



General Assembly

Distr.
GENERAL

A/43/877
25 November 1988
ENGLISH
ORIGINAL: SPANISH

Forty-third session
Agenda item 105

NEW INTERNATIONAL HUMANITARIAN ORDER

Report of the Third Committee

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I. INTRODUCTION

1. At its 3rd plenary meeting, on 23 September 1988, the General Assembly, on the recommendation of the General Committee, decided to include in its agenda the item entitled "New international humanitarian order" and to allocate it to the Third Committee.
2. The Committee considered the item jointly with item 104 at its 36th to 38th, 42nd, 46th and 49th meetings, on 8, 9, 15, 17 and 22 November 1988. An account of the Committee's discussion is contained in the relevant summary records (A/C.3/43/SR.36-38, 42, 46 and 49).
3. For its consideration of the item, the Committee had before it the following documents:
 - (a) Report of the Secretary-General on the new international humanitarian order (A/43/734 and Add.1);
 - (b) Letter dated 6 October 1988 from the Permanent Representative of Zimbabwe to the United Nations addressed to the Secretary-General (A/43/709);
 - (c) Note verbale dated 25 October 1988 from the Permanent Mission of Bulgaria to the United Nations addressed to the Secretary-General (A/43/759).
4. At the 36th meeting, on 8 November, the Under-Secretary-General for Human Rights made an introductory statement.

II. CONSIDERATION OF PROPOSALS

A. Draft resolution A/C.3/43/L.36

5. At the 42nd meeting, on 15 November, the representative of Jordan, on behalf of Bahrain, Bangladesh, Belgium, Bulgaria, Canada, Chile, Colombia, Costa Rica, Democratic Yemen, Denmark, Djibouti, Egypt, France, the German Democratic Republic, Greece, Indonesia, Iraq, Italy, Jamaica, Japan, Jordan, Kuwait, Lebanon, the Libyan Arab Jamahiriya, Mauritania, Morocco, Oman, Pakistan, Qatar, Romania, Saudi Arabia, Senegal, Somalia, Sri Lanka, the Sudan, the Union of Soviet Socialist Republics, the United Arab Emirates, Yemen and Yugoslavia, introduced a draft resolution entitled "New international humanitarian order" (A/C.3/43/L.36). Subsequently, the Philippines joined in sponsoring the draft resolution.

6. At the 46th meeting, on 17 November, the representative of Jordan, on behalf of the sponsors, orally revised the fifth preambular paragraph of the draft resolution by replacing "innovative" by "creative".

7. At the same meeting, the draft resolution, as orally revised, was adopted without a vote (see para. 19, draft resolution I).

B. Draft resolution A/C.3/43/L.37

8. At the 42nd meeting, on 15 November, the representative of the Union of Soviet Socialist Republics, on behalf of Bulgaria, the German Democratic Republic, Iraq, Jordan, Mongolia, Morocco, the Union of Soviet Socialist Republics and Viet Nam, introduced a draft resolution entitled "Promotion of international co-operation in the humanitarian field" (A/C.3/43/L.37), and orally revised it as follows:

(a) In operative paragraph 3, "international, regional and bilateral" before "mechanisms" was deleted;

(b) In operative paragraph 5, "and working with strictly humanitarian motives" was added before "to bear in mind".

9. At the 46th meeting, on 17 November, the representative of the Union of Soviet Socialist Republics made a statement in which, on behalf of the sponsors, he further orally revised the draft resolution as follows:

(a) In the third preambular paragraph, ", inter alia," was added after "which proclaims";

(b) In the fifth preambular paragraph, "Convinced" was replaced by "Noting" and "is essential to the promotion" was replaced by "could contribute to attaining the ideals";

(c) At the end of operative paragraph 1, "and to promote a new international humanitarian order" was deleted;

(d) In operative paragraph 6, ", on a voluntary basis," was added after "non-governmental organizations";

(e) Operative paragraph 8, which read:

"~~Decides~~ to consider at its forty-fifth session the question entitled 'New international humanitarian order'."

was deleted.

10. At the same meeting, following a statement by the representative of Egypt, the Committee adopted the draft resolution, as orally revised, without a vote (see para. 19, draft resolution II).

C. Draft resolution A/C.3/43/L.38 and Rev.1

11. At the 42nd meeting, on 15 November, the representative of France, on behalf of Bahrain, Bangladesh, Belgium, Benin, the Cameroon, the Central African Republic, Chad, Costa Rica, Côte d'Ivoire, Denmark, France, Italy, Japan, Jordan, Luxembourg, Mauritania, Nepal, Niger, the Philippines, Portugal, Togo and Zaire, introduced a draft resolution entitled "Humanitarian assistance to victims of natural disasters and other emergency situations" (A/C.3/43/L.38), which read as follows:

"The General Assembly,

"Recalling one of the goals of the United Nations Charter designed to achieve international co-operation in solving international problems of an economic, social, intellectual or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all, without distinction as to race, sex, language or religion,

"Reaffirming the sovereignty, territorial integrity and national unity of States, and recognizing that it is the primary responsibility of each State to take care of the victims of natural disasters and other emergency situations occurring on its territory,

"Deeply concerned by the suffering of the victims of natural disasters and other emergency situations, the loss in human lives, the destruction of property and the mass displacement of populations which result from them,

"Bearing in mind that natural disasters and other emergency situations have grave consequences for the economic and social plans of all countries concerned,

"Desiring that the international community should respond speedily and effectively to appeals for emergency humanitarian assistance made in particular through the Secretary-General,

"Mindful of the importance of humanitarian assistance for the victims of natural disasters and other emergency situations,

"Recognizing that the international community makes an essential contribution to the sustenance and protection of such victims, whose right to life and to enjoyment of the highest attainable standard of physical and mental health, recognised by the Universal Declaration of Human Rights and international instruments relating to human rights, are endangered,

"Considering that the abandonment of the victims of natural disasters and other emergency situations without humanitarian assistance constitutes a threat to human life and an offence to human dignity,

"Concerned at the difficulties which victims of natural disasters and other emergency situations may experience in receiving humanitarian assistance,

"Convinced that, in providing humanitarian assistance, in particular the supply of food, medicine or health care, for which access to victims is essential, rapid relief will avoid a tragic increase in their number,

"Aware that alongside the action of Governments and intergovernmental organisations, the speed and efficiency of this assistance often relies on the help and aid of local and non-governmental organisations working with strictly humanitarian motives,

"Recalling that in the event of natural disasters and other emergency situations the principles of humanity, neutrality and impartiality must take precedence over every other consideration for all those involved in providing humanitarian assistance,

"1. **Reaffirms** the importance of humanitarian assistance for the victims of disasters and other emergency situations;

"2. **Stresses** that disasters and other emergency situations may affect the exercise by victims of their right to life and to the highest attainable standard of physical and mental health, recognised by the Universal Declaration of Human Rights and instruments relating to human rights;

"3. **Reaffirms** the sovereignty of States and their primary role in the organisation, co-ordination and implementation of humanitarian assistance;

"4. **Stresses** the essential contribution made in providing humanitarian assistance by intergovernmental and non-governmental organizations working with strictly humanitarian motives;

"5. **Invites** all States affected to facilitate the work of these organizations in implementing humanitarian assistance, in particular the supply of food, medicine and health care, for which access to victims is essential;

"6. **Appeals** therefore to all States to give their support to these organisations working to provide humanitarian assistance to the victims of natural disasters and other emergency situations;

"7. Urges States in proximity to areas of disasters and other emergency situations, particularly in the case of regions which are difficult to reach, to co-operate closely in international efforts to co-ordinate humanitarian assistance with a view to authorizing the transit of international aid towards the affected areas;

"8. Requests all the intergovernmental, governmental and non-governmental organisations dealing with humanitarian assistance to co-operate as closely as possible with UNDRO or any other ad hoc mechanism set up by the Secretary-General in the co-ordination of aid;

"9. Requests the Secretary-General to seek the views of Governments, intergovernmental, governmental and non-governmental organisations with regard to the possibility of enhancing the effectiveness of international mechanisms and increasing the speed of assistance in the best possible conditions for the victims of disasters and other emergency situations, and to report his findings to the forty-fourth session of the General Assembly;

"10. Decides to consider this question at its forty-fourth session.

12. At the 46th meeting, on 17 November, the representative of France, on behalf of the sponsors, now joined by Burkina Faso, Malta, Guatemala and Samoa, introduced a revised draft resolution entitled "Humanitarian assistance to victims of natural disasters and similar emergency situations" (A/C.3/43/L.38/Rev.1). Subsequently, Burundi, Gabon, Jamaica, Mauritania, Morocco, Senegal, Sierra Leone, Thailand, the United Kingdom of Great Britain and Northern Ireland and the United States of America joined in sponsoring the revised draft resolution.

13. In introducing the draft resolution, the representative of France orally revised operative paragraph 6 by replacing "authorizing" after "with a view to" by "facilitating, to the extent possible,".

14. At the same meeting, statements were made by the representatives of Morocco and Pakistan.

15. At the 49th meeting, on 22 November, the representative of France, on behalf of the sponsors, further orally revised the draft resolution by adding, in operative paragraph 2, "initiation," before the word "organization".

16. At the same meeting, the Committee adopted the revised draft resolution, as further orally revised, without a vote (see para. 19, draft resolution III).

17. Also at the same meeting, the representatives of Brazil, Mexico, Ethiopia, Peru, the Sudan, Nicaragua and Chile explained their position after the decision.

18. At the 50th meeting, on 23 November, the representative of Sri Lanka made a statement in explanation of position.

III. RECOMMENDATIONS OF THE THIRD COMMITTEE

19. The Third Committee recommends to the General Assembly the adoption of the following draft resolutions:

DRAFT RESOLUTION I

New international humanitarian order

The General Assembly,

Recalling its resolutions 36/136 of 14 December 1981, 37/201 of 18 December 1982, 38/125 of 16 December 1983, 40/126 of 13 December 1984 and 42/120 and 42/121 of 7 December 1987 relating to the promotion of a new international humanitarian order,

Taking note of the report of the Secretary-General ^{1/} and the comments made by various Governments regarding the humanitarian order and the work done in this regard by the Independent Commission on International Humanitarian Issues,

Noting further the actions being taken by the specialized agencies and programmes of the United Nations system with regard to the humanitarian issues, examined by the Independent Commission, that fall within their respective mandates,

Recognizing with concern the continuing need further to strengthen international responses to growing humanitarian challenges and to adjust actions of governmental and non-governmental organisations to new realities in a fast-changing world,

Bearing in mind the importance of creative humanitarian action both at the international as well as the regional and national levels to alleviate human suffering and to promote durable solutions to humanitarian problems,

Convinced of the need for an active follow-up to the recommendations and suggestions made by the Independent Commission and of the role being played in this regard by the Independent Bureau for Humanitarian Issues set up for the purpose,

1. Expresses its appreciation to the Secretary-General for his continuing active support to the efforts to promote a new international humanitarian order;

1/ A/43/734.

2. Encourages Governments as well as governmental and non-governmental organisations that have not yet done so to provide their comments and expertise to the Secretary-General regarding the humanitarian order and the report of the Independent Commission on International Humanitarian Issues;

3. Invites the Independent Bureau for Humanitarian Issues to continue and further strengthen its essential role in following up the work of the Independent Commission;

4. Invites Governments to make available to the Secretary-General, on a voluntary basis, information and expertise on humanitarian issues of concern to them in order to identify opportunities for future action;

5. Requests the Secretary-General to remain in contact with Governments as well as governmental and non-governmental organisations and the Independent Bureau for Humanitarian Issues and to report on the progress made by them to the General Assembly at its forty-fifth session;

6. Decides to review at its forty-fifth session the question of a new international humanitarian order.

DRAFT RESOLUTION II

Promotion of international co-operation in the humanitarian field

The General Assembly,

Recalling its resolution 42/121 of 7 December 1987,

Noting that one of the purposes of the United Nations, set forth in its Charter, is to achieve international co-operation in solving international problems of a humanitarian character,

Recalling the Universal Declaration of Human Rights, 2/ which proclaims, inter alia, that recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Guided by universally accepted human values and common aspiration for a better, more just, safe and humane world,

Noting that international co-operation in the humanitarian field could contribute to attaining the ideals of a new international humanitarian order,

2/ Resolution 217 A (III).

Mindful of the significance of the existing workable system to promote, facilitate and co-ordinate humanitarian activities carried out by Governments, the United Nations system and intergovernmental and non-governmental organisations,

Noting with satisfaction the report of the Independent Commission on International Humanitarian Issues and the efforts of the Independent Bureau for Humanitarian Issues to promote public awareness of humanitarian problems and to identify alternative approaches for resolving humanitarian problems,

1. Calls upon Governments, the United Nations system and intergovernmental and non-governmental organisations further to develop international co-operation in the humanitarian field;

2. Reiterates that international co-operation in the humanitarian field will facilitate better understanding, mutual respect, confidence and tolerance among countries and peoples, thus contributing to a more just and non-violent world;

3. Invites Governments to promote, within existing mechanisms, regular exchanges of information and of national experience in addressing humanitarian problems;

4. Encourages the international community to contribute substantially and regularly to international humanitarian activities;

5. Invites all non-governmental organisations concerned with the humanitarian issues examined by the Independent Commission on International Humanitarian Issues and working with strictly humanitarian motives to bear in mind the recommendations and suggestions made in the report of the Independent Commission in the context of their policies and act ons in the field;

6. Invites Governments, intergovernmental and non-governmental organisations to forward to the Secretary-General, on a voluntary basis, their comments concerning further development of international co-operation in the humanitarian field;

7. Requests the Secretary-General to continue his contacts with Governments, agencies and programmes of the United Nations system and non-governmental organisations concerned, as well as with the Independent Bureau for Humanitarian Issues and, taking into account information received, to submit to the General Assembly at its forty-fifth session a report on possible ways and means of strengthening international co-operation in the humanitarian field.

DRAFT RESOLUTION III

Humanitarian assistance to victims of natural
disasters and similar emergency situations

The General Assembly,

Recalling that one of the purposes of the United Nations is to achieve international co-operation in solving international problems of an economic, social, cultural or humanitarian character, and in promoting and encouraging respect for human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion,

Reaffirming the sovereignty, territorial integrity and national unity of States, and recognizing that it is up to each State first and foremost to take care of the victims of natural disasters and similar emergency situations occurring on its territory,

Deeply concerned at the suffering of the victims of natural disasters and similar emergency situations, the loss in human lives, the destruction of property and the mass displacement of populations that result from them,

Bearing in mind that natural disasters and similar emergency situations have grave consequences for the economic and social plans of all countries concerned,

Desiring that the international community should respond speedily and effectively to appeals for emergency humanitarian assistance made in particular through the Secretary-General,

Mindful of the importance of humanitarian assistance for the victims of natural disasters and similar emergency situations,

Recognizing that the international community makes an important contribution to the sustenance and protection of such victims, whose health and life may be seriously endangered,

Considering that the abandonment of the victims of natural disasters and similar emergency situations without humanitarian assistance constitutes a threat to human life and an offence to human dignity,

Concerned at the difficulties that victims of natural disasters and similar emergency situations may experience in receiving humanitarian assistance,

Convinced that, in providing humanitarian assistance, in particular the supply of food, medicines or health care, for which access to victims is essential, rapid relief will avoid a tragic increase in their number,

Aware that alongside the action of Governments and intergovernmental organisations, the speed and efficiency of this assistance often depends on the help and aid of local and non-governmental organisations working with strictly humanitarian motives,

Recalling that in the event of natural disasters and similar emergency situations the principles of humanity, neutrality and impartiality must be given utmost consideration by all those involved in providing humanitarian assistance,

1. **Reaffirms** the importance of humanitarian assistance for the victims of disasters and similar emergency situations;

2. **Reaffirms also** the sovereignty of affected States and their primary role in the initiation, organisation, co-ordination and implementation of humanitarian assistance within their respective territories;

3. **Stresses** the important contribution made in providing humanitarian assistance by intergovernmental and non-governmental organizations working with strictly humanitarian motives;

4. **Invites** all States in need of such assistance to facilitate the work of these organisations in implementing humanitarian assistance, in particular the supply of food, medicines and health care, for which access to victims is essential;

5. **Appeals therefore** to all States to give their support to these organisations working to provide humanitarian assistance, where needed, to the victims of natural disasters and similar emergency situations;

6. **Urges** States in proximity to areas of disasters and similar emergency situations, particularly in the case of regions that are difficult to reach, to participate closely with the affected countries in international efforts with a view to facilitating, to the extent possible, the transit of humanitarian assistance;

7. **Requests** all the intergovernmental, governmental and non-governmental organisations dealing with humanitarian assistance to co-operate as closely as possible with the Office of the United Nations Disaster Relief Co-ordinator or any other ad hoc mechanism set up by the Secretary-General in the co-ordination of aid;

8. **Requests** the Secretary-General to seek the views of Governments, intergovernmental, governmental and non-governmental organizations with regard to the possibility of enhancing the effectiveness of international mechanisms and increasing the speed of assistance in the best possible conditions for the victims of disasters and similar emergency situations, where needed, and to report his findings to the forty-fifth session of the General Assembly;

9. **Decides** to consider this question at its forty-fifth session.