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Chairman: Mr. Al-Hinai (Oman)

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Suspension of the work of the Third Committee

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The meeting was called to order at 6.05 p.m.

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

(c) Human rights situations and reports of special rapporteurs and representatives (*continued*)
(A/C.3/56/L.57 and L.82)

Draft resolution A/C.3/56/L.57: The situation of human rights in Iraq

1. **The Chairman** said that the draft resolution had no programme budget implications, that Luxembourg had been an original sponsor and that Iceland, Japan, Liechtenstein, Malta and San Marino had been announced as sponsors when the draft resolution had been introduced.

2. **Ms. Newell** (Secretary of the Committee), reading out revisions which had been made orally by the representative of Belgium in introducing the draft resolution, said that the phrase “for the protection of victims at war” in the third preambular paragraph should be replaced by “on the protection of war victims”. The phrase “raised the ceiling” in the fifth preambular paragraph should read “removed the ceiling”. In paragraph 4 (d), the words “of the Commission on Human Rights” should be deleted after “Special Rapporteur”. In paragraph 4 (l), “oil-for-humanitarian-goods programme” should read “oil-for-food programme” and “to address effectively” should be changed to “in order to address effectively”.

3. **Mr. Maertens** (Belgium), speaking on behalf of the European Union, said that Latvia wished to become a sponsor.

4. **Mr. Aldouri** (Iraq) said that the draft resolution was a certified true copy of every draft resolution submitted by the European Union, with the support of the United States, for the past 10 years. It was clearly politicized and contained the same allegations, criticisms and clichés as in previous years. Truly, it sounded like a broken record. The draft resolution was unbalanced, subjective and extremely selective, and characteristic of resolutions adopted against countries which defied United States policies. The sponsors of the draft resolution seemed to think that, for the past decade, time had stood still in Iraq and that the country was still coping with the aftermath of the United States aggression. He wished to assure third world countries that Iraqi society was very dynamic and evolving

rapidly, and that the damage from the United States aggression had been repaired.

5. Human rights was a relative concept. Iraq continued to be the victim of daily attacks by United States and British aircraft and of an asphyxiating embargo which had serious humanitarian consequences and had claimed the lives of over 1 million Iraqi citizens. In countless statements and all its correspondence and communication with the States of the European Union, Iraq had called for an end to the embargo and the sanctions, and thereby to hunger and disease. Although the oil-for-food programme had not been sufficient to meet the needs of the Iraqi people, contracts with a value of over US\$ 4.5 billion, which would have covered the humanitarian needs of Iraqi citizens, had been placed on hold.

6. If the sponsors of the draft resolution were truly committed to the promotion of human rights in Iraq — and human rights were among the basic rights of Iraqi citizens — they should have denounced the daily military aggression against Iraq, the violation of both individual and collective human rights and the serious environmental and health problems caused by the use of uranium, which had killed unborn and newborn babies and was responsible for the prevalence of leukaemia. They should have called for an international investigation into that crime against humanity, which had taken the lives of 1 million Iraqis and was tantamount to genocide.

7. As an example of just how biased and unbalanced the draft resolution was, he noted that it called for equitable distribution of items purchased under the oil-for-food programme, when the recent report of the Secretary-General on the situation in Iraq indicated that food commodities had indeed been fairly distributed, as scheduled, both in central and southern Iraq — the northern part of Iraq was under United Nations supervision — and in urban and rural areas (S/2001/1089, para. 37). The sponsors should have called on the Security Council Committee established pursuant to resolution 661 (1990) to lift the sanctions on food, medicines and other humanitarian needs, requested the United Kingdom to stop creating obstacles to humanitarian programmes and condemned practices which targeted a whole nation and prevented it from meeting its basic humanitarian needs, including food, medicines, electricity, water and communications equipment. Iraq had been unable to obtain the necessary materials to rebuild its electrical, water and

communications facilities or to dispose of its natural resources.

8. Iraq abided fully by all Security Council resolutions. In return, it expected the Security Council to fulfil its obligations under its own resolutions. Iraq would not accept the rewriting of, or any additions to, existing resolutions and refused to compromise its sovereignty or its right to dispose of its natural resources. Humanitarian agencies operating in Iraq shared the view of the Iraqi Government and people that lifting the sanctions was the only way to promote human rights. Iraq had sufficient resources to guarantee a decent standard of living for all its citizens and was not a poor country in need of assistance. Indeed, prior to the imposition of sanctions, it had provided assistance to other countries. His Government and all third world countries were categorically opposed to the deployment of human rights monitors in Iraq (paragraph 4 (d) of the draft resolution). Although Iraq had nothing to hide, it was concerned about the establishment of a precedent which would undermine the sovereignty of States and interfere in their internal affairs.

9. The allegations concerning the situation of certain minorities in Iraq were regrettable. The Iraqi Constitution and other legislation fully guaranteed the human rights of Kurds and other minorities, as reflected in actions and institutions in the northern part of the country. Indeed, Iraq set an example for the entire region in that regard. As for missing persons, he wished to reaffirm that Iraq was not holding any Kuwaiti or non-Kuwaiti prisoners but had in fact released some 6,000 prisoners of war as a precondition for a ceasefire under Security Council resolution 678 (1990). His delegation urged the Government of Kuwait to refrain from politicizing the issue, which could best be resolved through direct bilateral negotiations or through the League of Arab States. Iraq was itself still awaiting information on 1,370 missing persons from its military and civilian sectors and, in August, had addressed a letter to the Secretary-General in that connection. It had also requested the Secretary-General to call on the United States and the United Kingdom to stop interfering in the work of the Tripartite Commission established pursuant to the ceasefire agreement of 1991 under the auspices of the International Committee of the Red Cross (ICRC). If the United States and the United Kingdom, which had no files on missing persons, continued to participate in

the work of that Commission, then China, India and the Russian Federation, which also had no such files, should be members as well. The lack of responsiveness to the proposal for a more balanced Commission was very frustrating. As for cooperation in the mine action programme (S/2001/1089, paras. 115 and 116), the sponsors of the draft resolution should consider how the inhabitants of the northern governorates could possibly continue to work without the cooperation of the Iraqi Government, which had provided all the equipment, personnel and financing for the programme.

10. The accusation of using political “rape as a tool” had engendered genuine feelings of bitterness among Iraqis. While such immoral practices might be well known in the West, they were contrary to the values of Arab and Muslim society. His delegation condemned that choice of words, which was a great affront to the dignity of Iraqi, Islamic and Arab society. The use of such brutal, unjustified and defamatory language was, in itself, a blatant violation of human rights. Dialogue would be a far more effective way to promote human rights.

11. In fact, the draft resolution was an attempt to cover up the ongoing aggression by the United States and the United Kingdom — and preparations for further United States aggression, if media reports were any indication. He called on the Group of 77, the Movement of Non-Aligned Countries, Islamic States and other well-intentioned Member States to vote against such an unfair draft resolution, which was designed to serve unsavoury political purposes.

12. **Mr. Barg** (Libyan Arab Jamahiriya) said that it was unacceptable that certain countries should exploit a draft resolution for their own ends, at the expense of other countries. The draft resolution was politicized and unbalanced. Beyond removing the ceiling for the allowable import of Iraqi oil, its fifth preambular paragraph made no mention of frozen Iraqi assets, an issue over which the Secretary-General had expressed concern. Nor would the draft resolution assist the recent breakthrough in communication and meetings between the Special Rapporteur and the Permanent Mission of Iraq in Geneva, which marked a new beginning.

13. The stationing of human rights monitors was a violation of sovereignty which no State would accept. The allegation in paragraph 4 (a) of the draft resolution concerning the violation of the rights of religious or

ethnic minorities was untrue; minorities had coexisted in Iraq for thousands of years.

14. The draft resolution's lack of balance and its failure to condemn the air strikes against Iraq, or their toll in lives and property, were both amazing and puzzling. Apparently, the human rights of the victims did not matter. The draft resolution also stressed civil and political rights over vital economic, social and cultural rights, barely mentioning the disastrous consequences of the sanctions.

15. He called on Iraq to cooperate with the Tripartite Commission and its Technical Subcommittee on Military and Civilian Missing Prisoners of War and Mortal Remains with a view to restoring peace and security in the entire region. His delegation would vote against the draft resolution for the reasons which he had outlined.

16. **Mr. Gabtni** (Tunisia), speaking in explanation of vote before the voting, said that the draft resolution took a selective and unilateral approach to human rights and paid scant attention to the negative impact of the sanctions imposed on Iraq. His delegation would therefore abstain from the vote and hoped that the Security Council would be able to reach a compromise on the question of Iraq, allowing the sanctions against it to be lifted.

17. **Mr. Khalil** (Egypt) said that it was very important not to politicize the issue of human rights and that human rights should not be used as an excuse to infringe Iraq's sovereignty and territorial integrity. The question of missing persons in Iraq needed to be resolved. Measures needed to be taken to protect civilians, particularly women and children, from the effects of sanctions, including the steep rise in the incidence of disease resulting from shortages of medicines and medical equipment. That constituted a violation of the right to life of many generations to come. His delegation felt that the draft resolution was unbalanced and would therefore abstain from the vote.

18. *At the request of the representative of Iraq, a recorded vote was taken on draft resolution A/C.3/56/L.57.*

In favour:

Andorra, Argentina, Australia, Austria, Bahamas, Barbados, Belgium, Belize, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Bulgaria, Canada, Chile, Colombia, Costa Rica,

Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Ethiopia, Fiji, Finland, France, Georgia, Germany, Greece, Guatemala, Guyana, Hungary, Iceland, Ireland, Israel, Italy, Jamaica, Japan, Kazakhstan, Kuwait, Latvia, Lesotho, Liechtenstein, Lithuania, Luxembourg, Malawi, 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, Samoa, San Marino, Saudi Arabia, Senegal, Slovakia, Slovenia, Spain, Suriname, Swaziland, 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, Yugoslavia, Zimbabwe.

Against:

Comoros, Libyan Arab Jamahiriya, Sudan.

Abstaining:

Afghanistan, Algeria, Azerbaijan, Bahrain, Bangladesh, Belarus, Benin, Brunei Darussalam, Burkina Faso, Cambodia, Cameroon, Cape Verde, China, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Egypt, Eritrea, Ghana, Guinea, Haiti, India, Indonesia, Jordan, Kenya, Lao People's Democratic Republic, Lebanon, Madagascar, Malaysia, Mali, Mauritania, Mozambique, Myanmar, Namibia, Nigeria, Pakistan, Philippines, Qatar, Russian Federation, Saint Lucia, Sierra Leone, Singapore, South Africa, Sri Lanka, Syrian Arab Republic, Thailand, Togo, Tunisia, Uganda, United Arab Emirates, United Republic of Tanzania, Venezuela, Viet Nam, Zambia.

19. *Draft resolution A/C.3/56/L.57, as orally revised, was adopted by 91 votes to 3, with 55 abstentions.*

20. **Ms. Samah** (Algeria) said that her delegation had abstained from the vote because the sanctions against Iraq were unjust and should be lifted. The real victims were Iraqi children, whose rights to health, education and food were being violated. The Vienna Declaration and Programme of Action had emphasized that human rights were universal, indivisible and interdependent,

and her delegation therefore rejected the approach of giving certain rights precedence over others. Moreover, the issue of human rights should not be manipulated for political purposes; constructive dialogue was needed to improve the situation in Iraq.

21. **Ms. Al Haj Ali** (Syrian Arab Republic) said that her delegation had abstained from the vote because it rejected any measures that would undermine Iraq's sovereignty and territorial integrity, particularly the deployment of human rights monitors in Iraq. Such a measure would run counter to the principles of the Charter of the United Nations. Regrettably, the draft resolution made only a brief reference to the disastrous impact of the sanctions on the people of Iraq. However, her delegation called on the Iraqi authorities to cooperate with efforts to resolve the issue of all missing persons and prisoners of war.

22. **Ms. Archer** (Bahamas) said that her delegation was committed to the promotion of human rights worldwide and had therefore voted in favour of the draft resolution. The type of action recommended in the draft resolution was genuinely aimed at improving the situation of human rights in Iraq. However, her Government's support for the draft resolution was without prejudice to its position on the death penalty, which was a matter for the individual jurisdiction of States.

23. **Mr. Rogov** (Russian Federation) said that his delegation had abstained from the vote because the draft resolution was one-sided and did not fully reflect the violations of economic and social rights in Iraq resulting from the sanctions imposed on the country, such as increasing poverty and the desperate situation with regard to health, employment and education.

24. **Mr. Amorós Núñez** (Cuba) said that his delegation had abstained from the vote because the draft resolution sought to promote a violation of Iraq's sovereignty and took a selective approach to human rights, notably neglecting the issue of social rights. Moreover, the text mentioned neither the effects of the sanctions on Iraq, such as the deaths of more than 1 million children, nor the systematic bombing of the country, which also had a disastrous effect on the human rights situation.

Draft resolution A/C.3/56/L.82: Question of human rights in Afghanistan

25. **The Chairman** invited the Committee to take action on draft resolution A/C.3/56/L.82, which he was submitting on the basis of informal consultations. The draft resolution had no programme budget implications.

26. *Draft resolution A/C.3/56/L.82 was adopted.*

27. **Mr. Al-Ketbi** (United Arab Emirates) said that, in the vote on draft resolution A/C.3/56/L.58/Rev.1 at the Committee's 53rd meeting, his delegation had intended to vote against the draft resolution.

28. **The Chairman** announced that the Committee had concluded its consideration of agenda item 119 (c).

Agenda item 112: Advancement of women (*continued*)
(A/C.3/56/L.20/Rev.1 and L.76)

Draft resolution A/C.3/56/L.20/Rev.1: Critical situation of the International Research and Training Institute for the Advancement of Women

29. **Mr. Alaei** (Islamic Republic of Iran) announced that Greece, Italy, Portugal and Spain had become sponsors of the draft resolution. Paragraph 4 should be revised to read as follows:

“4. *Decides:*

(a) To establish a working group composed of two governmental representatives from each of the five regional groups of the United Nations and one representative of the host country, the mandate of the working group being to make recommendations to the General Assembly before the end of the fifty-sixth session, for its consideration by the end of 2002, on the future operation of the Institute;

(b) To examine ways, within the framework of General Assembly resolution 55/219 of 23 December 2000 and Economic and Social Council resolution 2001/40 of 28 July 2001, in which the Institute could be provided with resources to enable it to continue its operation until the General Assembly has considered the recommendations of the working group”.

In addition, subparagraph 5 (b) should be deleted. Given the lengthy negotiations that had taken place on

its drafting, he hoped that the draft resolution, as orally revised, would be adopted by consensus.

30. **Mr. Liarski** (Programme Budget Officer, Programme Planning and Budget Division) said that the draft resolution, as orally revised, had no programme budget implications. However, given its present financial situation, the Institute would in all likelihood run out of funds in January 2002 and would have to be closed unless significant additional funds were received.

31. *Draft resolution A/C.3/56/L.20/Rev.1, as orally revised, was adopted.*

32. **The Chairman** announced that the Committee had concluded its consideration of agenda item 112.

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.59 and L.67/Rev.1)

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

33. **The Chairman**, inviting the Committee to take action on draft resolution A/C.3/56/L.59, said that the draft resolution had no programme budget implications. He reminded the Committee that, in addition to the sponsors listed in the document, Colombia, Costa Rica, Georgia, Kazakhstan, Kenya, Madagascar and Mauritania had become sponsors when the draft resolution had been introduced. The Democratic Republic of the Congo, Ecuador, El Salvador, Guatemala and Suriname also wished to become sponsors. A recorded vote on the draft resolution had been requested by Australia, Belgium (on behalf of the European Union), Canada, Liechtenstein and San Marino.

34. **Mr. Roshdy** (Egypt) said his delegation regretted that a recorded vote had been requested on the draft resolution. It had hoped that the events of 11 September 2001 would prompt a new, concerted approach to terrorism and to protecting the human rights of victims.

35. **Ms. Samah** (Algeria) said that the draft resolution had been the subject of lengthy and intensive discussions and that some problems had proved

impossible to resolve. However, she was surprised at the request for a recorded vote. The events of 11 September had made the world painfully aware of the threat posed by terrorism to international peace and security and of the need to deal with that threat in a concerted and determined manner. Algeria, which had for years coped alone with its own terrorist problem, had long believed that such a global response was the only way to tackle the terrorist threat, from which no country could consider itself immune. The aim of terrorism was to paralyse societies individually and collectively by creating a climate of insecurity and fear.

36. Terrorists had shown themselves to be capable of turning the benefits of globalization into weapons against freedom, democracy and basic human rights. However, despite the rude awakening of 11 September, the international community had still not adapted fully to the new face and methods of terrorism. Some countries continued to treat terrorism as a marginal phenomenon, apparently forgetting that it was precisely their lack of vigilance that had allowed criminal networks to become established in their territory, raise funds and arm terrorist groups which then inflicted terror and death on neighbouring countries. Such countries had begun to take action against terrorist networks only when they themselves became targets, yet they continued to hide behind a narrow legalistic approach, ignoring the clear fact that terrorist groups violated human rights.

37. Massacres of women and children violated the fundamental right to life. When schools were blown up by terrorists, making children afraid to go to school, the right to education was denied. Hijacked aeroplanes used as weapons against inhabited buildings made people afraid to travel, violating the right to freedom of movement. When people were afraid to meet in public places, the right to freedom of assembly was threatened. When journalists or intellectuals, under threat of death, were afraid to denounce extremism, the right to freedom of expression and the right to impart information were denied. When women were murdered, raped, mutilated and kidnapped by terrorists, their fundamental rights were violated. When economic infrastructure was destroyed and the global economy destabilized by terrorist attacks, the freedom to work and to do business was endangered.

38. It was time to stop legalistic quibbling and face up to reality. It was time that Governments bore primary responsibility for safeguarding respect for

human rights and that the fight against terrorism had to be conducted in conformity with the law, but an increasingly broad variety of actors could contribute to the promotion of human rights or, conversely, could seriously jeopardize respect for human rights. A refusal to take action would signal blindness to the threat and would repeat the mistakes that had allowed terrorism to become such a frightening scourge.

39. **Mr. Rogov** (Russian Federation) expressed regret that, despite intense consultations, it had not been possible to reach a consensus. His delegation had sponsored the draft resolution out of the conviction that terrorism was a complete negation of human rights; it had hoped for a unified response to terrorist attacks, but old patterns of thinking had unfortunately prevailed.

40. **Mr. Tekin** (Turkey) said that his delegation had hoped for a new spirit of understanding on the links between terrorism and human rights and regretted that the draft resolution would have to be adopted by a vote. It appeared that the Committee was only one word away from a consensus, which might be achieved in the future.

41. **Mr. Bhattacharjee** (India) expressed regret that there were still those who denied that terrorism was destructive to human rights.

42. **Ms. Arias** (Peru) said that her delegation had sponsored the draft resolution because it attached great importance to the promotion of human rights and fundamental freedoms everywhere. Peru itself had had direct experience of human rights violations by terrorist groups. It was also important to recognize that States too might violate human rights.

43. **Mrs. Mint Mohamed Saleck** (Mauritania) expressed regret that a consensus could not be reached on such an important resolution against terrorism and in support of human rights.

44. **Ms. Gorove** (United States of America), speaking in explanation of vote before the voting, expressed great appreciation for the zeal and flexibility shown by the sponsors in attempting to reach a consensus. Her delegation shared the view that terrorist acts were to be strongly condemned, but intended to abstain from the vote because the draft resolution contained language which suggested that terrorist groups could be equated with States.

45. **Ms. Leyton** (Chile) said that, although her delegation vigorously condemned acts of terrorism as an affront to human dignity and the rule of law, it intended to abstain from the vote because it had reservations about the wording of certain paragraphs, particularly the fifteenth preambular paragraph. Its abstention was based on the principle that only the State and its agents could commit human rights violations, because only the State had the responsibility under international law to protect human rights. Terrorist acts were committed by non-State actors and could not therefore be equated with human rights violations. The effort to prosecute and punish those responsible for terrorist acts must be conducted with full respect for the law, human rights and democratic institutions. Her delegation deeply regretted that a consensus could not be reached on such an important issue.

46. **Mr. Laurin** (Canada) said that his delegation condemned terrorism unequivocally and was committed to efforts aimed at its eradication. It had supported General Assembly resolution 56/1 and Security Council resolutions 1368 (2001) and 1373 (2001), and his Government had implemented 10 of the international counter-terrorism conventions and would soon be implementing the remaining two. However, his delegation was unable to support the draft resolution, several elements of which were, in its view, inconsistent with international human rights instruments, including the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights.

47. The point of greatest concern was the contention in the fifteenth preambular paragraph that terrorist groups perpetrated human rights violations. Under international human rights law, States alone had an obligation to protect human rights. Terrorist acts undertaken by individuals or groups of individuals were criminal acts and the actions of terrorists should not be equated with those of States.

48. His delegation was also concerned that the assertion in the twelfth preambular paragraph that the right to life was the basic human right suggested that the right to life took precedence over other rights. According to the Vienna Declaration and Programme of Action and many General Assembly resolutions, human rights were universal, indivisible, interdependent and interrelated, and no right could take priority over others. The language of the twelfth

preambular paragraph might be used as an excuse for failing to comply with other human rights obligations.

49. His delegation also felt that the request to the Secretary-General, contained in paragraph 11 of the draft resolution, to seek the views of Member States on the possible establishment of a voluntary fund for the victims of terrorism was premature, in view of the ongoing discussions in the Sixth Committee on a definition of terrorism. Moreover, Canada believed that terrorism was more effectively dealt with in forums other than the Third Committee. His delegation would therefore abstain from the vote on the draft resolution.

50. **Mr. Maertens** (Belgium), speaking on behalf of the European Union, said that, although they condemned all terrorist acts unequivocally and attached high priority to combating them, the countries of the European Union could not support the draft resolution and intended to abstain from the vote on it. The European Union continued to believe that terrorism could not be addressed from a human rights standpoint until a clear consensus existed as to the nature of the link between terrorism and human rights. Despite the efforts of the sponsors to address those concerns, no such consensus had been achieved.

51. The European Union could not agree that terrorist acts were a direct violation of human rights. Even though they might threaten international peace and security, terrorist acts must be seen as criminal acts committed by individuals or groups of individuals with no status under international law. The European Union also felt that paragraph 8 of the draft resolution, in referring to the problem of granting asylum to persons involved in terrorist acts, went beyond the basic legal instrument in that area, the 1951 Convention relating the Status of Refugees, in a direction that was incompatible with international law.

52. **Mr. D'Alotto** (Argentina) said that his delegation would abstain from the vote on the draft resolution because some of its language could be interpreted as attributing an international status to terrorists that was inconsistent with existing human rights instruments and inappropriate for common criminals. His delegation nonetheless, condemned all terrorist acts and considered it important to deny asylum to persons involved in terrorism, adopt national legislation to deal with the problem, assist other States through extradition and, in general, cooperate in combating the

threat posed by terrorism to international peace and security.

53. *A recorded vote was taken on draft resolution A/C.3/56/L.59.*

In favour:

Afghanistan, Algeria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Cambodia, Cape Verde, China, Colombia, Costa Rica, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Georgia, Ghana, Guatemala, Guinea, Guyana, Haiti, India, Indonesia, Iran (Islamic Republic of), Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Lebanon, Libyan Arab Jamahiriya, Madagascar, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Qatar, Russian Federation, Saint Lucia, Saudi Arabia, Senegal, Singapore, Sri Lanka, Sudan, Suriname, Swaziland, Thailand, Tunisia, Turkey, Ukraine, United Arab Emirates, United Republic of Tanzania, Uruguay, Viet Nam, Yemen, Zimbabwe.

Against:

None.

Abstaining:

Andorra, Argentina, Armenia, Australia, Austria, Belgium, Benin, Bosnia and Herzegovina, Bulgaria, Cameroon, Canada, Chile, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Fiji, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Lesotho, Liechtenstein, Lithuania, Luxembourg, Malawi, Malta, Marshall Islands, Micronesia (Federated States of), Monaco, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Papua New Guinea, Poland, Portugal, Republic of Korea, Romania, Samoa, San Marino, Sierra Leone, Slovakia, Slovenia, South Africa, Spain, Sweden, Syrian Arab Republic, the former Yugoslav Republic of Macedonia, Togo, Uganda, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela, Yugoslavia.

54. *Draft resolution A/C.3/56/L.59 was adopted by 84 votes to none, with 64 abstentions.*

55. **Ms. Al Haj Ali** (Syrian Arab Republic) explained that, although her delegation firmly condemned all terrorist acts as criminal, it had abstained from the vote because of several omissions in the draft resolution. The draft resolution made no mention of General Assembly resolution 46/51 on measures to eliminate international terrorism, which had been adopted unanimously, or of the definition of terrorism contained therein. Nor did it mention the need to preserve the right to self-determination, as derived from the Charter of the United Nations, of peoples forcibly deprived of that right. No resolution on terrorism could be considered complete that did not draw a distinction between terrorism and the legitimate struggle of oppressed peoples for independence.

56. **Mr. Wenaweser** (Liechtenstein) said that his country was fully committed to the eradication of terrorism. However, his delegation had felt obliged to abstain from the vote and regretted that the Committee had missed an important opportunity to contribute to the fight against terrorism from a human rights perspective. Although the sponsors claimed that it was a new initiative, the draft resolution was largely identical to draft resolutions submitted in previous years and did not adequately reflect the complex relationship between human rights and terrorism. The language of the fifteenth preambular paragraph was legally unsound, in that it accorded terrorist groups a status which they did not enjoy under international law. The draft resolution also largely ignored the fact that, under human rights law, there were certain human rights from which no derogation was permissible. The fight against terrorism must not be invoked to justify human rights violations.

57. **Mr. Tomoshige** (Japan) said that it was regrettable that, despite considerable efforts at compromise, a consensus had not been reached on the draft resolution. Since the original version, rather than a compromise text, had been put to the vote, his delegation had had no choice but to abstain. However, it urged all Member States to remain united in their efforts to combat terrorism.

58. **Ms. Elisha** (Benin) expressed regret that, in the very intense debate on the draft resolution, the victims of terrorism and the need to defend their rights and

obtain justice for them and their families had been forgotten.

Draft resolution A/C.3/56/L.67/Rev.1: Comprehensive and integral international convention to promote and protect the rights and dignity of persons with disabilities

59. **Ms. Newell** (Secretary of the Committee) said that the Controller of the United Nations had requested that information be brought to the attention of the Committee concerning the additional requirements entailed for the biennium 2002-2003 by the decision of the General Assembly, contained in operative paragraphs 1 and 2 of the draft resolution, to establish an Ad Hoc Committee for the purpose of elaborating the proposed convention. A total of \$11,600 would be required for the travel and daily subsistence allowance of two staff members from the Office of the United Nations High Commissioner for Human Rights to attend the meeting of the Ad Hoc Committee at Headquarters. Furthermore, \$776,900 would be needed to cover the full cost of conference services for a 10-day session, or a total of 20 meetings, of the Ad Hoc Committee, including the provision of interpretation and documentation in all six official languages. A review of the pattern of past expenditure for travel and per diem of staff for which resources had been approved under section 22, Human rights, of the programme budget showed that the additional requirement of \$11,600 could be accommodated within the resources included in that section. Since provision had already been included under section 2 of the proposed programme budget for the biennium 2002-2003 for the organization of subsequent meetings, no additional resources would be required under that section either. Consequently, the adoption of draft resolution A/C.3/56/L.67/Rev.1 would not entail any additional appropriations.

60. **The Chairman** announced that Argentina, Bangladesh, Brazil, Honduras, the Islamic Republic of Iran, Jordan and Suriname had become sponsors of the draft resolution.

61. **Ms. Monroy** (Mexico), introducing the draft resolution on behalf of the sponsors, said that paragraph 1 had been revised with a view to reaching a consensus. The words "for the purpose of elaborating" should be replaced with "to consider proposals for" and the following phrase should be inserted at the end of the paragraph: ", taking into account the

recommendations of the Commission on Human Rights and the Commission for Social Development”.

62. *Draft resolution A/C.3/56/L.67/Rev.1, as orally revised, was adopted.*

63. **Mr. Maertens** (Belgium), speaking on behalf of the European Union, said that there had been a lack of transparency in the negotiations on the draft resolution. The European Union had nevertheless been pleased to join in the consensus on such an important issue. The decision by its Council of Ministers to declare 2003 the European Year of People with Disabilities was testimony to its commitment to issues affecting disabled persons, and an international legal instrument could be a useful and effective tool in promoting and protecting the rights of persons with disabilities. However, the elaboration of a convention was a complex issue and the Ad Hoc Committee would need to take full account of the views expressed by all concerned, including non-governmental organizations. He drew attention to the reference in the draft resolution to the study requested by the Commission on Human Rights on the adequacy of instruments for protecting the human rights of disabled persons and to the work being carried out by the Special Rapporteur of the Commission for Social Development to monitor the implementation of the Standard Rules for the Equalization of Opportunities for Persons with Disabilities. The Ad Hoc Committee should await the outcome of those studies before assessing the advisability of a convention or considering possible alternatives. It also needed to bear in mind the principles contained in General Assembly resolution 41/120, and in the Vienna Declaration and Programme of Action, both of which emphasized the importance of coordinated action among human rights bodies.

64. **Ms. Gorove** (United States of America), expressing her country's deep commitment to protecting the rights of disabled persons, said that her delegation had been pleased to join in the consensus on the draft resolution, although it regretted not having been able to sponsor it. Her delegation felt that it was premature to set up a mechanism for elaborating a convention when the need for such a convention had yet to be firmly established, and that it would have been more appropriate to review the studies under way within the United Nations system before taking such a step.

65. **Ms. Maille** (Canada) said that the Ad Hoc Committee should study the forthcoming reports, particularly that of the Office of the United Nations High Commissioner for Human Rights, before weighing the various proposals.

66. **Mr. Heyward** (Australia) said that international standards were the backbone of the international human rights system and that it was vital to follow a consensual approach in developing those standards. A common understanding could be reached only by seeking the advice and analysis of the Office of the United Nations High Commissioner for Human Rights, the treaty monitoring bodies and related agencies. His delegation had joined in the consensus on the draft resolution on the understanding that such an approach would be followed.

67. **The Chairman** suggested that, before concluding its consideration of agenda item 119, the Committee should recommend to the General Assembly that it take note of the following documents: (under sub-item 119 (a)) the report of the Secretary-General on the status of the Convention on the Prevention and Punishment of the Crime of Genocide (A/56/177), the report of the Secretary-General on the United Nations Voluntary Fund for Victims of Torture (A/56/181) and the report of the Secretary-General on the status of the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery (A/56/205); (under sub-item 119 (b)) the report of the Secretary-General on the right to development (A/56/256) and the note by the Secretary-General on the human rights of persons with disabilities (A/56/263); (under sub-item 119 (c)) the note by the Secretary-General transmitting the report of the United Nations High Commissioner for Human Rights on the human rights situation in Sierra Leone (A/56/281), the interim report of the United Nations High Commissioner for Human Rights on the situation of human rights in East Timor (A/56/337), the note by the Secretary-General transmitting the interim report by the Special Rapporteur of the Commission on Human Rights on violations of international humanitarian law and human rights in the Palestinian territories occupied since 1967 (A/56/440) and the note by the Secretary-General transmitting the interim report by the Special Rapporteur on the situation of human rights in Burundi (A/56/479); and (under sub-items 119 (d) and (e)) the report of the United Nations High Commissioner for Human Rights (A/55/36).

68. *It was so decided.*

69. **The Chairman** announced that the Committee had concluded its consideration of agenda item 119.

Agenda item 12: Report of the Economic and Social Council (*continued*) (A/56/3; A/C.3/56/L.75)

Draft biennial programme of work of the Third Committee for 2002-2003 (A/C.3/56/L.75)

70. **Mr. Xiong** Lixian (Chief of the Documentation, Programming and Monitoring Unit, Department of General Assembly Affairs and Conference Services), introducing the draft biennial programme of work of the Third Committee for 2002-2003 (A/C.3/56/L.75, annex II), said that a number of entries under item 14 (b), entitled “Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms”, should be deleted from that sub-item and inserted instead under sub-item (c), entitled “Human rights situations and reports of special rapporteurs and representatives”, namely: the report of the Secretary-General on the situation of human rights in Myanmar (A/C.3/56/L.55, para. 27), the report of the Special Rapporteur on the situation of human rights in the Democratic Republic of the Congo (A/C.3/56/L.56, para. 5 (a)), the situation of human rights in the Sudan (A/C.3/56/L.58), the situation of human rights in Iraq (A/C.3/56/L.57) and the situation of human rights in the Islamic Republic of Iran (A/C.3/56/L.50). Furthermore, a reference to the “question of human rights in Afghanistan” (A/C.3/56/L.82, para. 21) should be inserted under item 14 (c). It should also be noted that it might be necessary to revise the information under item 11: Elimination of racism and racial discrimination in the light of the work to be done by the Third Committee at its resumed session.

71. **The Chairman** said that, if he heard no objection, he would take it that the Committee wished to adopt the draft biennial programme of work for 2002-2003, as orally revised.

72. *It was so decided.*

Report of the Economic and Social Council (A/56/3)

73. **The Chairman** suggested that the Committee should take note of the report of the Economic and Social Council (A/56/3), in particular chapters I, III, IV and V, chapter VII, sections A, B, C and I, and chapter

IX, thereof, which had been allocated to the Third Committee.

74. *It was so decided.*

75. **The Chairman** announced that the Committee had concluded its consideration of agenda item 12.

Suspension of the work of the Third Committee

76. After an exchange of courtesies, in which **Mr. Welsh** (United Kingdom), **Ms. Otiti** (Uganda), speaking on behalf of the Group of African States, **Ms. Stevens** (Belgium), speaking on behalf of the European Union, **Ms. Paterson** (New Zealand), **Ms. Thunyani** (Malawi), speaking on behalf of the Southern African Development Community, **Mr. Amorós Núñez** (Cuba), **Ms. Romulus** (Haiti), speaking on behalf of the Group of Latin American and Caribbean States, **Mr. Laurin** (Canada), **Mr. Alaei** (Islamic Republic of Iran), speaking on behalf of the Group of 77 and China, **Ms. Al Haj Ali** (Syrian Arab Republic), **Ms. Elisha** (Benin), speaking on behalf of the Group of West African States, and **Mr. Roshdy** (Egypt), speaking on behalf of the Group of Arab States, took part, **the Chairman** declared that the Third Committee had completed its work for the current part of the fifty-sixth session.

The meeting rose at 8.55 p.m.