, Saint Lucia, Saudi Arabia, Senegal, Sierra Leone, Singapore, South Africa, Sri Lanka, Sudan, Swaziland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Andorra, Australia, Austria, Belgium, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Micronesia (Federated States of), Monaco, Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, San Marino, Slovakia, Slovenia, Spain, Sweden, The former Yugoslav Republic of Macedonia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Yugoslavia.

Abstaining:

Azerbaijan, Congo, Kazakhstan.

21. *Draft resolution A/C.3/56/L.41 was adopted by 94 votes to 47, with 3 abstentions.**

Draft resolution A/C.3/56/L.44: Promotion of a democratic and equitable international order

22. **The Chairman** invited the Committee to take action on draft resolution A/C.3/56/L.44, which had no programme budget implications, and said that

* The delegations of the Congo, Mauritius, Myanmar and Pakistan subsequently informed the Committee that if they had been present during the voting they would have voted in favour of the draft resolution.

Afghanistan, Malaysia and Mozambique had become sponsors.

23. **Mr. Maertens** (Belgium), speaking on behalf of the European Union in explanation of vote before the voting, said that the Union had considered the text of the draft resolution very carefully, since it dealt with a highly important issue that had already been addressed in forums more specifically devoted to the topic. The European Union was convinced of the need to work towards an international order that was equitable for all nations and had taken every opportunity to affirm its determination to promote such an order. Although it thanked the authors of the draft resolution for their efforts to respond to the concerns and reservations of principle that the European Union had raised concerning the text, it felt that the revisions made did not answer the fundamental questions the Union had raised. The draft still contained many elements that would involve the Third Committee in a consideration of texts issuing from other General Assembly committees, taken out of context. Moreover, the draft made no reference to the national dimension, which was an essential part of the set of problems involved, as was indicated in the report of the Secretary-General on globalization and its impact on the full enjoyment of all human rights (A/56/254). The international order should first and foremost contribute to the creation of the requisite conditions so that all States respected and promoted the human rights of all individuals. For those reasons, the European Union wished to express its reservations about an initiative that did not appear to fall within the purview of the Third Committee, and would vote against the proposed draft.

24. *At the request of the representative of the United States, a recorded vote was taken on draft resolution A/C.3/56/L.44.*

In favour:

Afghanistan, Algeria, Angola, Armenia, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, China, Colombia, Congo, Costa Rica, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominican Republic, Ecuador, Egypt, Eritrea, Ethiopia, Gambia, Ghana, Guinea, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Jamaica, Jordan,

Kazakhstan, Kenya, Kuwait, Lebanon, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Namibia, Nepal, Nigeria, Oman, Philippines, Qatar, Russian Federation, Saint Lucia, Saudi Arabia, Senegal, Sierra Leone, Singapore, Sri Lanka, Sudan, Swaziland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Andorra, Australia, Austria, Belgium, Canada, Chile, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Micronesia (Federated States of), Monaco, Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Samoa, San Marino, Slovakia, Slovenia, Spain, Sweden, The former Yugoslav Republic of Macedonia, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Yugoslavia.

Abstaining:

Argentina, Guatemala, Nicaragua, Panama, Paraguay, Peru, South Africa.

25. *Draft resolution A/C.3/56/L.44** was adopted by 90 votes to 48, with 7 abstentions.

Draft resolution A/C.3/56/L.45: Respect for the purposes and principles contained in the Charter of the United Nations to achieve international cooperation in promoting and encouraging respect for human rights and for fundamental freedoms and in solving international problems of a humanitarian character

26. **The Chairman** invited the Committee to take action on draft resolution A/C.3/56/L.45, which had no programme-budget implications.

27. **Mr. Reyes Rodríguez** (Cuba), speaking on behalf of the sponsors, said that Afghanistan, Benin, Ethiopia,

Mali and Somalia had become sponsors of the draft resolution — which was quite similar to the resolution adopted on the topic the previous year — when it had first been introduced. Many delegations had expressed concern and mistrust at that time. However, Cuba had shown that its interest was to encourage respect for human rights, promote the resolution of problems of a humanitarian character and fundamentally to reaffirm the purposes and principles of the Charter. The text of the draft resolution plainly did not harbour hidden intentions, and it was to be hoped that it could be adopted by a large majority.

28. **Mr. Laurin** (Canada), speaking in explanation of vote before the voting, said that the draft resolution did not offer a constructive vehicle for addressing the very important questions it raised. His delegation had raised those concerns the year before when the draft resolution had first been considered and adopted by a margin of only 27 votes.

29. Member States were obliged by virtue of their membership to respect the spirit, purposes and principles of the Charter, the defence of which implied the recognition, both explicit and implicit, that human rights around the world were the legitimate concern of the international community. It was vitally important that that principle should not be diluted. However, the draft resolution aimed to limit the scope of the Charter by introducing selective and unbalanced citations from the Charter and other international instruments, rather than accurately reflecting its language, spirit or balance. The draft focused on national sovereignty without balancing that concept with human rights considerations. In so doing, it suggested incorrectly that sovereignty constituted a shield behind which violations of human rights could be perpetrated with impunity, whereas the Charter made it clear that concerns for international peace and security could override State sovereignty in certain circumstances. The United Nations should not be denied the right to intervene where humanitarian issues were at stake. Indeed, it might have an obligation to do so. The international community could not remain passive in the face of violations of human rights.

30. The draft resolution had not garnered widespread support the year before; it had been adopted by a margin of only 27 votes, a sign that the text was divisive. The international community should look for ways to work together, in the spirit of the Charter and of cooperation, rather than undertaking initiatives that

* The delegations of Myanmar and Pakistan subsequently informed the Committee that if they had been present during the voting they would have voted in favour of the draft resolution.

served to divide rather than unite it. For all the reasons stated, his delegation intended to vote against the draft resolution and encouraged other delegations to do the same.

31. **Ms. Paterson** (New Zealand), speaking in explanation of vote, said that her country, which had actively promoted the importance of human rights when the Charter had been drafted, continued to be guided by the Charter and by the obligations undertaken by virtue of all the international human rights and humanitarian instruments in its efforts to promote and protect all human rights and fundamental freedoms.

32. Draft resolution A/C.3/56/L.45 selectively interpreted and cited articles of the Charter to imply that State sovereignty should take precedence over other objectives of the United Nations in the promotion and protection of human rights and fundamental freedoms and in dealing with humanitarian issues. While her country respected the principle of national sovereignty as contained in the Charter, it also acknowledged that that principle should not prejudice the provisions in the Charter concerning measures to maintain or restore international peace and security, as outlined in Chapter VII. The draft resolution sought to confine the important role of the United Nations with regard to human rights and humanitarian activities, in contradiction to the broad objectives of the Charter. For all those reasons, the draft resolution unnecessarily provoked division, and New Zealand would therefore vote against it.

33. **Mr. Maertens** (Belgium), speaking in explanation of vote on behalf of the European Union, said that draft resolution A/C.3/56/L.45 was identical to the one submitted at the fifty-fifth session, and the European Union's position was the same as it had been at that time. In 2000, the European Union had expressed its willingness to cooperate so as to bring the text into line with the scope of the Third Committee's agenda and avoid interfering with the debate on the same issue in other United Nations bodies. The European Union had submitted the relevant amendments, but they had not been taken into account. Consequently, the text still reflected a biased view of cooperation on human rights questions and of the purposes set forth in Article 1, paragraph 3, of the Charter. It was particularly unfortunate that once again, the text referred selectively to certain paragraphs or provisions of other instruments or of previous

resolutions. The fact that the draft resolution still dealt with problems of a humanitarian nature meant that the Committee would be taking on or duplicating work that would normally fall under other agenda items. The same could be said, in more general terms, of the legal aspects of the implementation of the Charter, which fell within the competence of the Sixth Committee. Cooperation on human rights questions also had to do with the obligations arising from the relevant international instruments on the matter, and not only with the provisions of the Charter. For those reasons, the European Union considered that the text submitted should not be included in the Third Committee's programme of work on human rights.

34. The European Union could not support a draft that limited the scope of efforts to protect human rights and fundamental freedoms for all and did not take into account related texts that had been adopted since the signing of the Charter. While the European Union had the utmost respect for the purposes and principles of the Charter, it had strong reservations regarding any effort to exploit it selectively through initiatives that should not represent the Third Committee's contribution to the debates in other United Nations bodies. For those reasons, the European Union regretted that it would once again have to vote against the draft resolution.

35. **Mr. Eriksen** (Norway), speaking in explanation of vote, said that one of the main purposes enshrined in the Charter was that of promoting and encouraging respect for human rights and for fundamental freedoms. The human rights system was based upon recognition of the fact that all States were responsible for respecting and promoting the human rights of all persons within their jurisdiction. Although international cooperation was important to further that objective, in no circumstance could it replace any of the responsibilities of States in that regard. Human rights were not merely an internal matter for the State to consider; they were a legitimate concern of the international community, and reference to the principle of State sovereignty should not serve as an excuse for avoiding criticism and for not conducting self-criticism. Draft resolution A/C.3/56/L.45 was unbalanced and counterproductive and did not encompass the spirit and purposes of the Charter. His delegation would therefore vote against the draft resolution and encouraged other States to do likewise.

36. **Ms. Mudie** (Australia), speaking in explanation of vote, said that her delegation had two main concerns with respect to the draft resolution. The first was with its scope. The relationship between human rights and international humanitarian problems was a complex one which warranted careful consideration by all the relevant organs of the United Nations system. Any such consideration should be carried out in a thorough, holistic and coordinated way among all those agencies. It would not be appropriate for the Third Committee to pre-empt a full and coordinated consideration of that important issue.

37. Her delegation's second concern was with the selective quotation of elements of the Charter. In particular, paragraph 2 drew on Article 2, paragraphs 1 and 4, of the Charter but neglected to draw on the remaining paragraphs of that article, especially paragraph 7, as well as other relevant sections. Her delegation had made the same points when the text had been submitted at the fifty-fifth session. For those reasons, Australia would vote against the draft resolution.

38. *A recorded vote was taken on draft resolution A/C.3/56/L.45.*

In favour:

Afghanistan, Algeria, Angola, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Bhutan, Bolivia, Botswana, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, China, Colombia, Congo, Costa Rica, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominican Republic, Ecuador, Egypt, Eritrea, Ethiopia, Gambia, Ghana, Guinea, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Libyan Arab Jamahiriya, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nigeria, Oman, Pakistan, Qatar, Russian Federation, Saint Lucia, Saudi Arabia, Senegal, Sierra Leone, Sri Lanka, Sudan, Swaziland, Syrian Arab Republic, Togo, Trinidad and Tobago, Tunisia, Uganda, United Arab Emirates, United Republic of Tanzania, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Andorra, Armenia, Australia, Austria, Belgium, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Micronesia (Federated States of), Monaco, Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Samoa, San Marino, Slovakia, Slovenia, Spain, Sweden, the former Yugoslav Republic of Macedonia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Yugoslavia.

Abstaining:

Argentina, Brazil, Chile, Georgia, Guatemala, Madagascar, Malawi, Nicaragua, Panama, Paraguay, Peru, Philippines, Singapore, South Africa, Suriname, Thailand, Uruguay.

39. *Draft resolution A/C.3/56/L.45 was adopted by 86 votes to 48, with 17 abstentions.*

40. **Mr. McCamman** (United States of America) said that the draft resolutions posed important question that were already being discussed in other United Nations forums; bringing those matters up in the Third Committee was not the best use of its time. Moreover, the promotion of human rights was a legitimate concern of the international community, which should not be hindered in advancing that cause. The draft resolution was restrictive; far from embodying the spirit of the Charter, it limited its scope.

41. **Mr. Reyes Rodríguez** (Cuba) said that some delegations had tried to manipulate the content of the draft resolution, which was not at all restrictive. Some countries wanted to reinterpret the concept of sovereignty set forth in the Charter in order to organize humanitarian interventions for the purpose of advancing their own plans for hegemony, domination and control.

Draft resolution A/C.3/56/L.46: 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

42. **The Chairman** invited the Committee to take action on draft resolution A/C.3/56/L.46, which had no programme budget implications.

43. **Mr. Reyes Rodríguez** (Cuba) said he hoped that the draft resolution, whose sponsors had been joined by Algeria, Colombia, Eritrea and Haiti, would be adopted by consensus.

44. **The Chairman** said he took it that the Committee wished to adopt the draft resolution without a vote.

45. *Draft resolution A/C.3/56/L.46 was adopted.*

Draft resolution A/C.3/56/L.47: Respect for the principles of national sovereignty and non-interference in the internal affairs of States in electoral processes as an important element for the promotion and protection of human rights

46. **The Chairman** invited the Committee to take action on draft resolution A/C.3/56/L.47, which had no programme budget implications.

47. **Mr. Reyes Rodríguez** (Cuba) said that the draft resolution included a number of revisions relating to draft resolutions submitted in previous years. Thus, it reaffirmed the need to promote the holding of periodic, fair and free elections and recognized the contribution made by the United Nations of electoral assistance provided to numerous States. In addition, paragraph 4 of the draft resolution had been revised to read: “*Also reaffirms that free development of national electoral processes in each State should be fully honoured in such a manner as fully respects the principles established in the Charter and in the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations*”. He hoped the draft resolution would be adopted by consensus.

48. **The Chairman** said that a recorded vote had been requested.

49. **Ms. Gorove** (United States of America), speaking in explanation of vote, said that her country, which had always supported the holding of free and impartial

elections, would like to continue cooperating with those States that wished to advance on the path to democracy and freedom. Consequently, she regretted that she would not be able to vote in favour of the draft resolution because it did not offer guidelines for elections, nor did it support the direct and legitimate participation of the international community in elections to ensure that they would be free and impartial.

50. *A recorded vote was taken on draft resolution A/C.3/56/L.47.*

In favour:

Afghanistan, Algeria, Angola, Bahamas, Bahrain, Bangladesh, Barbados, Belize, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, China, Colombia, Congo, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Ecuador, Egypt, Eritrea, Ethiopia, Gambia, Ghana, Guinea, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Jamaica, Japan, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nigeria, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Qatar, Saint Lucia, Saudi Arabia, Sierra Leone, Singapore, Sri Lanka, Sudan, Swaziland, Syrian Arab Republic, Thailand, Trinidad and Tobago, Tunisia, United Arab Emirates, United Republic of Tanzania, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Argentina, Australia, Canada, Chile, Israel, New Zealand, Norway, United States of America.

Abstaining:

Andorra, Armenia, Austria, Belarus, Belgium, Bosnia and Herzegovina, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Estonia, Finland, France, Georgia, Germany, Greece, Guatemala, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Monaco, Netherlands, Nicaragua, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian

Federation, San Marino, Senegal, Slovakia, Slovenia, South Africa, Spain, Suriname, Sweden, the former Yugoslav Republic of Macedonia, Togo, Turkey, Uganda, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay, Yugoslavia.

51. *Draft resolution A/C.3/56/L.47,* as orally revised, was adopted by 87 votes to 8, with 53 abstentions.*

52. **Ms. Nagahara** (Japan) thanked the Cuban delegation for the spirit of cooperation and flexibility it had shown in the consultations on the draft resolution.

The meeting was suspended at 12.10 p.m.

The meeting resumed at 12:35 p.m.

Draft resolution A/C.3/56/L.48: The right to food

53. **The Chairman** invited the Committee to take action on draft resolution A/C.3/56/L.48.

54. **Ms. Newell** (Secretary of the Committee) read out a statement prepared by the Director of the Programme Planning and Budget Division pursuant to rule 153 of the rules of procedure. Referring to paragraphs 11 and 14 of the draft resolution, the statement drew attention to General Assembly resolution 45/248 B, part VI, and indicated that the draft resolution would not require any new appropriations.

55. **Mr. Reyes Rodríguez** (Cuba) announced that Djibouti, Germany, Honduras, Japan, Malawi, Malta, Mauritius, Nicaragua, Norway and Sri Lanka had joined the sponsors of the draft resolution.

56. **Mr. Mun** Jong Chol (Democratic People's Republic of Korea), speaking in explanation of vote, said that the right to food was a basic component of all human rights; it was important to be cautious, however, since that right could be used for political purposes. His delegation did not agree with the references to the Democratic People's Republic of Korea in paragraphs 30 and 31 of the report of the Special Rapporteur (A/56/210), inasmuch as they were biased and did not reflect the true situation of his country. Nonetheless, his delegation would vote in favour of the draft resolution, since it agreed with its purpose and the

intrinsic nature of the right to food. His delegation hoped that in future the Special Rapporteur would observe the principle of impartiality and objectivity in carrying out his mandate.

57. *A recorded vote was taken on draft resolution A/C.3/56/L.48.*

In favour:

Afghanistan, Algeria, Andorra, Angola, Argentina, Armenia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Cape Verde, 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, Finland, France, Gambia, Georgia, Germany, Ghana, Greece, Guatemala, Guinea, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Lao People's Democratic Republic, Latvia, Lebanon, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, Nicaragua, Nigeria, Norway, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Saint Lucia, San Marino, Saudi Arabia, Senegal, Sierra Leone, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Swaziland, Sweden, Syrian Arab Republic, Thailand, The former Yugoslav Republic of Macedonia, Togo, 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.

* The delegation of Togo subsequently informed the Committee that it had intended to vote in favour of the draft resolution.

Abstaining:

Australia, New Zealand.

58. *Draft resolution A/C.3/56/L.48** was adopted by 146 votes to 2, with 2 abstentions.

59. **Mr. McCamman** (United States of America), speaking in explanation of vote, said that the best route to food security was through the adoption of sound policies that expanded food production, encouraged growth and opened markets. The United States promoted food security around the world by offering food assistance both bilaterally and multilaterally and was the largest food donor in the world; however, it could not support the draft resolution because it implied that the citizens of a State had a human right to receive food directly from the Government of that State and that a legal remedy should be available for those individuals who believed their presumed right had been denied.

60. **Ms. Paterson** (New Zealand), speaking in explanation of vote on behalf of Australia as well as her own delegation, said that New Zealand and Australia supported in principle the fundamental right to food; however, they did not agree with some of the conclusions of the Special Rapporteur's report, particularly those relating to the impact of international trade on the right to food. Both delegations had abstained from voting because they considered that an open trading system played an important role in promoting development and reducing poverty.

61. **Mr. Reyes Rodríguez** (Cuba) expressed concern that some countries had based their vote on the conclusions of the report of the Special Rapporteur. That situation would be taken into account in the preparation of future versions of the draft resolution.

Draft resolution A/C.3/56/L.51: Elimination of all forms of religious intolerance

62. **The Chairman** invited the Committee to take action on draft resolution A/C.3/56/L.51.

63. **Ms. Newell** (Secretary of the Committee) read out a statement prepared by the Director of the Programme Planning and Budget Division pursuant to rule 153 of the rules of procedure. The statement drew

* The delegation of Trinidad and Tobago subsequently informed the Committee that if it had been present during the voting it would have voted in favour of the draft resolution.

attention to General Assembly resolution 45/248 B, part VI, and indicated that the resources requested in paragraph 16 of the draft resolution had already been earmarked in the proposed programme budget for the biennium 2002-2003. Consequently, the draft resolution would not require any new appropriations.

64. **Ms. Duffy** (Ireland) said that Côte d'Ivoire, Eritrea, Georgia, Honduras, Madagascar, Malawi, Nicaragua, the Philippines, the Republic of Moldova, Sierra Leone and South Africa had become sponsors of the draft resolution.

65. **The Chairman** said he took it that the Committee wished to adopt the draft resolution without a vote.

66. *Draft resolution A/C.3/56/L.51 was adopted.*

Draft resolution A/C.3/56/L.52: National institutions for the promotion and protection of human rights

67. **The Chairman** invited the Committee to take action on draft resolution A/C.3/56/L.52, which had no programme budget implications.

68. **Mr. Bhattacharjee** (India) said that the following countries had become sponsors of the draft resolution: Bangladesh, Benin, Cameroon, Chile, Colombia, the Democratic Republic of the Congo, Denmark, the Dominican Republic, Ecuador, Ethiopia, the Philippines, Georgia, Guyana, Honduras, Hungary, Madagascar, Malawi, Malta, Mongolia, Nigeria, the Republic of Moldova, Romania, the Russian Federation, Rwanda, Sierra Leone, Slovakia, Slovenia, Tunisia, Ukraine, Venezuela and Zambia.

69. **The Chairman** said he took it that the Committee wished to adopt draft resolution A/C.3/56/L.52 without a vote.

70. *Draft resolution A/C.3/56/L.52 was adopted.*

Draft resolution A/C.3/56/L.66: United Nations Decade for Human Rights Education

71. **The Chairman** invited the Committee to take action on draft resolution A/C.3/56/L.66, which had no programme budget implications.

72. **Ms. Hagon** (Australia) said that Benin, Burundi, Cambodia, Cape Verde, Eritrea, France, Ghana, Guinea, Honduras, the Federated States of Micronesia, Myanmar, Nepal, Nicaragua, the Niger, Paraguay, the Republic of Moldova, Rwanda, Slovakia, Somalia,

South Africa, Togo, Tunisia, Uganda, Venezuela and Zambia had joined the sponsors of the draft resolution, and announced some revisions to the text. The tenth preambular paragraph had been revised to read: "Affirming that human rights education is a key to changing attitudes and behaviour based on racism, racial discrimination, xenophobia and related intolerance and to promoting tolerance and respect for diversity in societies, and that such education is a determining factor in the promotion, dissemination and protection of the democratic values of justice and equity, which are essential to prevent and combat the spread of racism, racial discrimination, xenophobia and related intolerance, as was recognized at the World Conference on Racism, Racial Discrimination, Xenophobia and Related Intolerance". In the eleventh preambular paragraph, the phrase "*Looking forward to the outcome*" should be replaced by "*Welcoming the holding*".

73. **The Chairman** said he took it that the Committee wished to adopt draft resolution A/C.3/56/L.66, as revised, without a vote.

74. *Draft resolution A/C.3/56/L.66, as orally revised, was adopted.*

(c) Human rights situations and reports of special rapporteurs and representatives (continued)
(A/C.3/56/L.50 and L.54)

Draft resolution A/C.3/56/L.50: The situation of human rights in the Islamic Republic of Iran

75. **Ms. Stevens** (Belgium), introducing draft resolution A/C.3/56/L.50 on behalf of the European Union and the other sponsors, joined by Australia, Estonia, Iceland, Malta and Suriname, said that a new subparagraph (h) should be added to paragraph 1, which should read: "The efforts of the Government of the Islamic Republic of Iran in accepting and caring for large numbers of Afghan refugees." After summarizing the salient aspects of paragraphs 1, 2 and 3 and stressing the importance of collaboration between Governments and the United Nations system, she said that the sponsors would have been happy to exchange views with the Islamic Republic of Iran in order to reach a consensus text and were still prepared to initiate such a dialogue.

Draft resolution A/C.3/56/L.54: The situation of human rights in parts of South-Eastern Europe

76. **The Chairman** invited the Committee to take action on draft resolution A/C.3/56/L.54 and announced that Bulgaria, Iceland, Lithuania, Malta, Panama and the Republic of Moldova had joined the sponsors. He reminded members of the revision to paragraph 11 that had been read out by the United States at the 49th meeting.

77. **Ms. Reynolds** (United States of America) said that paragraphs 14 and 15 should be joined by inserting the word "and".

78. **Mr. Tasić** (Federal Republic of Yugoslavia), speaking in explanation of vote, recalled the statement made by the Special Representative of the Commission on Human Rights on the situation of human rights in Bosnia and Herzegovina and the Federal Republic of Yugoslavia when introducing his interim report (A/56/460) at the 35th meeting of the Third Committee. He shared the Special Representative's view that consideration of the human rights situation must take into account the exceptionally serious economic and social situation that the current Government had inherited.

79. The draft resolution reflected the positive changes that had taken place in the region, and he welcomed that approach. The status of national and ethnic minorities was of the utmost importance, and his Government had invested considerable effort in promoting their rights. The most difficult problem as far as human rights were concerned was the grave situation in Kosovo and Metohija, where 100,000 Serbs had no freedom of movement, and nearly 250,000 people who had been expelled or internally displaced, most of them Serbs, were not able to return to their homes. The United Nations Interim Administration Mission in Kosovo (UNMIK) had glaringly failed the non-Albanians. His delegation hoped that with strict and full implementation of Security Council resolution 1244 (1999) and with the collaboration of UNMIK, the newly elected self-governing institutions and the Federal Republic of Yugoslavia, the situation would improve.

80. **The Chairman** said he took it that the Committee wished to adopt draft resolution A/C.3/56/L.54, as orally revised, without a vote.

81. *Draft resolution A/C.3/56/L.54, as orally revised, was adopted without a vote.*

82. **Ms. Kislinger** (Venezuela) said that, although her delegation had joined the consensus on the draft resolution, the fact that Kosovo was singled out should not be understood as undermining the territorial integrity of States.

83. **Ms. Mohamed Ahmed** (Sudan) said that the reference in the first preambular paragraph to the Guiding Principles on Internal Displacement did not entail any obligation for her country, since those principles had not been negotiated by all Governments and no consensus had been reached on the matter.

84. **Ms. Šimonić** (Croatia) said that her delegation regretted that it had not been able to sponsor the draft resolution, although it had joined the consensus. In determining which countries were covered by the draft, it was important to bear in mind Commission on Human Rights resolution 2001/12, mentioned in the second preambular paragraph, which put an end to the mandate of the Special Rapporteur of the Commission on Human Rights for Croatia and appointed a special representative of the Commission to examine the situation of human rights in Bosnia and Herzegovina and in the Federal Republic of Yugoslavia. That appointment was welcomed in paragraph 14 of the draft resolution.

The meeting rose at 1.20 p.m.