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SUMMARY RECORD OF THE 56th MEETING

Chairman: Mr. KABORE (Burkina Faso)

CONTENTS

AGENDA ITEM 12: REPORT OF THE ECONOMIC AND SOCIAL COUNCIL (continued)

AGENDA ITEM 109: EFFECTIVE IMPLEMENTATION OF INTERNATIONAL INSTRUMENTS ON HUMAN RIGHTS, INCLUDING REPORTING OBLIGATIONS UNDER INTERNATIONAL INSTRUMENTS ON HUMAN RIGHTS (continued)

AGENDA ITEM 114: ENHANCING THE EFFECTIVENESS OF THE PRINCIPLE OF PERIODIC AND GENUINE ELECTIONS (continued)

AGENDA ITEM 115: PREPARATION OF AN INSTRUMENT ON HUMAN RIGHTS BASED ON SOLIDARITY (continued)

AGENDA ITEM 110: OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES (continued)

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DISTR. GENERAL
A/C.3/44/SR.56
1 December 1989

ORIGINAL: ENGLISH

The meeting was called to order at 3.30 p.m.

AGENDA ITEM 12: REPORT OF THE ECONOMIC AND SOCIAL COUNCIL (continued) (A/44/3, A/44/402, A/44/403, A/44/404, A/44/426, A/44/440, A/44/462, A/44/482, A/44/573, A/44/600, A/44/620, A/44/622, A/44/635, A/44/657, A/44/669, A/44/671; A/C.3/44/1 and 4; A/44/67, A/44/68, A/44/71, A/44/99, A/44/119, A/44/153, A/44/171, A/44/238 and Corr.1, A/44/320, A/44/325, A/44/355-S/20704, A/44/367, A/44/377, A/44/378, A/44/381, A/44/466, A/44/504, A/44/580, A/44/706, A/44/728; A/C.3/44/8)

AGENDA ITEM 109: EFFECTIVE IMPLEMENTATION OF INTERNATIONAL INSTRUMENTS ON HUMAN RIGHTS, INCLUDING REPORTING OBLIGATIONS UNDER INTERNATIONAL INSTRUMENTS ON HUMAN RIGHTS (continued) (A/44/98, A/44/539, A/44/668, A/44/171, A/44/409-S/20743 and Corr.1 and 2, A/44/689-S/20921)

1. Mr. VILLEGAN DE LEON (Guatemala) said that, in the current climate of reconciliation, the international community must co-operate in cutting off aid to insurrectionist movements in order to end the fratricidal warfare that plagued many developing countries. In order to achieve greater respect for human rights, developing countries needed to be able to use their scant resources to improve their standards of living. The developed countries, for their part, should use the vast resources that they devoted to the arms race for the economic and social development of all mankind; monitoring and ensuring the respect of human rights required resources that the economically less fortunate countries did not have.

2. He briefly reviewed the efforts of the Guatemalan Government to eliminate human-rights abuses and expressed his delegation's deep regret that, on the basis of insufficient and often biased information, some countries had concluded that the Commission on Human Rights should appoint a Special Rapporteur for Guatemala. The appointment of Special Rapporteurs had extremely serious political implications for the process of consolidating democratic institutions. Guatemala believed that such appointments were justified only in serious cases in which the Governments showed no respect for human rights, and should be made for a limited time only.

3. While improvements in human rights had not and could not be immediate, Guatemala had made its intentions clear and was using the means at its disposal to stop the escalation of violence and to improve the human-rights situation in Guatemala. In that connection, United Nations advisory assistance and training in the area of human rights had been very much appreciated.

4. Achieving full respect for human rights required time, money, technical assistance and human resources. It also required an atmosphere of peace and the rule of law. Meanwhile, the United Nations and the international community should respect the cultural diversity of different peoples by not attempting to impose new cultural standards in their efforts to promote human rights.

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(Mr. Villegran De Leon, Guatemala)

5. Guatemala would continue to co-operate with the United Nations on human rights. It maintained its policy of neutrality in Central America and called upon countries and organizations inside and outside the region to work together to establish a lasting peace in which respect for human rights would be a daily reality.

Rights of reply

6. Mr. MORA (Cuba) said he wished to address the superficial and ill-intentioned remarks of several delegations. The Canadian delegation had recently expressed concern over a few individuals whom the Cuban authorities allegedly would not allow to leave the country. As his delegation had stated on many occasions, no one was forced to remain in Cuba. If Canada was willing to open its borders to some 1,500 Cubans, an immigration agreement might be reached bilaterally. Perhaps solutions to certain humanitarian cases could be found, but only in co-operation with the Cuban Government. Meanwhile, Canada should consider the situation of its own indigenous populations, which was under investigation by the Sub-Commission on Prevention of Discrimination and Protection of Minorities.

7. The Austrian delegation had recently stated that it was anxious to hear from the Secretary-General concerning the results of his direct contacts with the Cuban Government on issues raised in the report of the Commission on Human Rights. He wished to point out that the Secretary-General was not obligated by the Commission's decision to report on those contacts. Countries that had wished to impose continued investigations were attempting to obtain by other means what they had not been able to achieve through the Commission on Human Rights.

8. With respect to the provocative comments of the delegation of the United States, he said that, during the trial in Cuba of the Ochoa-La Guardia drug-trafficking group, United States officials had tried hard to conceal their failure to communicate to the Government of Cuba information in their possession concerning the group's activities. Contrary to what the representative of the United States had suggested, the trial proceedings had not been a propaganda show. The law had been strictly adhered to and nothing had been concealed. Moreover, whereas Cuba had tried and executed a hero who had become a criminal, the United States had elevated a criminal, Oliver North, to hero status and had given him a scandalously light sentence.

9. With regard to the recent arrests which the United States representative had mentioned, the accused had been tried in accordance with the law and had been defended by the lawyers of their choice in a trial attended not only by international journalists, but also by an official of the United States Interest Section in Havana.

10. The truth had prevailed over United States efforts at the latest session of the Commission on Human Rights to put Cuba on trial for human-rights violations; the Commission had recognized the fact that Cuba was not violating human rights.

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11. Mr. CHEN Shigiu (China) said that he wished to respond to three points raised by the United States delegation at the previous meeting. First, the March 1989 riots in Lhasa, Tibet, had been caused by a small number of Tibetan separatists and had nothing to do with either ethnic and religious freedom or human rights. The Government of China had acted to restore law and order and to safeguard its territorial integrity. Tibet had been an inalienable part of China since 1300 A.D., a fact hitherto recognized by all the countries of the world, including the United States. Any other attitude constituted gross interference in China's internal affairs and could not be tolerated.

12. Second, the United States had no call to criticize China for its alleged failure to respect the peaceful expression of political views. The events in June 1989 in Beijing had been a reaction to an attempt to overthrow the Government and the socialist system of China and did not constitute suppression of a pro-democracy movement. The fundamental reason for criticism by the United States and other Western Governments was their disappointment that China had not adopted the political system and the changes they wished and had not ceded to the demands of a small group of Tibetan separatists. While certain Western countries claimed that they wished to depoliticize the human-rights issue, they were actually politicizing it by attempting to impose their interpretation of human rights and their own values.

13. Third, in response to the United States representative's statement that he hoped that China would continue to pursue reforms, he said that reform was the established policy in China. However, some countries were trying to pressure China to implement their own idea of reform by imposing sanctions and by "brandishing the human rights club". Such efforts were doomed to failure.

14. Mr. RAVEN (United Kingdom) said that at the preceding meeting the representative of Iraq had referred to the human-rights situation in the United Kingdom. The British Government did not consider a public airing of its record on human rights as interference in its internal affairs. On the contrary, it was subject to regular investigation in the United Kingdom, where there was a free press, healthy debate and the unrestricted right to peaceful assembly. He was gratified that the representative of Iraq had referred to the annual report of Amnesty International. All the cases referred to in the report had been thoroughly investigated by the authorities in the United Kingdom.

15. The United Kingdom had derogated from the International Covenant on Civil and Political Rights and the European Convention on Human Rights because of its strict interpretation of its obligations under those instruments. The derogations were very narrow, however, being confined to certain powers of detention of persons suspected of terrorist acts connected with the affairs of Northern Ireland. Even though there was a serious situation there, his Government had never made use of chemical weapons and had never evicted villagers from that territory.

16. The United Kingdom had long supported the work of Amnesty International, which was essential in the protection of human rights. He was surprised that the representative of Iraq had extolled the virtues of the 1989 report of Amnesty

(Mr. Raven, United Kingdom)

International. That report, which he had quoted so approvingly at the previous meeting, told a horrific tale about the human-rights situation in Iraq. Furthermore, in a separate report, Amnesty International provided information on the detention of children in Iraqi gaols, which made exceedingly unpleasant reading. There had also been reports of massive and grave violations of human rights which were continuing long after the cease-fire had taken place in the war between Iran and Iraq. Although Iraq was a party to the International Convention on Civil and Political Rights, it had not made any derogation due to a state of emergency.

17. The judicial process in the United Kingdom enabled individuals to pursue their rights through the courts to ensure that the British Government fully abided by its commitments under the international human-rights instruments. He wished that that were the case in Iraq.

18. Mr. WALDROP (United States of America), replying to the comments made by the representative of China, said that the support of the United States Government for adherence to universal standards of human rights stemmed from its belief in the value of the individual and not from any other motives.

19. In reply to the comments made by the representative of Cuba, he read out the resolution on Cuba adopted by the Christian Democratic International at its General Assembly held in September 1989 in Guatemala. In that resolution, the Assembly, recognizing the numerous cases in which the totalitarian Government of Fidel Castro had been condemned because of its systematic violation of human rights, regretting the continued absence of fundamental liberties for the people of Cuba, rejecting the arbitrary judgement and execution of officers of the armed forces and the repression of a large number of public employees and their families, had decided to condemn the Cuban totalitarian régime for violating the human rights of its people and had demanded the release of all political prisoners.

20. Mrs. LAFORTUNE (Canada) said that her delegation had noted the statement by the representative of Cuba that the Cuban citizens who wished to do so could leave their country in order to be reunited with relatives abroad. She hoped that that would also apply to Cuban citizens wishing to spend their Christmas holiday with relatives who were Canadian citizens or permanent residents in Canada.

21. Mr. MEZZALAMA (Italy) said that the representative of Iraq had referred to some isolated cases of alleged violations of human rights in Italy based on information in the report of Amnesty International. When such cases occurred, remedies were available to all persons in Italy and were regularly invoked. The few cases referred to in the report of Amnesty International had already been investigated by the Italian Government. The representative of Iraq, being such a diligent reader, should have also examined the latest report of the Human Rights Committee (A/44/40), which had expressed satisfaction at the increasingly dynamic support for human rights that was becoming apparent in Italy. His delegation would welcome a similar attitude of co-operation, openness and objectivity on the part of the Government of Iraq.

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22. Mr. ZIADA (Iraq) said that in point of fact it was the representative of the United Kingdom who had extolled the virtues of the report of Amnesty International. He had evidently forgotten that Mrs. Thatcher had recently referred to the report as "trash". In a sense, therefore, the representative of the United Kingdom was in conflict with his own Prime Minister.

23. The human-rights record of the United Kingdom was despicable. Its record of imperialism was unmatched in world history. Anyone who had seen the film Gandhi would know how women, children and elderly persons had been massacred in India when they had assembled peacefully to demonstrate in favour of self-determination. If the United Kingdom was so concerned about human rights, it should change its vote in the General Assembly on draft resolutions on the elimination of racial discrimination and imperialism.

24. Mr. MORA (Cuba) said that he was disappointed by the statement by the United States representative, who had tried to maintain his argument by quoting a resolution adopted by a non-governmental organization. Cuba had received a mission appointed by the Commission on Human Rights which had submitted its report on the situation in his country. There was no need to prolong the discussion of that matter any further.

AGENDA ITEM 114: ENHANCING THE EFFECTIVENESS OF THE PRINCIPLE OF PERIODIC AND GENUINE ELECTIONS (continued) (A/C.3/44/L.59, L.60/Rev.1, L.72)

Draft resolution A/C.3/44/L.59

25. The CHAIRMAN invited the Committee to take action on draft resolution A/C.3/44/L.59, entitled "Enhancing the effectiveness of the principle of periodic and genuine elections". The sponsors of the draft resolution had revised the text. In the seventh preambular paragraph, the words "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" had been deleted. In paragraph 4, the word "sovereign" had been inserted between the words "State's" and "right". In paragraph 9, the phrase "in the context of full respect for the sovereignty of Member States" had been inserted after the word "elections". The draft resolution did not contain any programme budget implications.

26. Mr. WALDROP (United States of America) said that the sponsors of draft resolution A/C.3/44/L.59, seeking to maintain the consensus reached, had decided not to oppose the amendments contained in document A/C.3/44/L.72. He was very pleased to state that the Soviet Union had joined the sponsors of the draft resolution and hoped that it would be adopted without a vote.

Draft resolution A/C.3/44/L.59, as orally revised and as amended by A/C.3/44/L.72, was adopted without a vote.

28. Mr. WALDROP (United States of America), speaking in explanation of position, expressed regret that it had been necessary to accept the amendments contained in document A/C.3/44/L.72 in order to maintain the consensus on draft resolution A/C.3/44/L.59. Determining the will of the people required an electoral process which accommodated distinct alternatives. It would have been useful for the Secretary-General to ask Governments for their comments and views on the framework for future efforts annexed to Commission on Human Rights resolution 1989/51. Nevertheless, that was not essential to the main purpose of the draft resolution and the sponsors had taken into account the strong objections of certain delegations. The efforts by the international community to enhance the effectiveness of the principle of periodic and genuine elections was a long-term, co-operative task. It was essential that such work should proceed on the basis of the broadest possible agreement.

29. Mrs. MBELLA NGOWO NGOMBA (Cameroon) said that the delegations which had proposed the amendments in document A/C.3/44/L.72 appreciated that the sponsors of the draft resolution, after long negotiations, had finally decided to accept the amendments. It was essential that no draft resolutions should be submitted in the Third Committee or the Commission on Human Rights that might affect the territorial integrity of States, particularly developing countries.

30. The framework for future efforts annexed to Commission on Human Rights resolution 1989/51 should be amended by the Commission before it was given further consideration by the Third Committee. The framework should then be considered on its own merits since that would increase the possibility of reaching agreement on its applicability to the electoral processes of States, which must reflect the will of the people as enshrined in national legislation.

31. Mr. van WULFFTEN PALTHE (Netherlands) said that the Committee was once again undermining individual human rights by accepting the amendment to paragraph 3 of draft resolution A/C.3/44/L.59. That paragraph could easily be interpreted to mean that the principle of periodic and genuine elections only applied to those countries whose national legislation provided for it. The draft resolution should have called upon all States to incorporate in their constitutional and national legislation provisions for periodic and genuine elections.

32. The CHAIRMAN drew attention to 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". China, the Lao People's Democratic Republic and Romania had joined the sponsors of that draft resolution, which did not contain any programme budget implications.

33. Mr. MOFA (Cuba), speaking on behalf of the sponsors of draft resolution A/C.3/44/L.60/Rev.1, said that the text had been further revised. In the third preambular paragraph, the word "Reiterating" had been replaced by the word "Recalling". In the seventh preambular paragraph, the words "respect for" had been deleted and the words "constitutes a fundamental basis for the effective holding of elections" had been replaced by "should be respected in the holding of elections". In paragraph 4, the words "and to refrain from undertaking actions to undermine the

(Mr. Mora, Cuba)

electoral processes in other countries" had been deleted. In paragraph 5, the phrase "contrary to the national legislation of those countries involved in electoral processes" had been replaced by "and from taking actions to undermine the electoral processes in any country". Lastly, in paragraph 6, the word "elected" had been inserted before the word "Governments".

34. The draft resolution was designed to reaffirm the principles set forth in the Charter and other United Nations documents upholding respect for national sovereignty and the principle of non-interference in the internal affairs of States with regard to electoral processes.

35. The CHAIRMAN invited delegations which so wished to explain their vote before the vote.

36. Mr. ALFARO (El Salvador) said that his delegation would abstain in the vote on draft resolution A/C.3/44/L.60/Rev.1 because some of the countries sponsoring it did not respect the principles of national sovereignty and non-interference in the internal affairs of States.

37. Mr. GOMPERTZ (France), speaking on behalf of the 12 States members of the European Community, said that the Twelve would vote against draft resolution A/C.3/44/L.60/Rev.1 because it duplicated draft resolution A/C.3/44/L.59, which had just been adopted and which was very similar to a resolution adopted in 1988 by consensus.

38. Draft resolution A/C.3/44/L.60/Rev.1 seemed to be designed to call into question that consensus by introducing notions that had little to do with the subject under consideration. While the Twelve did not question the principles of the Charter referred to in the draft resolution, they regretted that those principles were not dealt with in a straightforward manner. The principles in question should be interpreted in the light of Articles 55 and 56 of the Charter. By not respecting that balance, draft resolution A/C.3/44/L.60/Rev.1 might give rise to confusion concerning a question which was and should remain the subject of consensus. While the Twelve regretted the initiative that had led to the submission of draft resolution A/C.3/44/L.60/Rev.1, they nevertheless wished to continue the exchange of views on that subject with its sponsors.

39. At the request of the representative of the United States, a recorded vote was taken on draft resolution A/C.3/44/L.60/Rev.1, as orally revised.

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,

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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.

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.

40. Draft resolution A/C.3/44/L.60/Rev.1, as orally revised, was adopted by 100 votes to 24, with 11 abstentions.

41. The CHAIRMAN invited those delegations that wished to do so to speak in explanation of vote.

42. Mr. BURCUOGLU (Turkey) said that his delegation had abstained because it disagreed with the wording. However, it strongly supported the oppressed people of Palestine and the victims of apartheid.

43. Mr. PALMA (Honduras) said that his delegation had not participated in the vote, because the draft resolution did not reflect a constructive spirit or the principles essential for periodic elections such as those conducted in his own country.

44. Ms. COOMBES (New Zealand) said that her delegation strongly upheld the principles of sovereignty, self-determination and non-interference but felt that there was no need for the review requested in paragraph 9. The Commission on Human Rights was already overburdened with more important tasks. She also regretted the introduction of extraneous matters in the draft resolution.

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AGENDA ITEM 115: PREPARATION OF AN INSTRUMENT ON HUMAN RIGHTS BASED ON SOLIDARITY
(continued) (A/C.3/44/L.61/Rev.1)

Draft resolution A/C.3/44/L.61/Rev.1

45. The CHAIRMAN said that draft resolution A/C.3/44/L.61/Rev.1 had no programme budget implications.

46. Draft resolution A/C.3/44/L.61/Rev.1 was adopted without a vote.

47. The CHAIRMAN invited those delegations that wished to do so to speak in explanation of position.

48. Mr. ITO (Japan) said that his delegation had joined in the consensus but felt that introducing still another concept of human rights when there were already enough was not very helpful.

49. Ms. TRESKOW (Federal Republic of Germany) said that her delegation did not object to the draft resolution but felt that the idea of human rights based on solidarity was a new and unclear concept and that it would be better to implement those rights already agreed upon.

AGENDA ITEM 110: OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES
(continued) (A/C.3/44/L.63, L.67, L.68/Rev.1, L.69)

Draft resolution A/C.3/44/L.63

50. The CHAIRMAN said draft resolution A/C.3/44/L.63 had no programme-budget implications, and invited those delegations that wished to do so to speak in explanation of vote before the vote.

51. Mr. WALDROP (United States of America) said that his delegation would abstain if there was a vote on draft resolution A/C.3/44/L.63 because it did not adequately reflect the events of the past year. He objected to the phrase "constant deterioration" in the second preambular paragraph and the reference to "aggression and destabilization" in the fourth and sixth preambular paragraphs. The South African Government was not the main cause of refugee flows in southern Africa.

52. Draft resolution A/C.3/44/L.63 was adopted without a vote.

Draft resolution A/C.3/44/L.67

53. The CHAIRMAN said that Greece, Japan, Pakistan and Turkey had become sponsors of the draft resolution, which had no programme budget implications.

54. Ms. MATTILA (Finland), speaking on behalf of the sponsors, said that two revisions had been made. The word "promotion" should replace the word "enhancement" in the tenth preambular paragraph and the words "being fully aware of the catalytic role of the Office of the High Commissioner" should be added to paragraph 14.

55. Draft resolution A/C.3/44/L.67, as orally revised, was adopted without a vote.

Draft resolution A/C.3/44/L.68/Rev.1

56. The CHAIRMAN said that Viet Nam had become a sponsor of the draft resolution, which had no programme budget implications.

57. Mr. SASITORN (Thailand), introducing the revised draft resolution on behalf of the sponsors, said that the consensus reflected a spirit of co-operation and a determination of all parties to implement the Comprehensive Plan of Action adopted by the International Conference on Indo-Chinese Refugees. Many refugees in South-East Asia were still subject to hostile treatment, and the sponsors hoped that the draft resolution would help alleviate their plight and be adopted by consensus.

58. Draft resolution A/C.3/44/L.68/Rev.1 was adopted without a vote.

Draft resolution A/C.3/44/L.69

59. The CHAIRMAN said that the Philippines had become a sponsor of the draft resolution, which had no programme budget implications. The sponsors had revised the text, deleting the word "gravely" from the beginning of the fifteenth preambular paragraph and the word "profound" from the beginning of paragraph 11.

60. Draft resolution A/C.3/44/L.69, as orally revised, was adopted without a vote.

The meeting rose at 5.20 p.m.