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### ENHANCING THE EFFECTIVENESS OF THE PRINCIPLE OF PERIODIC AND GENUINE ELECTIONS

#### Report of the Third Committee

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#### I. INTRODUCTION

1. At its 3rd plenary meeting, on 22 September 1989, the General Assembly, on the recommendation of the General Committee, decided to include in its agenda the item entitled "Enhancing the effectiveness of the principle of periodic and genuine elections" and to allocate it to the Third Committee.
2. The Committee considered the item jointly with items 95, 98, 106, 107, 108, 114 and 115 at its 36th to 43rd, 50th, 54th and 56th meetings, on 8, 9, 10, 13, 14, 15, 21, 24 and 27 November 1989. An account of the Committee's discussion is contained in the relevant summary records (A/C.3/44/SR.36-43, 50, 54 and 56).
3. For its consideration of the item, the Committee had before it the following documents:
  - (a) Note by the Secretary-General on enhancing the effectiveness of the principle of periodic and genuine elections (A/44/454 and Corr.1);
  - (b) Letter dated 26 April 1989 from the Permanent Representative of Panama to the United Nations addressed to the Secretary-General (A/44/254-S/20607).
4. At the 36th meeting, on 8 November, the Under-Secretary-General for Human Rights made an introductory statement (see A/C.3/44/SR.36).

## II. CONSIDERATION OF PROPOSALS

### A. Draft resolution A/C.3/44/L.59 and amendments contained in A/C.3/44/L.72

5. At the 50th meeting, on 21 November, the representative of the United States of America, on behalf of Antigua and Barbuda, Australia, Austria, Belgium, Costa Rica, the Dominican Republic, El Salvador, France, Germany, Federal Republic of, Honduras, Hungary, India, Italy, Japan, Luxembourg, Malta, the Philippines, Poland, Portugal, Spain, Turkey, the United States of America and Zaire introduced a draft resolution (A/C.3/44/L.59) entitled "Enhancing the effectiveness of the principle of periodic and genuine elections". Subsequently, Guatemala and the Union of Soviet Socialist Republics joined in sponsoring the draft resolution.

6. In introducing the draft resolution, the representative of the United States of America orally revised it as follows:

(a) The seventh preambular paragraph, which read:

"Recognizing that there is no single political system or electoral method which is equally suited to all nations and their people, and that national decisions with respect to implementing the principle of periodic and genuine elections legitimately lead to alternative approaches which have different advantages and merits,"

was revised to read:

"Recognizing that there is no single political system or electoral method which is equally suited to all nations and their people,";

(b) Operative paragraph 4, which read:

"Recognizes that the international community's efforts to enhance the effectiveness of the principle of periodic and genuine elections should not call into question each State's right freely to choose and develop its political, social, economic and cultural systems, whether or not they conform to the preferences of other States;"

was revised to read:

"Recognizes that the international community's efforts to enhance the effectiveness of the principle of periodic and genuine elections should not call into question each State's sovereign right freely to choose and develop its political, social, economic and cultural systems, whether or not they conform to the preferences of other States;"

(c) Operative paragraph 9, which read:

"Calls upon the Commission on Human Rights, at its forty-sixth session, to continue its consideration of appropriate ways and means of enhancing the

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effectiveness of the principle of periodic and genuine elections, and to report to the General Assembly at its forty-fifth session, through the Economic and Social Council;"

was revised to read:

"Calls upon the Commission on Human Rights, at its forty-sixth session, to continue its consideration of appropriate ways and means of enhancing the effectiveness of the principle of periodic and genuine elections in the context of full respect for the sovereignty of Member States, and to report to the General Assembly at its forty-fifth session, through the Economic and Social Council;"

7. At the 54th meeting, on 24 November, the representative of Cameroon, on behalf of Cameroon, China, Cuba, Ghana, Iraq, Lesotho, Uganda, the United Republic of Tanzania, Zambia and Zimbabwe, introduced amendments to draft resolution A/C.3/44/L.59, as orally revised, which were contained in document A/C.3/44/L.72 and read as follows:

(a) "Operative paragraph 3 should be amended to read as follows:

'Declares that determining the will of the people requires an electoral process that provides an equal opportunity for all citizens to become candidates and put forward their political views, individually and in co-operation with others, within constitutional and national legislation;'

(b) "Delete operative paragraph 8 and renumber the remaining paragraphs accordingly."

8. Also at the same meeting, following a statement by the Chairman, the Committee decided to postpone consideration of draft resolution A/C.3/44/L.59, as orally revised, and the amendments thereto (A/C.3/44/L.72) until 27 November (see A/C.3/44/SR.54).

9. At the 56th meeting, on 27 November, the representative of the United States, on behalf of the co-sponsors of draft resolution A/C.3/44/L.59 decided not to oppose the proposed amendments (A/C.3/44/L.72).

10. At the same meeting, the Committee adopted draft resolution A/C.3/44/L.59, as orally revised and amended, without a vote (see para. 17, draft resolution I).

11. Statements after the vote were made by the representatives of the United States of America, Cameroon, the Netherlands and Morocco (see A/C.3/44/SR.56).

#### B. Draft resolution A/C.3/44/L.60/Rev.1

12. At the 50th meeting, on 21 November, the representative of Cuba, on behalf of Afghanistan, Angola, China, Cuba, Democratic Yemen, Iraq, the Lao People's Democratic Republic, the Libyan Arab Jamahiriya, Nicaragua, Romania, the United

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Republic of Tanzania, Viet Nam, Zambia and Zimbabwe, introduced a revised draft resolution (A/C.3/44/L.60/Rev.1), entitled "Respect for the principles of national sovereignty and non-interference in the internal affairs of States in their electoral processes".

13. At the 56th meeting, on 27 November, the representative of Cuba, orally revised the draft resolution as follows:

(a) The third preambular paragraph, which read:

"Reiterating its resolution 2625 (XXV) of 24 October 1970, by which it proclaimed the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations,"

was revised to read:

"Recalling its resolution 2625 (XXV) of 24 October 1970, by which it proclaimed the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations,";

(b) The seventh preambular paragraph, which read:

"Recognizing that respect for the principles of national sovereignty and non-interference in the internal affairs of any State constitutes a fundamental basis for the effective holding of elections,"

was revised to read:

"Recognizing that the principles of national sovereignty and non-interference in the internal affairs of any State should be respected in the holding of elections,";

(c) Operative paragraphs 4, 5 and 6, which read:

"Urges all States to respect the principle of non-interference in the internal affairs of States and the sovereign right of peoples to determine their political, economic and social system, and to refrain from undertaking actions to undermine the electoral processes in other countries;

"Strongly appeals to all States to abstain from financing or providing, directly or indirectly, any other form of overt or covert support for political parties or groups, contrary to the national legislation of those countries involved in electoral processes;

"Condemns any act of armed aggression or threat or use of force against peoples, Governments or their legitimate leaders;"

were revised to read:

"Urges all States to respect the principle of non-interference in the internal affairs of States and the sovereign right of peoples to determine their political, economic and social system;

"Strongly appeals to all States to abstain from financing or providing, directly or indirectly, any other form of overt or covert support for political parties or groups and from taking actions to undermine the electoral processes in any country;

"Condemns any act of armed aggression or threat or use of force against peoples, elected Governments or their legitimate leaders;"

14. At the same meeting, the representatives of El Salvador and France (on behalf of the 12 States Members of the United Nations that are members of the European Community) made statements in explanation of vote before the vote (see A/C.3/44/SR.56).

15. At the 56th meeting, on 27 November, the Committee adopted draft resolution A/C.3/44/L.60/Rev.1, as orally revised, by a recorded vote of 100 to 24, with 11 abstentions <sup>1/</sup> (see para. 17, draft resolution II). The voting was as follows:

In favour: Afghanistan, Albania, Algeria, Angola, Antigua and Barbuda, Argentina, Bahamas, Bahrain, Bangladesh, Barbados, Benin, Bhutan, Bolivia, Botswana, Brazil, Bulgaria, Burkina Faso, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Cape Verde, Central African Republic, Chad, China, Colombia, Congo, Côte d'Ivoire, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Dominican Republic, Ecuador, Equatorial Guinea, Ethiopia, Gabon, German Democratic Republic, Ghana, Guatemala, Guinea, Guinea-Bissau, Haiti, India, Indonesia, Iran (Islamic Republic of), Iraq, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mexico, Mongolia, Mozambique, Myanmar, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Peru, Philippines, Qatar, Romania, Rwanda, Saudi Arabia, Senegal, Singapore, Somalia, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Tunisia, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zambia, Zimbabwe.

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<sup>1/</sup> The representative of Honduras indicated that his delegation could not at the moment participate in the action taken on the draft resolution.

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Against: Australia, Austria, Belgium, Canada, Denmark, Finland, France, Germany, Federal Republic of, Greece, Iceland, Ireland, Israel, Italy, Japan, Luxembourg, Morocco, Netherlands, New Zealand, Norway, Portugal, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Chile, Egypt, El Salvador, Fiji, Gambia, Hungary, Malta, Sierra Leone, Trinidad and Tobago, Turkey, Zaire.

16. The representatives of Turkey and New Zealand made statements in explanation of vote after the vote (see A/C.3/44/SR.56).

### III. RECOMMENDATIONS OF THE THIRD COMMITTEE

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

#### DRAFT RESOLUTION I

##### Enhancing the effectiveness of the principle of periodic and genuine elections

##### The General Assembly,

Aware of its obligations under the Charter of the United Nations to develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples and to promote and encourage respect for human rights and fundamental freedoms for all,

Reaffirming the Universal Declaration of Human Rights, <sup>2/</sup> which provides that everyone has the right to take part in the government of his or her country, directly or through freely chosen representatives, that everyone has the right to equal access to public service in his or her country, that the will of the people shall be the basis of the authority of government, and that this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures,

Noting that the International Covenant on Civil and Political Rights <sup>3/</sup> provides that every citizen shall have the right and the opportunity, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, to take part in the conduct of public affairs, directly or

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<sup>2/</sup> Resolution 217 A (III).

<sup>3/</sup> See resolution 2200 A (XXI), annex.

through freely chosen representatives, to vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors, and to have access, on general terms of equality, to public service in his or her country,

Condemning the system of apartheid and any other denial or abridgement of the right to vote on the grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

Considering that the tricameral parliament established under the system of apartheid is a gross violation of the principle of universal and equal suffrage and has been overwhelmingly rejected by the international community,

Recalling that all States enjoy sovereign equality and that each State has the right freely to choose and develop its political, social, economic and cultural systems,

Recognizing that there is no single political system or electoral method that is equally suited to all nations and their people,

Recalling its resolution 43/157 of 8 December 1988,

Also recalling Commission on Human Rights resolution 1989/51 of 7 March 1989, 4/

1. Emphasizes the significance of the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, which establish that the authority to govern shall be based on the will of the people, as expressed in periodic and genuine elections;
2. Stresses its conviction that periodic and genuine elections are a necessary and indispensable element of sustained efforts to protect the rights and interests of the governed and that, as a matter of practical experience, the right of everyone to take part in the government of his or her country is a crucial factor in the effective enjoyment by all of a wide range of other human rights and fundamental freedoms, embracing political, economic, social and cultural rights;
3. Declares that determining the will of the people requires an electoral process that provides an equal opportunity for all citizens to become candidates and put forward their political views, individually and in co-operation with others within constitutional and national legislation;

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4/ See Official Records of the Economic and Social Council, 1989, Supplement No. 2 (E/1989/20), chap. II, sect. A.

4. Recognizes that the efforts of the international community to enhance the effectiveness of the principle of periodic and genuine elections should not call into question each State's sovereign right freely to choose and develop its political, social, economic and cultural systems, whether or not they conform to the preferences of other States;

5. Emphasizes the duty of each member of the international community to respect the decisions taken by other States in freely choosing and developing their electoral institutions;

6. Reaffirms that apartheid must be abolished, that the systematic denial or abridgement of the right to vote on the grounds of race or colour is a gross violation of human rights and an affront to the conscience and dignity of mankind, and that the right to participate in a political system based on common and equal citizenship and universal franchise is essential for the exercise of the principle of periodic and genuine elections;

7. Rejects the tricameral parliament established under the system of apartheid as an abhorrent expression of a fundamentally oppressive and flagrantly inhuman political system;

8. Calls upon the Commission on Human Rights, at its forty-sixth session, to continue its consideration of appropriate ways and means of enhancing the effectiveness of the principle of periodic and genuine elections, in the context of full respect for the sovereignty of Member States, and to report to the General Assembly at its forty-fifth session, through the Economic and Social Council;

9. Decides to include in the agenda of its forty-fifth session the item entitled "Enhancing the effectiveness of the principle of periodic and genuine elections".

#### DRAFT RESOLUTION II

##### Respect for the principles of national sovereignty and non-interference in the internal affairs of States in their electoral processes

The General Assembly,

Reaffirming the purposes of the United Nations to develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples and to take other appropriate measures to strengthen universal peace,

Recalling its resolution 1514 (XV) of 14 December 1960, by which it adopted the Declaration on the Granting of Independence to Colonial Countries and Peoples,

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Recalling its resolution 2625 (XXV) of 24 October 1970, by which it proclaimed the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations,

Recalling the principle enshrined in Article 2, paragraph 7, of the Charter, where it is established that nothing contained in the Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any State or shall require the Members to submit such matters to settlement under the Charter,

Reaffirming the legitimacy of the struggle of the oppressed people of South Africa for the elimination of apartheid and for the establishment of a society in which all the people of South Africa as a whole, irrespective of race, colour or creed, will enjoy equal and full political and other rights and participate freely in the determination of their destiny,

Also reaffirming the legitimacy of the struggle of all peoples under colonial and foreign domination, particularly the Palestinian people, for the exercise of their inalienable right to self-determination and national independence that will enable them to decide freely on their own future,

Recognizing that the principles of national sovereignty and non-interference in the internal affairs of any State should be respected in the holding of elections,

Also recognizing that there is no single political system or single model for electoral processes equally suited to all nations and their peoples, and that political systems and electoral processes are subject to historical, political, cultural and religious factors,

1. Reiterates that, by virtue of the principle of equal rights and self-determination of peoples enshrined in the Charter of the United Nations, all peoples have the right freely to determine, without external interference, their political status and to pursue their economic, social and cultural development, and that every State has the duty to respect that right in accordance with the provisions of the Charter;

2. Affirms that it is the sole concern of peoples to determine methods and to establish institutions regarding the electoral process, as well as the ways for its implementation according to constitutional and national legislation;

3. Also affirms that any extraneous activities that attempt, directly or indirectly, to interfere in the free development of national electoral processes, in particular in the developing countries, or that intend to sway the results of such processes violate the spirit and letter of the principles established in the Charter and in the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations;

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4. Urges all States to respect the principle of non-interference in the internal affairs of States and the sovereign right of peoples to determine their political, economic and social system;

5. Strongly appeals to all States to abstain from financing or providing, directly or indirectly, any other form of overt or covert support for political parties or groups and from taking actions to undermine the electoral processes in any country;

6. Condemns any act of armed aggression or threat or use of force against peoples, elected Governments or their legitimate leaders;

7. Solemnly declares that only the total eradication of apartheid and the establishment of a non-racial, democratic society based on majority rule, through the full and free exercise of adult suffrage by all the people in a united and non-fragmented South Africa, can lead to a just and lasting solution to the explosive situation in South Africa;

8. Reaffirms the legitimacy of the struggle of all peoples under colonial and foreign domination, particularly the Palestinian people, for the exercise of their inalienable right to self-determination and national independence that will enable them to determine their political, economic and social system, without external interference;

9. Calls upon the Commission on Human Rights, at its forty-sixth session, to give priority to the review of the fundamental factors that negatively affect the observance of the principle of national sovereignty and non-interference in the internal affairs of States in their electoral processes, and to report to the General Assembly at its forty-fifth session, through the Economic and Social Council;

10. Requests the Secretary-General to report to the General Assembly, at its forty-fifth session, on the implementation of the present resolution under the item entitled "Enhancing the effectiveness of the principle of periodic and genuine elections".

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