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Held at Headquarters, New York, on Friday, 30 November 2001, at 3 p.m.

Chairman: Mr. Al-Hinai (Oman)

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The meeting was called to order at 3.15 p.m.

Agenda item 12: Report of the Economic and Social Council (*continued*) (A/C.3/56/L.79)

Draft decision A/C.3/56/L.79: Resumed session of the Third Committee

1. **The Chairman** said that the text of the draft had been prepared after consultations organized by the Bureau with all regional groups. He recalled the content of the draft and pointed out that if the report of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance was adopted and published before the reports of the Third Committee were considered in plenary meeting, the Bureau would explore the possibility of the General Assembly taking note of the report as soon as possible to stress the importance and urgency of the issues with which it dealt. The draft decision related only to agenda item 117.

2. It was important to keep agenda item 110, Crime prevention and criminal justice, under consideration because, although the Third Committee had completed its work on that item, the Commission on Crime Prevention and Criminal Justice had, at its resumed session, adopted two more draft resolutions which were to be submitted to the Economic and Social Council and the General Assembly for action. The two drafts had been attached to the Commission's report to the Council (E/2001/30/Rev.1) and issued after the Third Committee had completed its consideration of the item and taken action on the proposed drafts. Inasmuch as the two draft resolutions must first be approved by the Council, which was not expected to meet for some time, it was clear that the item must be kept open. Moreover, it was urgent that the General Assembly should take action on those drafts because the Commission would have to meet again soon to discuss the draft plans of action for the implementation of the Vienna Declaration, in particular the section dealing with terrorism, and also hold a preparatory meeting of its Ad Hoc Committee on the Negotiation of a Convention against Corruption. Once the Council approved the draft resolutions, action could be taken directly by the General Assembly in plenary meeting, as had been done in similar cases in previous years. No further action was required of the Third Committee at the current stage.

3. **Ms. Newell** (Secretary of the Committee) read out the statement of programme budget implications of draft decision A/C.3/56/L.79, which indicated that on the basis of the parameters contained in the draft and on the assumption that the resumed session of the Third Committee would last a week, with interpretation and summary records in the six official languages for the Committee's plenary meetings, in addition to the preparation of 20 pages of in-session and 30 pages of post-session documentation, the conference-servicing requirements for the resumed session of the Third Committee were estimated at \$223,300, at full cost. Those expenses would be entered under section 2, General Assembly Affairs and Conference Services, of the programme budget for the biennium 2002-2003, which would cover not only meetings programmed at the time of the budget preparation, but also meetings authorized subsequently, provided that the number and distribution of the meetings were consistent with the usual pattern of meetings. On that understanding, the adoption of draft decision A/C.3/56/L.79 would have no programme budget implications.

4. **Mr. Alaei** (Iran), speaking on behalf of the Group of 77 and China, said that it would be preferable to consider agenda item 117 before the session of the Commission on Human Rights was held in Geneva, provided that the report of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance was approved and finalized in time. He regretted the delay that had taken place in the work of the Commission and hoped that it would be able to resume its consideration of the question as soon as possible.

5. **Mr. Ndiaye** (Senegal), endorsing the statement made by the representative of the Islamic Republic of Iran on behalf of the Group of 77 and China, said he deplored the fact that two months after the Conference, the report was still not available. The delay would be a dangerous precedent and should not be repeated, especially in connection with major international conferences organized under United Nations auspices. He hoped that the report would be ready soon so as to enable the Commission on Human Rights to consider the resolutions on the important issues involved. During the Conference, which had marked a decisive turn in world mobilization against racism, Senegal had played an active role; it therefore appealed to all parties to encourage the resumption of negotiations between the Group of African States and the European

Union so that consensus might be reached on the location of the paragraphs in question and the report finalized.

Agenda item 119: Human rights questions (*continued*)

(c) Human rights situations and reports of special rapporteurs and representatives (*continued*)
(A/C.3/56/L.55, L.56/Rev.1 and L.78)

Draft resolution A/C.3/56/L.55: Situation of human rights in Myanmar

6. **The Chairman** recalled that Australia, Belgium, Estonia, Greece, Italy, Latvia, Lithuania, Malta, the Netherlands, New Zealand and Slovenia had been announced as sponsors when the draft resolution was introduced and stated that the programme budget implications of the draft, submitted in accordance with rule 153 of the rules of procedure of the General Assembly, were contained in document A/C.3/56/L.78.

7. **Ms. Newell** (Secretary of the Committee), recalling the oral revisions made by the representative of Sweden when the draft had been introduced, said that in the ninth preambular paragraph the word “deeply” had been deleted before the word “concerned”; in paragraph 7 of the English version, following the phrase “exercise by political parties”, the word “of” had been replaced by the words “with regard to”; in paragraph 16 “takes note” had been replaced with “notes” and in the fifth line of the same paragraph, the word “notes” had been deleted; the following words had been added at the end of paragraph 17: “and encourages the Government of Myanmar to pursue the dialogue with the Director-General of the International Labour Organization to this end”; in the second line of paragraph 20, the phrase “are refugees,” had been deleted.

8. **Mr. Swe** (Myanmar) recalled that since the adoption of General Assembly resolution 55/112, Myanmar had taken a number of positive steps that had been hailed by the Special Envoy of the Secretary-General for Myanmar, the Special Rapporteur of the Commission on Human Rights and the Secretary-General himself. The Government of Myanmar had cooperated fully with the Special Rapporteur, who had enjoyed complete freedom of movement during his visit to the country and had characterized the Government’s cooperation with the International Committee of the Red Cross as exemplary. It was

surprising, therefore, to note how greatly the draft resolution was at variance with their statements. Myanmar had hoped for a draft that would reflect the positive developments that had taken place and noted in that regard the meritorious efforts of the countries of the Association of South-East Asian Nations (ASEAN), Japan and certain friendly countries, including some sponsors of the draft, to arrive at a document more in keeping with reality. Despite a few improvements, the draft lacked balance and gave an unfair assessment of the situation in Myanmar.

9. First of all, it dwelt on the past and only partly portrayed the current situation. All the negative paragraphs attributable to the previous rapporteur, who had not visited the country, had been retained, while the positive remarks of the current rapporteur had sometimes been ignored. Secondly, the positive paragraphs inserted at the request of certain Member States were marred by negative connotations borrowed from the previous resolution. Thirdly, the draft was simply inaccurate and misrepresented the true situation. No account was taken, for example, of the Government’s efforts to address the problem of HIV/AIDS and to establish harmonious relations among all the country’s religions.

10. The draft failed to reflect the strong wish of many countries to offer clear and unconditional encouragement to the Government of Myanmar to move forward with its reconciliation and democratization process. His delegation rejected all the unfounded allegations, misrepresentations and misleading insinuations found in the draft, from which it dissociated itself. If Myanmar’s transition to democracy was hampered and the rate of reform had to be slowed down, the responsibility must be placed on the countries that continued to exert unjustified pressure on the country.

11. **Ms. Pham Jhi Kim Anh** (Viet Nam) said that it was not by adopting a resolution on the human rights situation in any particular country that one could help that country to improve, but rather by encouraging dialogue, cooperation and understanding. The human rights situation in Myanmar had improved greatly in recent years, and those improvements had been applauded in the various reports of the Secretary-General, the Special Rapporteur of the Commission on Human Rights and the International Labour Organization but were not faithfully reflected in the draft resolution. Her delegation was appreciative of the

efforts made by the Government of Myanmar to arrive at reconciliation and improve the country's human rights situation and felt that the resolution ought to encourage those efforts rather than confining itself to criticism.

12. **Mr. Shen** Guofang (China) said he deplored the fact that certain paragraphs in the draft resolution did not reflect the actual situation in Myanmar as described by the Special Envoy of the Secretary-General and the Special Rapporteur of the Commission on Human Rights and that the text did not take account of the suggestions made to the sponsors during repeated consultations. China wished to affirm that it was appreciative of the measures taken by the Government to improve the human rights situation in Myanmar.

13. *Draft resolution A/C.3/56/L.55 was adopted.*

14. **Mr. Bhattacharjee** (India), explaining his position, stated that the resolution, albeit adopted without a vote, did not reflect actual conditions in Myanmar. His delegation welcomed the continued dialogue in that country and the release of political prisoners and considered the confidence measures adopted encouraging. He felt it was up to the various actors in the country, rather than third parties, to determine the rate of reform.

15. **Ms. Nagahara** (Japan) said that the resolution adopted should not isolate Myanmar from the international community, but encourage it to spare no effort to improve the human rights situation. The text reflected the international community's concern for the human rights situation in Myanmar, while recognizing the progress achieved. It might, however, have been more precise and more impartial. Japan therefore hoped that efforts would be made in that direction if the resolution was updated in 2002 and felt that the point of view of the parties concerned, in particular Myanmar's neighbours, ought to be duly reflected in the resolution. The establishment of a constructive dialogue between the parties concerned and the sponsors during the drafting of the resolution was conducive to a more credible and more balanced text. Such a dialogue had been instituted for the first time during the current session. In that regard, Japan paid tribute to the delegation of Sweden and the other sponsors for their understanding and cooperation. It hoped that the dialogue would be pursued in subsequent years and that the Government of Myanmar would continue to strive to improve the human rights

situation and to strengthen the national reconciliation process. Japan was quite willing to help it achieve those objectives.

16. **Mr. Moniaga** (Indonesia) drew attention to the progress made in Myanmar during the previous year and the action taken with a view to national reconciliation. Those developments, moreover, had been duly noted in the report of the Secretary-General on the situation of human rights in Myanmar (A/56/505). Indonesia had always attached great importance to cooperation and the establishment of a constructive dialogue among the sponsors, Myanmar and the neighbouring countries. It hoped that no element of the resolution just adopted would hamper the efforts made towards national reconciliation and that the international community would recognize and support the confidence-building measures adopted by the various actors.

17. **Mr. Zainuddin** (Malaysia) said that Malaysia took note of the progress achieved in Myanmar in the area of human rights. It reiterated its support for the national reconciliation process and paid tribute to the Government for having cooperated with the Special Envoy of the Secretary-General and the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Myanmar when they visited the country. Malaysia felt that the resolution just adopted should duly reflect the progress made, as mentioned in the Special Rapporteur's report (A/56/312). His delegation, which had participated, together with other concerned delegations, in the consultations on the draft resolution, regretted that a number of amendments proposed to ensure the impartiality of the text had not been adopted. It was convinced, moreover, that only a positive approach could strengthen international cooperation for the promotion and protection of human rights.

18. **Mr. Singhara Na Ayudhaya** (Thailand) said that his country recognized the progress made in Myanmar and reiterated its support for the national reconciliation process. Thailand hoped that the Government of Myanmar would continue on the right path and declared itself willing to assist. It was pleased at the action of the Special Envoy of the Secretary-General and the Special Rapporteur of the Commission on Human Rights and paid tribute to the Government for having given them its cooperation and also for having cooperated with the high-level team of the International Labour Organization. Thailand

considered that subsequent resolutions concerning Myanmar must reflect to a higher degree the concerns of all sides with a view to strengthening international cooperation for the promotion and protection of human rights.

Draft resolution A/C.3/56/L.56/Rev.1: Situation of human rights in the Democratic Republic of the Congo

19. **The Chairman** announced that the draft resolution had no programme budget implications, though the *Journal* had erroneously indicated that there were programme budget implications in A/C.3/56/L.83. He recalled that Australia, Estonia, Japan, Malta, San Marino and Slovenia had become sponsors of draft resolution A/C.3/56/L.56 at the time of its introduction. The Czech Republic had subsequently also become a sponsor.

20. **Mr. Karambizi** (Rwanda) said that he wished to add a few clarifications. Rwanda firmly believed in strict respect for human rights and condemned any violation of those rights, wherever it might occur. The draft resolution was based on the report of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in the Democratic Republic of the Congo. Rwanda had disapproved of that report, finding it subjective, tendentious and filled with gratuitous allegations deliberately aimed at Rwanda. His delegation found it regrettable that those allegations had been included methodically in the text of the draft resolution, which it was therefore unable to support.

21. **The Chairman** announced that a recorded vote on the draft resolution had been requested.

22. **Mr. Ileka** (Democratic Republic of the Congo) said that he would like to know which delegation had requested a recorded vote.

23. **The Chairman** said that the request had been made by the delegation of Rwanda.

24. **Mr. Beyendeza** (Uganda), explaining his vote before the vote, said that while Uganda approved the text of the draft in the main, it had some reservations regarding paragraph 1 (b), which referred to the reports of the Special Rapporteur on the human rights situation in the Democratic Republic of the Congo (E/CN.4/2001/40/Add.1 and A/56/327), the conclusions of which, it felt, did not reflect the true situation and ought to have been discussed

interactively in the Third Committee. His delegation also found regrettable the mention, in paragraph 2 (d), of the role of Uganda and announced that it would vote against the draft.

25. **Mr. Ileka** (Democratic Republic of the Congo) said that the draft resolution should have been entitled “Situation of human rights in the Democratic Republic of the Congo following the armed aggression against that country by Rwanda and Uganda”, owing to the criminal activities (which were widely known and had been denounced many times by non-governmental organizations and organizations of the United Nations system specializing in the defence of human rights) conducted in his country by those two States, which he referred to as terrorists and thugs. The ethnic conflict transposed by Rwanda and Uganda to the territory of the Democratic Republic of the Congo had left 3 million dead, 2 million displaced persons within the country, 400,000 Congolese refugees in neighbouring countries and more than 16 million persons affected by the war. Despite such conditions, his Government had managed to preserve essential human rights values, as shown, basically, by the Special Rapporteur’s report (A/56/327) and the report of the Secretary-General on the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) (S/2001/970).

26. The bipolarization of the human rights situation in the Democratic Republic of the Congo — depending on whether one placed oneself in the territory under the control of the Government or in that occupied by the forces of aggression — which was reflected in the two reports just mentioned, was not adequately brought out in the spirit or the letter of the draft resolution. He wished to have the amendments to the text proposed by his delegation included, namely: in paragraph 1 (e), acknowledgement of the implementation of the decision of the Head of State to close dungeons and other places of detention not dependent on the courts; in paragraph 2 (c), the idea of avoiding blanket statements and recognizing the efforts made by the Government to promote the rights of the child, in particular those which had led to the promulgation of Decree-law No. 66 of 9 June 2000 on the demobilization and rehabilitation of vulnerable groups present in the fighting armed forces and the ratification, on 28 March 2001, of the two optional protocols to the Convention on the Rights of the Child; and, in paragraph 2 (c) (v), recognition of the decision

that, pending the completion of the judicial reform, and especially that of military justice, the Military Court no longer had jurisdiction in matters other than those involving violations of the Code of Military Regulations. The moratorium on the application of the death penalty had been in force since February 2001 and would remain so until the completion of the parliamentary debates on its abolition. Finally, the draft did not adequately reflect the constructive cooperation that had been established between the Government of the Democratic Republic of the Congo and the Office of the Special Rapporteur.

27. The representative of the Democratic Republic of the Congo said he was not surprised that Rwanda and Uganda, which had been identified as the principal causes of the drama taking place in the Democratic Republic of the Congo, should go against the consensus that had emerged and requested all peace-and-justice-loving Member States not to oppose the text of the draft resolution.

28. *A recorded vote was taken.*

In favour:

Andorra, Angola, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Barbados, Belarus, Belgium, Belize, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Canada, Chile, Colombia, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Fiji, Finland, France, Georgia, Germany, Greece, Guatemala, Guyana, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Jamaica, Japan, Kazakhstan, Kuwait, Latvia, Liechtenstein, Lithuania, Luxembourg, Maldives, Malta, Marshall Islands, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Netherlands, New Zealand, Nicaragua, Norway, Panama, Papua New Guinea, Paraguay, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Samoa, San Marino, Slovakia, Slovenia, Spain, Suriname, Sweden, The former Yugoslav Republic of Macedonia, Trinidad and Tobago, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela and Yugoslavia.

Against:

Rwanda and Uganda.

Abstaining:

Afghanistan, Algeria, Bahrain, Bangladesh, Benin, Bhutan, Botswana, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, China, Congo, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Egypt, Eritrea, Ethiopia, Gambia, Ghana, Guinea, Haiti, India, Indonesia, Iran (Islamic Republic of), Jordan, Kenya, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Mali, Mauritania, Morocco, Mozambique, Myanmar, Namibia, Nigeria, Pakistan, Philippines, Qatar, Saint Lucia, Saudi Arabia, Senegal, Sierra Leone, Singapore, South Africa, Sri Lanka, Sudan, Swaziland, Syrian Arab Republic, Thailand, Togo, Tunisia, United Arab Emirates, United Republic of Tanzania, Zambia and Zimbabwe.

29. *Draft resolution A/C.3/56/L.56/Rev.1 was adopted by 88 votes to 2, with 66 abstentions.*

30. **Mr. Mannan** (Bangladesh) said that his delegation was convinced that draft resolutions on the situation in any particular State were not the best way to serve the promotion and protection of human rights and had therefore abstained from voting.

The meeting rose at 4.30 p.m.