



SUMMARY RECORD OF THE 46th MEETING

Chairman: Mr. DENG (Sudan)

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

AGENDA ITEM 138: DRAFT BODY OF PRINCIPLES FOR THE PROTECTION OF ALL PERSONS UNDER ANY FORM OF DETENTION OR IMPRISONMENT (continued) (A/C.6/43/L.9, L.17)

1. Mr. BELHAJ (Tunisia) said that the draft Body of Principles set forth in the report of the Working Group (A/C.6/43/L.9) represented an equitable balance between the need for every society to adopt legislation to ensure the rule of law and the need to guarantee that detainees were humanely treated. The letter and spirit of the document reflected practice and legislation in his country, which accorded human rights the highest priority in its domestic and foreign affairs.

2. His country had ratified the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment without reservation, and had accepted the competence of the Committee against Torture under articles 21 and 22 of that Convention. Tunisian legislation contained regulations governing preventive detention, and forced-labour sentences had been abolished; no one was in prison on account of opinions held. His delegation was convinced that the incorporation of the principles enunciated in the document in the legislation of States would represent further progress towards the establishment of the rights and duties of the individual as a major priority of Governments.

AGENDA ITEM 128: PROGRESSIVE DEVELOPMENT OF THE PRINCIPLES AND NORMS OF INTERNATIONAL LAW RELATING TO THE NEW INTERNATIONAL ECONOMIC ORDER (continued) (A/C.6/43/L.16)

3. Mr. TOLENTINO (Philippines), introducing draft resolution A/C.6/43/L.16 on behalf of the sponsors, announced that they had been joined by Mali, the Niger and Senegal. He drew particular attention to paragraph 3, which left the question of the forum for consideration of the subject open and, at the same time, clearly called for a decision on the matter. The sponsors sincerely hoped that the draft resolution could be adopted without a vote.

4. The CHAIRMAN said that a vote had been requested.

5. Mr. ROSENSTOCK (United States of America) said that his delegation continued to believe that there was insufficient agreement on the principles enunciated in the resolutions recalled in the preamble to proceed to elaborate principles of law relating to a new international economic order; it was even less opportune to decide on a forum in which to pursue such work.

6. Draft resolution A/C.6/43/L.16 was adopted by 81 votes to none, with 23 abstentions.

7. Mr. ROUCOUNAS (Greece), speaking in explanation of vote on behalf of the 12 States members of the European Community, said that the Twelve had abstained in the vote because they considered that legal principles in the field had not yet been sufficiently identified or accepted, and that accordingly there was no

(Mr. Roucouas, Greece)

justification for proceeding to the codification stage. The most useful approach would be to continue to rely on bilateral and multilateral arrangements, legally binding instruments and relevant recommendations in order to find solutions to the many rapidly changing problems encountered in the field of international economic co-operation.

8. Mr. KANDIE (Kenya), Mr. BILAL (Qatar) and Mr. CHOO (Malaysia) said that if their delegations had been present, they would have voted in favour of the draft resolution.

AGENDA ITEM 135: REPORT OF THE SPECIAL COMMITTEE ON THE CHARTER OF THE UNITED NATIONS AND ON THE STRENGTHENING OF THE ROLE OF THE ORGANIZATION (continued)
(A/C.6/43/L.15, L.18)

9. The CHAIRMAN announced that, pursuant to rule 153 of the rules of procedure of the General Assembly, the Secretary-General had submitted a statement (A/C.6/43/L.18) on the programme budget implications of draft resolution A/C.6/43/L.15.

10. Mr. MADI (Egypt), introducing draft resolution A/C.6/43/L.15 on behalf of the sponsors, announced that they had been joined by Colombia. The text was the result of intensive negotiations conducted in a very constructive atmosphere, with the aim of reaching a generally agreed text, in particular, concerning the mandate of the Special Committee for its 1989 session. He drew attention to various provisions of the text, and noted, with respect to paragraph 2, that most participants in the informal consultations wanted the next session of the Special Committee to be held from 27 March to 14 April 1989. The sponsors hoped that the draft resolution would be adopted without a vote.

11. Mr. BERNAL (Mexico), explaining his delegation's position, said that Mexico endorsed the draft resolution because it had always unreservedly supported the right of Member States to submit proposals aimed at strengthening the role of the United Nations in the maintenance of international peace and security. However, it had serious reservations concerning the interpretation given to paragraph 5 of the draft resolution by some members of the Special Committee. Positive results would be achieved in that body only through constructive negotiations and, in particular, a demonstration of political will on the part of States to commit themselves to strengthening the United Nations.

12. Paragraph 5 must not be used to weaken the objectives of the proposals for the sake of forced unanimity. Accordingly, the paragraph could not be construed as according any single delegation, or minority group of delegations, the right to prevent procedural or substantive proposals from being adopted by majority agreement.

13. Draft resolution A/C.6/43/L.15 was adopted without a vote.

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AGENDA ITEM 129: PEACEFUL SETTLEMENT OF DISPUTES BETWEEN STATES (continued)
(A/C.6/43/L.8)

14. Mr. KOUDOUGOU (Burkina Faso) said that his delegation had been absent during the vote at the forty-fifth meeting on draft resolution A/C.6/43/L.8. Had it been present, it would have voted in favour of the draft resolution.

The meeting rose at 3.55 p.m.