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## REPORT OF THE ECONOMIC AND SOCIAL COUNCIL

Report of the Third CommitteeRapporteur: Mr. Wilfried GROLIG (Federal Republic of Germany)

## 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 "Report of the Economic and Social Council".
2. At the same meeting, the Assembly decided to allocate to the Third Committee chapters of the Council's report 1/ that were considered under the relevant items of the agenda (see A/C.3/44/1).
3. The Third Committee considered item 12 jointly with item 109 at its 48th, 50th to 62nd meetings, from 20 to 22, 24, 27 to 29 November 1989. An account of the Committee's discussion is contained in the relevant summary records (A/C.3/44/SR.48, and 50-62).
4. For its consideration of the item, the Committee had before it the following documents:
  - (a) Report of the Economic and Social Council for the year 1989 (A/44/3); 1/
  - (b) Reports of the open-ended Working Group on the Drafting of an International Convention on the Protection of the Rights of All Migrant Workers and Their Families (A/C.3/44/1 and 4);

1/ To be issued as Official Records of the General Assembly, Forty-third Session, Supplement No. 3 (A/44/3/Rev.1).

- (c) Report of the Secretary-General on humanitarian assistance to refugees in Djibouti (A/44/402);
- (d) Report of the Secretary-General on the assistance to refugees and displaced persons in Malawi (A/44/403);
- (e) Report of the Secretary-General on assistance to student refugees in southern Africa (A/44/404);
- (f) Report of the Secretary-General on the situation of refugees in the Sudan (A/44/426);
- (g) Report of the Secretary-General on the status of the Convention on the Prevention and Punishment of the Crime of Genocide (A/44/440);
- (h) Report of the Secretary-General on the assistance to refugees and in Somalia (A/44/462);
- (i) Report of the Secretary-General on the assistance to refugees and returnees in Ethiopia (A/44/482);
- (j) Note by the Secretary-General on human rights in southern Lebanon (A/44/573);
- (k) Report of the Secretary-General on international co-operation in drug abuse control (A/44/600 and Corr.1);
- (l) Note by the Secretary-General on human rights in Iran (A/44/620);
- (m) Report of the Secretary-General on human rights and mass exoduses (A/44/622);
- (n) Note by the Secretary-General on human rights in Chile (A/44/635);
- (o) Report of the Secretary-General on the emergency assistance to voluntary returnees and displaced persons in Chad (A/44/657);
- (p) Note by the Secretary-General on human rights in Afghanistan (A/44/669);
- (q) Note by the Secretary-General on human rights in El Salvador (A/44/671);
- (r) Letter dated 23 December 1988 from the Chargé d'affaires a.i. of the Permanent Mission of El Salvador to the United Nations addressed to the Secretary-General (A/44/67);
- (s) Letter dated 4 January 1989 from the Chargé d'affaires a.i. of the Permanent Mission of El Salvador to the United Nations addressed to the Secretary-General (A/44/68);
- (t) Letter dated 9 January 1989 from the Permanent Representative of Hungary to the United Nations addressed to the Secretary-General (A/44/71);

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(u) Note verbale dated 27 January 1989 from the Permanent Representative of the United States of America to the United Nations addressed to the Secretary-General (A/44/99);

(v) Letter dated 7 February 1989 from the Permanent Representative of Paraguay to the United Nations addressed to the Secretary-General (A/44/119);

(w) Letter dated 28 February 1989 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the Secretary-General (A/44/153);

(x) Letter dated 8 March 1989 from the Permanent Representative of the Union of Soviet Socialist Republics to the United Nations addressed to the Secretary-General (A/44/171);

(y) Letter dated 24 April 1989 from the Permanent Representative of the Byelorussian Soviet Socialist Republic to the United Nations addressed to the Secretary-General (A/44/238 and Corr.1);

(z) Letter dated 12 June 1989 from the Chargé d'affaires a.i. of the Permanent Mission of El Salvador to the United Nations addressed to the Secretary-General (A/44/320);

(aa) Letter dated 14 June 1989 from the Chargé d'affaires a.i. of the Permanent Mission of El Salvador to the United Nations addressed to the Secretary-General (A/44/325);

(bb) Letter dated 28 June 1989 from the Permanent Representative of Spain to the United Nations addressed to the Secretary-General (A/44/355-S/20704);

(cc) Letter dated 3 July 1989 from the Chargé d'affaires a.i. of the Permanent Mission of China to the United Nations addressed to the Secretary-General (A/44/367);

(dd) Letter dated 5 July 1989 from the Permanent Representative of El Salvador to the United Nations addressed to the Secretary-General (A/44/377);

(ee) Letter dated 5 July 1989 from the Permanent Representative of El Salvador to the United Nations addressed to the Secretary-General (A/44/378);

(ff) Letter dated 27 June 1989 from the Permanent Representative of El Salvador to the United Nations addressed to the Secretary-General (A/44/381);

(gg) Letter dated 16 August 1989 from the Permanent Representative of Costa Rica to the United Nations addressed to the Secretary-General (A/44/466);

(hh) Letter dated 5 September 1989 from the Permanent Representative of China to the United Nations addressed to the Secretary-General (A/44/504);

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(ii) Letter dated 28 September 1989 from the Permanent Representative of Chile to the United Nations addressed to the Secretary-General (A/44/580);

(jj) Letter dated 2 November 1989 from the Chargé d'affaires a.i. of the Permanent Mission of Panama to the United Nations addressed to the Secretary-General (A/44/706);

(kk) Letter dated 14 November 1989 from the Chargé d'affaires a.i. of the Permanent Mission of Chile to the United Nations addressed to the Secretary-General (A/44/728);

(ll) Letter dated 24 October 1989 from the Deputy Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the Secretary-General (A/C.3/44/8);

(mm) Letter dated 24 November 1989 from the Deputy Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the Secretary-General (A/C.3/44/9).

5. At the 48th meeting, on 20 November 1989, the Under-Secretary-General for Human Rights made an introductory statement (see A/C.3/44/SR.48).

6. At the same meeting, the Special Rapporteur, Mr. Felix Ermacora, introduced his report on the situation of human rights in Afghanistan (A/44/669, annex); the Special Rapporteur, Mr. Fernando Volio Jiménez, introduced his report on the situation of human rights in Chile (A/44/635, annex) and the Special Representative, Mr. Reynaldo Galindo Pohl, introduced his report on the situation of human rights in the Islamic Republic of Iran (A/44/620, annex) (see A/C.3/44/SR.48).

7. Also at the same meeting, the Chief of the Special Procedures Unit, Centre for Human Rights, introduced the report on the situation of human rights in El Salvador (A/44/671, annex), on behalf of the Special Representative of the Commission on Human Rights, Mr. Pastor Ridruejo (see A/C.3/44/SR.48).

## II. CONSIDERATION OF PROPOSALS

### A. Draft decision A/C.3/44/L.2

8. By its decision 43/426 of 8 December 1988, the General Assembly, on the recommendation of the Third Committee (A/43/868, para. 108), decided to defer consideration of the draft decision entitled "Programme of work of the Third Committee" (A/C.3/43/L.3) to its forty-fourth session. The draft decision was before the Committee in document A/C.3/44/L.2 and read as follows:

"Programme of work of the Third Committee

"The General Assembly decides to consider the following items every two years beginning at its forty-first session:

"85. Question of aging

"90. Implementation of the World Programme of Action concerning Disabled Persons and the United Nations Decade of Disabled Persons

"94. Elimination of all forms of religious intolerance

"95. Human rights and scientific and technological developments

"101. Alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms (with the exception of the question related to the right of development)".

9. At the 60th meeting, on 29 November, the representative of Morocco made a statement in the course of which she proposed an oral decision reading as follows:

"The Third Committee decides to establish at its forty-fifth session a working group which would be entrusted with the task of studying the draft decision contained in document A/C.3/44/L.2, entitled 'Programme of work of the Third Committee'."

10. Statements were then made by the representatives of Iraq, the Netherlands, Austria, Ireland, Egypt, the Byelorussian Soviet Socialist Republic, the Dominican Republic, Algeria, Australia, the United States of America and Malta.

11. At the same meeting, in the light of the comments made by delegations on the oral decision proposed by the representative of Morocco, the Chairman made a statement in the course of which he proposed an oral decision reading as follows:

"The Third Committee recommends to the General Assembly to decide to establish an open-ended working group of the Third Committee at its forty-fifth session, in order to consider appropriate ways and means to rationalize the programme of work of the Third Committee."

12. At the 61st meeting, on 29 November, the Chairman of the Committee made a statement.

13. At the same meeting, the representative of Morocco also made a statement and revised the oral decision she had proposed at the 60th meeting, to read as follows:

"The Third Committee decides to establish at its forty-fifth session an open-ended working group, to study, within the framework of the general consideration of its programme of work, the draft decision contained in document A/C.3/44/L.2."

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14. At the same meeting, the representatives of Algeria, Egypt, Morocco, Uganda, Romania and Brazil, as well as the Chairman of the Committee, made statements.

15. Also at the same meeting, on the proposal of the Chairman, the Committee decided to recommend to the General Assembly that it defer consideration of the draft decision to its forty-fifth session, and that, when considering its organization of work for the forty-fifth session, the Third Committee would have before it the text of the draft decision entitled "Programme of work of the Third Committee" contained in document A/C.3/44/L.2 and the summary records of the meetings at which the draft decision had been discussed (see para. 79, draft decision).

B. Draft resolution A/C.3/44/L.62

16. At the 58th meeting, on 28 November, the representative of Zaire, on behalf of Algeria, Botswana, Burkina Faso, Chad, the Congo, Côte d'Ivoire, Djibouti, Egypt, Ethiopia, the Gambia, Guinea, Kenya, Lesotho, Liberia, the Libyan Arab Jamahariya, Madagascar, Malawi, Mali, Morocco, Nigeria, Rwanda, Swaziland, Zaire, Zambia and Zimbabwe, introduced draft resolution A/C.3/44/L.62 entitled "Assistance to refugees and displaced persons in Malawi". Subsequently, Niger and the Philippines joined in sponsoring the draft resolution.

17. At its 60th meeting, on 29 November, the Committee adopted draft resolution A/C.3/44/L.62 without a vote (see para. 78, draft resolution I).

18. After the adoption of the draft resolution, statements were made by the representatives of the United States of America and Ethiopia.

19. The representative of Malawi also made a statement.

C. Draft resolution A/C.3/44/L.64

20. At the 58th meeting, on 28 November, the representative of Zaire, on behalf of Algeria, Bahrain, Bangladesh, Barbados, Benin, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cameroon, Cape Verde, the Central African Republic, Chad, China, Colombia, Comoros, the Congo, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Democratic Yemen, Djibouti, the Dominican Republic, Ecuador, Egypt, Equatorial Guinea, Ethiopia, Gabon, the Gambia, Ghana, Guinea, Guinea-Bissau, Haiti, India, Indonesia, Iraq, Jamaica, Japan, Jordan, Kenya, Kuwait, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Mali, Mauritania, Mauritius, Morocco, the Niger, Nigeria, Oman, Pakistan, the Philippines, Qatar, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Sri Lanka, the Sudan, Suriname, Swaziland, the Syrian Arab Republic, Thailand, Togo, Tunisia, Turkey, Trinidad and Tobago, the United Arab Emirates, Uruguay, Yemen, Yugoslavia, Zaire, Zambia and Zimbabwe, introduced draft resolution A/C.3/44/L.64 entitled "Humanitarian assistance to refugees and displaced persons in Djibouti".

21. At the 60th meeting, on 29 November, the Committee adopted draft resolution A/C.3/44/L.64 without a vote (see para. 78, draft resolution II).

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22. After the adoption of the draft resolution, the representative of the United States of America made a statement (see A/C.3/44/SR.60).

23. A statement was also made by the representative of Djibouti.

D. Draft resolution A/C.3/44/L.65

24. At the 58th meeting, on 28 November, the representative of Zaire, on behalf of Algeria, Bahrain, Bangladesh, Botswana, Cameroon, Chad, China, Democratic Kampuchea, Democratic Yemen, Djibouti, Egypt, Guinea, Indonesia, Jordan, Kenya, Kuwait, the Libyan Arab Jamahiriya, Malawi, Malaysia, Mali, Morocco, Nigeria, Oman, Pakistan, Panama, Qatar, Romania, Saudi Arabia, Senegal, Somalia, Sri Lanka, the Sudan, Swaziland, the Syrian Arab Republic, Thailand, Tunisia, Uganda, the United Arab Emirates, the United Republic of Tanzania, Yemen, Yugoslavia, Zaire and Zambia, introduced draft resolution A/C.3/44/L.65 entitled "Situation of refugees in the Sudan". Subsequently the Philippines and Turkey joined in sponsoring the draft resolution.

25. At its 60th meeting, on 29 November, the Committee adopted draft resolution A/C.3/44/L.65 without a vote (see para. 78, draft resolution III).

26. After the adoption of the draft resolution, the representative of the United States of America made a statement (see A/C.3/44/SR.60).

E. Draft resolution A/C.3/44/L.66

27. At the 58th meeting, on 28 November, the representative of Zaire, on behalf of Algeria, Chad, China, Colombia, Costa Rica, Democratic Yemen, Djibouti, the Dominican Republic, Egypt, Iraq, Jordan, Lesotho, the Libyan Arab Jamahiriya, Malaysia, Mali, Mauritania, Morocco, Qatar, Saudi Arabia, Senegal, Somalia, Sri Lanka, the Sudan, the Syrian Arab Republic, Thailand, Tunisia, Uganda, the United Arab Emirates, Yemen, Zaire and Zambia introduced draft resolution A/C.3/44/L.66 entitled "Assistance to refugees in Somalia", and orally revised it by replacing, in operative paragraph 4 "as soon as conditions permit" by "as soon as possible". Subsequently, Bangladesh, Brunei Darussalam, the Gambia, Iran (Islamic Republic of), Kuwait, Liberia, Malawi, the Niger, Nigeria, Oman, Pakistan, the Philippines, Sierra Leone, Singapore, Turkey and Yugoslavia joined in sponsoring the draft resolution.

28. At the 60th meeting, on 29 November, the Committee adopted draft resolution A/C.3/44/L.66, as orally revised, without a vote (see para. 78, draft resolution IV).

29. After the adoption of the draft resolution, the representative of the United States of America made a statement (see A/C.3/44/SR.60).

30. A statement was also made by the representative of Somalia (see A/C.3/44/SR.60).

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F. Draft resolution A/C.3/44/L.70

31. At the 58th meeting, on 28 November, the representative of Zaire, on behalf of Algeria, Burkina Faso, Burundi, Cameroon, Cape Verde, the Central African Republic, Chad, Chile, China, Colombia, Comoros, the Congo, Costa Rica, Côte d'Ivoire, Democratic Kampuchea, Djibouti, Egypt, Gabon, Guinea, Haiti, Indonesia, Japan, Malawi, Mali, Morocco, the Niger, Nigeria, the Philippines, Rwanda, Senegal, Somalia, the Sudan, Thailand, Togo, Tunisia and Zaire, introduced draft resolution A/C.3/44/L.70 entitled "Assistance to voluntary returnees and displaced persons in Chad".

32. At its 60th meeting, on 29 November, the Committee adopted draft resolution A/C.3/44/L.70 without a vote (see para. 78, draft resolution V).

33. After the adoption of the draft resolution, the representative of the United States of America made a statement (see A/C.3/44/SR.60).

34. A statement was also made by the representative of Chad (see A/C.3/44/SR.60).

G. Draft resolution A/C.3/44/L.71

35. At the 58th meeting, on 28 November, the representative of Zaire, on behalf of Afghanistan, Algeria, Angola, Argentina, Bangladesh, Barbados, Benin, Bolivia, Botswana, Burkina Faso, Burundi, the Byelorussian Soviet Socialist Republic, Cameroon, Colombia, the Congo, Côte d'Ivoire, China, Cuba, Cyprus, Democratic Yemen, Djibouti, the Dominican Republic, Ecuador, Egypt, Equatorial Guinea, Ethiopia, the German Democratic Republic, Ghana, Guinea, Guyana, India, Indonesia, Iran, (Islamic Republic of), Jamaica, Japan, Kenya, the Lao People's Democratic Republic, Lesotho, Liberia, Madagascar, Malawi, Malaysia, Mali, Mauritania, Morocco, Mozambique, Nicaragua, the Niger, Nigeria, Pakistan, Panama, Romania, Rwanda, Senegal, Sierra Leone, Sri Lanka, Swaziland, Trinidad and Tobago, Uganda, the Ukrainian Soviet Socialist Republic, the Union of Soviet Socialist Republics, the United Republic of Tanzania, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia and Zimbabwe, introduced draft resolution A/C.3/44/L.71 entitled "Assistance to refugees and returnees in Ethiopia". Subsequently, Czechoslovakia, Mongolia and the Philippines joined in sponsoring the draft resolution.

36. At its 60th meeting, on 29 November, the Committee adopted draft resolution A/C.3/44/L.71 without a vote (see para. 78, draft resolution VI).

37. After the adoption of the draft resolution, the representative of the United States of America made a statement (see A/C.3/44/SR.60).

38. A statement was also made by the representative of Ethiopia (see A/C.3/44/SR.60).



#### H. Draft resolution A/C.3/44/L.74

39. At the 58th meeting, on 28 November, the representative of Mexico, on behalf of Algeria, Argentina, Bangladesh, Bolivia, Brazil, Colombia, Cuba, Ecuador, Greece, India, Italy, Mali, Mauritania, Mexico, Morocco, Nicaragua, Pakistan, Peru, the Philippines, Portugal, Rwanda, Senegal, Tunisia, Turkey and Yugoslavia, introduced draft resolution A/C.3/44/L.74 entitled "Measures to improve the situation and ensure the human rights and dignity of all migrant workers".

40. The statement submitted by the Secretary-General in accordance with rule 153 of the rules of procedures of the General Assembly on programme budget implications of the draft resolution was contained in document A/C.3/44/L.92.

41. At its 60th meeting, on 29 November, the Committee adopted draft resolution A/C.3/44/L.74 without a vote (see para. 78, draft resolution VII).

42. After the adoption of the draft resolution, the representatives of the Federal Republic of Germany, the United Kingdom of Great Britain and Northern Ireland, and Egypt made statements (see A/C.3/44/SR.60).

#### I. Draft resolution A/C.3/44/L.75

43. At the 58th meeting, on 28 November, the representative of Morocco, on behalf of Austria, the Bahamas, Belgium, the Byelorussian Soviet Socialist Republic, Canada, Costa Rica, Cyprus, Denmark, Finland, France, the German Democratic Republic, Germany, Federal Republic of, Greece, Guinea-Bissau, Iceland, Italy, Japan, the Libyan Arab Jamahiriya, Luxembourg, Mauritania, Mexico, Mongolia, Morocco, Norway, New Zealand, the Philippines, Poland, Portugal, Samoa, Senegal, Spain, Sweden and the United Kingdom of Great Britain and Northern Ireland, introduced draft resolution A/C.3/44/L.75 entitled "World conference on human rights". Subsequently, the Dominican Republic, Ecuador, El Salvador, the Gambia, Guatemala, Jamaica, Malta, Togo, the United States of America and Yugoslavia joined in sponsoring the draft resolution.

44. At its 60th meeting, on 29 November, the Committee adopted draft resolution A/C.3/44/L.75 without a vote (see para. 78, draft resolution VIII).

#### J. Draft resolution A/C.3/44/L.78

45. At the 58th meeting, on 28 November, the representative of Zaire, on behalf of Algeria, Angola, the Bahamas, Barbados, Botswana, Brazil, Burkina Faso, China, Côte d'Ivoire, Cuba, Cyprus, Djibouti, Egypt, Guinea, Haiti, Honduras, Indonesia, Kenya, Lesotho, Liberia, the Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Mali, Morocco, the Niger, Nigeria, Senegal, Sierra Leone, Somalia, Swaziland, Trinidad and Tobago, Uganda, the United Republic of Tanzania, Yugoslavia, Zaire, Zambia and Zimbabwe, introduced draft resolution A/C.3.44/L.78 entitled "Assistance to student refugees in southern Africa". Subsequently, Australia, Costa Rica, Colombia, Cameroon, the Dominican Republic, Ethiopia, Guinea-Bissau, Panama, Pakistan and the Philippines joined in sponsoring the draft resolution.

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46. At its 60th meeting, on 29 November, the Committee adopted draft resolution A/C.3/44/L.78 without a vote (see para. 78, draft resolution IX).

47. After the adoption of the draft resolution, the representative of the United States of America made a statement (see A/C.3/44/SR.60).

K. Draft resolution A/C.3/44/L.79

48. At the 58th meeting, on 28 November, the representative of the Byelorussian Soviet Socialist Republic, also on behalf of Poland, introduced draft resolution A/C.3/44/L.79 entitled "Status of the Convention on the Prevention and Punishment of the Crime of Genocide".

49. At its 60th meeting, on 29 November, the Committee adopted draft resolution A/C.3.44/L.79 without a vote (see para. 78, draft resolution X).

L. Draft resolution A/C.3/44/L.80

50. At the 58th meeting, on 28 November, the representative of Sweden, on behalf of Austria, Belgium, Canada, Costa Rica, Cyprus, Denmark, Finland, France, Greece, Hungary, Iceland, Italy, Kenya, Luxembourg, Morocco, the Netherlands, Norway, Poland, Portugal, Spain, Sweden and the United Kingdom of Great Britain and Northern Ireland, introduced draft resolution A/C.3/44/L.80 entitled "Summary or arbitrary executions". Subsequently, Samoa joined in sponsoring the draft resolution.

51. At its 60th meeting, on 29 November, the Committee adopted draft resolution A/C.3.44/L.80 without a vote (see para. 78, draft resolution XI).

M. Draft resolution A/C.3/44/L.81

52. At the 58th meeting, on 28 November, the representative of France, on behalf of Austria, Belgium, Canada, Colombia, Costa Rica, Côte d'Ivoire, Cyprus, Denmark, France, Germany, Federal Republic of, Greece, Italy, the Netherlands, Norway, Peru, Portugal, Rwanda, Samoa, Senegal, Spain, the United Kingdom of Great Britain and Northern Ireland, the United States of America, Uruguay and Yugoslavia, introduced draft resolution A/C.3/44/L.81 entitled "Question of enforced or involuntary disappearances" and orally revised it as follows:

(a) Operative paragraph 4, which read:

"Further welcomes the progress made in the preparation of the draft declaration on enforced or involuntary disappearances"

was transferred into the preambular section as the penultimate preambular paragraph and was revised to read as follows:

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"Welcoming the progress made in the preparation of the draft declaration on enforced or involuntary disappearances";

(b) Operative paragraphs 5, 6, 7 and 8 were renumbered accordingly.

53. At its 60th meeting, on 29 November, the Committee adopted draft resolution A/C.3/44/L.81, as orally revised, without a vote (see para 78, draft resolution XII).

N. Draft resolution A/C.3/44/L.82

54. At the 58th meeting, on 28 November, the representative of Italy, on behalf of Australia, Belgium, Canada, Costa Rica, Denmark, France, Germany, Federal Republic of, Greece, Ireland, Italy, Japan, Luxembourg, the Netherlands, Norway, Portugal, Spain, Sweden, and the United Kingdom of Great Britain and Northern Ireland, introduced draft resolution A/C.3/44/L.82 entitled "Situation of human rights in Afghanistan". Subsequently, Samoa joined in sponsoring the draft resolution.

55. At the 60th meeting, on 29 November, the representative of Italy made a statement in the course of which he orally revised the draft resolution as follows:

(a) In the first preambular paragraph, "their" was inserted before "Additional Protocols", and "I and II thereto" was deleted;

(b) In operative paragraph 6, "to treat all fighters as combatants within the meaning of" was deleted and replaced by "to respect"; "their" was inserted before "Additional Protocols" and "I and II thereto" was deleted.

56. At the same meeting, the Committee adopted draft resolution A/C.3/44/L.82, as orally revised, without a vote (see para. 78, draft resolution XIII).

O. Draft resolution A/C.3/44/L.83

57. At the 58th meeting, on 28 November, the representative of Austria, on behalf of Argentina, Australia, Austria, Belgium, Canada, Costa Rica, Cyprus, Denmark, Finland, Germany, Federal Republic of, Hungary, Iceland, Italy, the Netherlands, New Zealand, Norway, the Philippines, Sweden and the United Kingdom of Great Britain and Northern Ireland, introduced draft resolution A/C.3/44/L.83 entitled "Human rights in the administration of justice". Subsequently, Colombia and Samoa joined in sponsoring the draft resolution.

58. At its 60th meeting, on 29 November, the Committee adopted draft resolution A/C.3.44/L.83 without a vote (see para. 78, draft resolution XIV).

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P. Draft resolution A/C.3/44/L.84

59. At the 58th meeting, on 28 November, the Chairman of the Committee introduced draft resolution A/C.3/44/L.84 entitled "The situation of human rights in the Islamic Republic of Iran", submitted on the basis of informal consultations.

60. At the same meeting, the Committee adopted draft resolution A/C.3/44/L.84 without a vote (see para. 78, draft resolution XV).

Q. Draft resolution A/C.3/44/L.85

61. At the 58th meeting, on 28 November, the representative of Canada, on behalf of Australia, Brazil, Canada, Colombia, Costa Rica, Côte d'Ivoire, Germany, Federal Republic of, Guatemala, Hungary, Italy, Japan, Jordan, Luxembourg, Morocco, New Zealand, the Philippines, Poland, Samoa, Senegal, Turkey and the United States of America introduced draft resolution A/C.3/44/L.85 entitled "Human rights and mass exoduses". Subsequently, Thailand joined in sponsoring the draft resolution.

62. At its 60th meeting, on 29 November, the Committee adopted draft resolution A/C.3/44/L.85 without a vote (see para. 78, draft resolution XVI).

R. Draft resolution A/C.3/44/L.86 and Rev.1

63. At the 58th meeting, on 28 November, the representative of Peru, on behalf of Argentina, Brazil, Colombia, Mexico, Peru, Uruguay and Venezuela, introduced draft resolution A/C.3/44/L.86 entitled "Situation of human rights and fundamental freedoms in El Salvador", which read as follows:

"Situation of human rights and fundamental freedoms  
in El Salvador

"The General Assembly,

"Guided by the principles of the Charter of the United Nations, the Universal Declaration of Human Rights, 2/ the International Covenant on Civil and Political Rights, 3/ the International Covenant on Economic, Social and Cultural Rights, 3/ and the humanitarian rules laid down in the Geneva

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2/ Resolution 217 A (III).

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

Conventions of 12 August 1949 4/ and Additional Protocol II thereto, of 1977, 5/

"Deeply alarmed that, despite the encouraging signs offered by the meetings held by the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional, the aggravation of the conflict and the resurgence of violence have seriously affected the civilian population,

"Reaffirming that it is the duty of the Governments of all Member States to promote and protect human rights and fundamental freedoms to fulfil the obligations which they have assumed under the relevant international instruments,

"Recalling that, since 1980, it has been expressing its deep concern at the situation of human rights in El Salvador, as indicated in its resolution 43/145 of 8 December 1988,

"Bearing in mind Commission on Human Rights resolution 32 (XXXVII) of 11 March 1981, 6/ in which the Commission decided to appoint a special representative on the situation of human rights in El Salvador, and subsequent resolutions, including Commission resolution 1989/68 of 8 March 1989, 7/ in which it extended the mandate of the Special Representative for another year and requested him to report to the General Assembly at its forty-fourth session and the Commission at its forty-sixth session,

"Considering that an armed conflict of a non-international character continues to exist in El Salvador in which the parties involved are under an obligation to apply the minimum standards of protection of human rights and humanitarian treatment provided for in article 3 common to the Geneva Conventions of 1949 and in Additional Protocol II thereto, of 1977,

"Deeply concerned because, as the Special Representative indicates in his report, the number of politically motivated serious violations of human rights continues to increase; in particular, there has been a resurgence of torture and an increase in arrests, and summary executions, disappearances, abductions, attacks on the economic infrastructure and violations of the humanitarian rules of war have remained at disturbing levels,

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4/ United Nations, Treaty Series, vol. 75, Nos. 970-973.

5/ A/32/144, annex II.

6/ See Official Records of the Economic and Social Council, 1987, Supplement No. 5 and corrigendum (E/1981/25 and Corr.1), chap. XXVIII, sect. A.

7/ Ibid., 1989, Supplement No. 2 (E/1989/20), chap. II, sect. A.

"Concerned also because many sources continue to attribute summary executions and other serious violations of human rights to the so-called 'death squads',

"Deeply disturbed by the collective assassination in cold blood, on 16 November, of the Rector, five professors and two members of the service staff of the Central American University,

"Expressing its concern because, as a consequence of the current situation, acts of intimidation and harassment have been carried out against the Church hierarchy, political and trade union leaders, members of humanitarian organizations belonging to various churches and the headquarters of political parties and trade unions, as well as against relatives of members of the armed forces and civil servants and members of their families,

"Considering that there has been no progress this year in the judicial case of the assassination of Monsignor Romero, which took place in 1980, and that it is a matter of urgency that those responsible for many other recent violations of human rights, including the assassination of the Minister in the office of the President and the fatal collective attack on a trade union federation, be identified and punished,

"Convinced that the strict fulfilment of the commitments assumed by the Government of El Salvador under the 'Procedure for the establishment of a firm and lasting peace in Central America' (Esquipulas II agreement) 8/ and the Joint Declarations of the Central American Presidents signed in Costa Rica, El Salvador and Honduras, will contribute to the promotion, respect and realization of human rights and fundamental freedoms in that country,

"Recognizing the importance of the fact that, in the agreements adopted at Tela, Honduras, 9/ the five Central American Presidents express their firm belief in the necessity of an immediate and effective end to hostilities in El Salvador and therefore strongly urge the Frente Farabundo Martí para la Liberación Nacional (FMLN) to carry out a constructive dialogue for the purpose of achieving a just and lasting peace and, equally strongly, urge the Government of El Salvador to arrange, with full guarantees and in the spirit of section 2 of the Esquipulas agreement, the integration of members of the FMLN into peaceful and institutional life,

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8/ A/42/521-S/19085, annex. For the printed text, see Official Records of the Security Council, Forty-second Year, Supplement for July, August and September 1987, document S/19085, annex.

9/ A/44/451-S/20778.

"Considering it necessary and urgent to return to the agreements of 15 September and 18 October 1989 signed in Mexico and at San José, Costa Rica, respectively by the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional whereby, inter alia, they undertook to maintain a process of ongoing dialogue not permitting of unilateral withdrawal, in order that they might, in an effort to arrive at a negotiated understanding, manage to end the armed conflict by political means as soon as possible, promote the democratization of the country and reunify Salvadorian society and also agreed on the need to create international verification mechanisms appropriate to the characteristics and realities of El Salvador to monitor the implementation of the agreements reached by them,

"Considering that, under Additional Protocol II to the Geneva Conventions, the war-wounded and war-injured must be respected and protected, their evacuation by the International Committee of the Red Cross so that they may receive the medical care that they need must not be impeded and no one may be punished for carrying out medical activities compatible with medical ethics, regardless of the circumstances and the beneficiaries of such activities,

"Aware that a negotiated political solution of the Salvadorian conflict can be cut short if external forces do not support the resumption of the dialogue but instead seek in different ways to spur the intensification or prolongation of the war, with ensuing grave effects on the situation of human rights and the possibilities of economic recovery in El Salvador,

"1. Commends the Special Representative for his report 10/ on the situation of human rights in El Salvador and endorses the recommendations contained therein, while requesting the Special Representative to update them in the light of the serious events which are taking place in that country;

"2. Expresses its deepest dismay at the aggravation of the conflict, the resurgence of violence, the bombings and the indiscriminate use of high-power heavy weapons in densely populated areas, resulting in numerous civilian casualties and substantial material damage;

"3. Expresses also its serious concern at the systematic attacks on the country's economic infrastructure, which seriously undermine the present and future enjoyment of important economic, social and cultural rights by the Salvadorian people;

"4. Urgently appeals to the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional to put an immediate end to the armed conflict and to work for a resumption of the currently suspended dialogue in order to reach agreements which would lead to the definitive cessation of all hostilities within an agreed timeframe;

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10/ A/44/677.

"5. Requests the parties to the conflict to guarantee respect for the international standards applicable to an armed conflict of a non-international character, in particular, the protection of the civilian population and the war-wounded, to make possible the immediate evacuation of the war-wounded and war-injured, whether civilians or combatants, in order that they may receive the medical care that they need and, furthermore, to co-operate with humanitarian organizations working to alleviate the suffering of the civilian population in any part of the country in which such organizations are operating and requests that medical and health personnel shall under no circumstances be penalized for carrying out their activities;

"6. Supports fully the expressed readiness of the Secretary-General to help bring about, as a first stage in a political solution, an immediate agreement on the cessation of the armed conflict, and his decision taken last September to accept the invitation from the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional that he or his representatives should participate in their process of dialogue and negotiation, since all this forms part of the mission of good offices which he is performing to assist the Central American Governments in their efforts to achieve the objectives set forth in the Esquipulas II agreement;

"7. Expresses also its firm support for the efforts of the Secretary-General of the Organization of American States to bring about a resumption of the political dialogue in El Salvador;

"8. Appeals urgently to the parties to the conflict to respect and guarantee the security of the staff and official premises of international agencies;

"9. Condemns the brutal assassination of the Rector and seven other members of the Central American University and hopes that the Government of El Salvador will fulfil its pledge to carry out an immediate investigation and to punish those responsible for such an abominable crime;

"10. Expresses its deep concern at the persistence of and increase in politically motivated serious violations of human rights such as summary executions, disappearances, torture and abductions;

"11. Expresses also its deep concern at the persistence of and increase in the alleged activities of the so-called 'death squads', which are operating with impunity in El Salvador;

"12. Renews its appeal to all States to refrain from intervening in the internal situation of El Salvador and, instead of seeking in different ways to spur the prolongation and intensification of the armed conflict, to stimulate dialogue until a firm and lasting peace is attained;

"13. Expresses also its profound concern at the fact that the capacity of the Salvadorian judicial system continues to be extremely unsatisfactory, despite the efforts made by the Government to determine the responsibility of



the instigators of some violations of human rights, and consequently urges the competent authorities to accelerate the adoption of the measures necessary for ensuring the effectiveness of the system and its compatibility with the commitments made in the field of human rights;

"14. Renews its appeal to the competent organs and organizations of the United Nations system that, on the basis of Commission on Human Rights resolution 1989/68 of 8 March 1989 and its own resolution 43/145 of 8 December 1988, they provide such advice and assistance as the Government of El Salvador may request in order to enhance the promotion and protection of human rights and fundamental freedoms;

"15. Requests the Commission on Human Rights at its forty-sixth session to consider the situation of human rights in El Salvador and the mandate of its Special Representative, taking into account the evolution of the situation of human rights in that country and the developments linked to the fulfilment of all the agreements signed by the Central American Presidents within the framework of the regional peace process and the agreements concluded by the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional in Mexico and Costa Rica;

"16. Decides to keep under consideration, during its forty-fifth session, the situation of human rights and fundamental freedoms in El Salvador in order to re-examine this situation in the light of the information provided by the Commission on Human Rights and the Economic and Social Council."

64. At the 61st meeting, on 29 November, the representative of Peru, on behalf of Argentina, Brazil, Colombia, Mexico, Peru, Uruguay and Venezuela, introduced a revised draft resolution (A/C.3/44/L.86/Rev.1) entitled "Situation of human rights and fundamental freedoms in El Salvador" and informed the Committee that Canada, Denmark, France, Greece, Ireland, the Netherlands, Norway, Portugal, Spain and Sweden had joined in sponsoring the revised draft resolution.

65. At the same meeting, the representative of Peru orally revised the draft resolution by replacing, in operative paragraph 16, "Special Rapporteur" by "Special Representative", and by replacing "appropriate" before "measures" by "immediate".

66. Also at the same meeting, the representatives of the United States of America and India made statements. Statements were also made by the representatives of Mexico and Peru (see A/C.3/44/SR.61).

67. At the same meeting, the Committee adopted draft resolution A/C.3/44/L.86/Rev.1, as orally revised, by a recorded vote of 96 to 1, with 34 abstentions (see para. 78, draft resolution XVII). The voting was as follows: 11/

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11/ The representative of Indonesia indicated subsequently that his vote should have been recorded as an abstention and not in favour.

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In favour: Afghanistan, Albania, Angola, Argentina, Australia, Austria, Bahrain, Belgium, Benin, Bhutan, Botswana, Brazil, Bulgaria, Burkina Faso, Burundi, Byelorussian Soviet Socialist Republic, Canada, Colombia, Congo, Costa Rica, Cuba, Cyprus, Czechoslovakia, Denmark, Ecuador, Egypt, Ethiopia, Fiji, Finland, France, Gambia, German Democratic Republic, Germany, Federal Republic of, Greece, Guinea, Guyana, Haiti, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kenya, Lao People's Democratic Republic, Lesotho, Liberia, Libyan Arab Jamahiriya, Luxembourg, Madagascar, Malawi, Malta, Mexico, Mongolia, Mozambique, Netherlands, New Zealand, Nicaragua, Norway, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Rwanda, Saint Lucia, Samoa, Saudi Arabia, Spain, Suriname, Swaziland, Sweden, Syrian Arab Republic, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yugoslavia, Zambia, Zimbabwe.

Against: El Salvador.

Abstaining: Algeria, Bahamas, Bangladesh, Barbados, Brunei Darussalam, Cameroon, Central African Republic, Chad, Chile, China, Côte d'Ivoire, Equatorial Guinea, Ghana, Honduras, Israel, Kuwait, Malaysia, Maldives, Mali, Morocco, Myanmar, Nepal, Niger, Nigeria, Oman, Pakistan, Sierra Leone, Singapore, Sri Lanka, Sudan, Thailand, United States of America, Yemen, Zaire.

68. After the adoption of the draft resolution, the representatives of the United Kingdom of Great Britain and Northern Ireland, Chile, Ghana, Honduras, Nicaragua and El Salvador made statements (see A/C.3/44/SR.61).

S. Draft resolution A/C.3/44/L.87

69. At the 58th meeting, on 28 November, the representative of Mexico, on behalf of Australia, Austria, Cuba, Denmark, Spain, France, Greece, Italy, Luxembourg, Mexico, Norway, the Netherlands, Portugal and Sweden, introduced draft resolution A/C.3/44/L.87 entitled "Situation of human rights in Chile".

70. At the 61st meeting, on 29 November, the representative of Mexico made a statement in the course of which she revised the draft resolution as follows:

(a) In operative paragraph 8, "for all the Chilean people, including the indigenous peoples, especially" was inserted after "fundamental freedoms";

(b) Operative paragraph 11 was redrafted to read as follows:

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"11. Again expresses its serious concern at the persistence of violations of human rights and fundamental freedoms in Chile involving, inter alia, cases of death, torture, ill-treatment and the 'Colonia Dignidad' case, as described by the Special Rapporteur in his report".

71. The representatives of Chile and Ecuador made statements (see A/C.3/44/SR.61).

72. At the same meeting, the Committee adopted draft resolution A/C.3/44/L.87, as orally revised, by a recorded vote of 80 to 2, with 50 abstentions (see para. 78, draft resolution XVIII). The voting was as follows: 12/

In favour: Afghanistan, Albania, Algeria, Angola, Argentina, Australia, Austria, Barbados, Belgium, Benin, Bolivia, Botswana, Bulgaria, Burkina Faso, Burundi, Byelorussian Soviet Socialist Republic, Canada, Cape Verde, Congo, Costa Rica, Cuba, Cyprus, Czechoslovakia, Democratic Yemen, Denmark, Ecuador, Ethiopia, Fiji, Finland, France, Gambia, German Democratic Republic, Germany, Federal Republic of, Ghana, Greece, Guatemala, Guinea, Guyana, Hungary, Iceland, India, Ireland, Italy, Jamaica, Kenya, Kuwait, Lao People's Democratic Republic, Liberia, Luxembourg, Madagascar, Mali, Malta, Mexico, Mongolia, Netherlands, New Zealand, Nicaragua, Norway, Paraguay, Poland, Portugal, Rwanda, Samoa, Spain, Sri Lanka, Swaziland, Sweden, Togo, Trinidad and Tobago, Tunisia, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yugoslavia, Zambia, Zimbabwe.

Against: Chile, Qatar.

Abstaining: Bahamas, Bahrain, Bangladesh, Bhutan, Brazil, Brunei Darussalam, Cameroon, Central African Republic, Chad, China, Colombia, Côte d'Ivoire, Democratic Kampuchea, Djibouti, Egypt, El Salvador, Equatorial Guinea, Haiti, Honduras, Indonesia, Iraq, Israel, Japan, Jordan, Lesotho, Malaysia, Maldives, Mauritania, Morocco, Myanmar, Nepal, Niger, Nigeria, Oman, Pakistan, Panama, Peru, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Sudan, Suriname, Thailand, Turkey, United Arab Emirates, United States of America, Yemen, Zaire.

73. After the adoption of the draft resolution, statements were made by the representatives of El Salvador, Chile, the Dominican Republic, Japan, the United States of America, the Libyan Arab Jamahiriya, Colombia and Honduras (see A/C.3/44/SR.61).

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12/ Subsequently, the representative of Uganda indicated that had he been present he would have voted in favour of the draft resolution.

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T. Draft resolution A/C.3/44/L.88

74. At the 59th meeting, on 28 November, the representative of Malaysia, on behalf of the States Members of the United Nations that are members of the Group of 77, introduced draft resolution A/C.3/44/L.88 entitled "Enlargement of the Commission on Human Rights and the further promotion of human rights and fundamental freedoms".

75. At the 62nd meeting, on 29 November, the representative of Malaysia, on behalf of the States Members of the United Nations that are members of the Group of 77, made a statement (see A/C.3/44/SR.62).

76. At the same meeting, the Committee adopted draft resolution A/C.3/44/L.88 by a recorded vote of 133 to 3 (see para. 78, draft resolution XIX). The voting was as follows:

In favour: Afghanistan, Albania, Algeria, Angola, Argentina, Australia, Austria, Bahamas, Bahrain, Bangladesh, Barbados, Belgium, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Canada, Central African Republic, Chad, Chile, China, Colombia, Congo, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Fiji, Finland, France, Gabon, Gambia, German Democratic Republic, Germany, Federal Republic of, Ghana, Greece, Guatemala, Guinea, Guinea-Bissau, Guyana, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lesotho, Liberia, Libyan Arab Jamahiriya, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Romania, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Spain, Sri Lanka, Suriname, Sweden, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia, Zimbabwe.

Against: Israel, Japan, United States of America.

77. After the adoption of the draft resolution, statements were made by the representatives of the Union of Soviet Socialist Republics, Australia (also on behalf of Canada and New Zealand), France (on behalf of the States Members of the European Community), Sweden (also on behalf of Denmark, Finland, Iceland and Norway), the United States of America, Iraq and Japan (see A/C.3/44/SR.62).

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III. RECOMMENDATIONS OF THE THIRD COMMITTEE

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

DRAFT RESOLUTION I

Assistance to refugees and displaced persons in Malawi

The General Assembly,

Recalling its resolutions 42/132 of 7 December 1987 and 43/148 of 8 December 1988 on assistance to refugees and displaced persons in Malawi,

Having considered the report of the Secretary-General 13/ on assistance to refugees and displaced persons in Malawi,

Having examined that part of the report of the United Nations High Commissioner for Refugees 14/ regarding the situation of refugees and displaced persons in Malawi,

Gravely concerned at the continuing serious social and economic impact of the massive presence of refugees and displaced persons, as well as its far-reaching consequences for the country's long-term development process,

Appreciating the important measures that the Government of Malawi is taking in order to provide shelter, protection, food, education and health and other humanitarian services to the thousands of refugees and displaced persons,

Recognizing the heavy burden placed on the people and Government of Malawi and the sacrifices they are making in caring for the refugees and displaced persons, given the country's limited social services and infrastructure, and the need for adequate international assistance to enable them to continue their efforts to provide assistance to the refugees and displaced persons,

Expressing its appreciation for the assistance rendered by Member States, the various organizations of the United Nations system, the Office of the United Nations High Commissioner for Refugees and other international

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13/ A/44/403.

14/ Official Records of the General Assembly, Forty-fourth Session, Supplement No. 12 (A/44/12).

organizations and intergovernmental and non-governmental organizations in support of the refugee programme in Malawi,

Bearing in mind the findings and recommendations of the inter-agency mission to Malawi, 15/ particularly on the need to strengthen the country's socio-economic infrastructure in order to enable it to provide for the immediate humanitarian relief requirements of the refugees and displaced persons, as well as the long-term national development needs of the country,

Recognizing the need to view refugee-related development projects within local and national development plans,

1. Takes note of the report of the Secretary-General on the situation of refugees and displaced persons in Malawi;
2. Commends the measures that the Government of Malawi is taking to provide material and humanitarian assistance to refugees and displaced persons, in spite of the serious economic situation it faces, and stresses the need for additional resources to lessen the impact of the presence of refugees and displaced persons on the country's long-term development process;
3. Expresses its appreciation to the Secretary-General, the United Nations High Commissioner for Refugees, donor countries and intergovernmental and non-governmental organizations for their efforts to assist the refugees and displaced persons in Malawi;
4. Expresses grave concern at the serious and far-reaching consequences of the massive presence of refugees and displaced persons in the country and its implications for the long-term socio-economic development of the whole country;
5. Appeals to Member States, the appropriate organs, organizations and bodies of the United Nations system, intergovernmental and non-governmental organizations and the international financial institutions to continue providing the Government of Malawi with the necessary resources for the implementation of development assistance projects in regions affected by the presence of refugees and displaced persons, as well as for the development programmes now being implemented;
6. Requests the Secretary-General to continue his efforts to mobilize the necessary financial and material assistance for the full implementation of ongoing projects in the areas affected by the presence of refugees and displaced persons and programmes now being implemented;

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15/ A/43/536, paras. 7-13.

7. Requests the High Commissioner to continue co-ordination with the appropriate specialized agencies in order to consolidate and ensure the continuation of essential services to the refugees and displaced persons in their settlements;

8. Requests the Secretary-General to report to the General Assembly at its forty-fifth session, through the Economic and Social Council, on the implementation of the present resolution.

#### DRAFT RESOLUTION II

##### Humanitarian assistance to refugees and displaced persons in Djibouti

The General Assembly,

Recalling its resolutions 42/126 of 7 December 1987 and 43/142 of 8 December 1988 on humanitarian assistance to refugees in Djibouti, as well as all its previous resolutions on this question,

Having considered the report of the Secretary-General on humanitarian assistance to refugees in Djibouti, 16/

Deeply concerned by the recent inflow of over thirty-five thousand externally displaced persons, which has added considerably to the burden already being carried by Djibouti in respect of refugees in the country,

Noting that Djibouti has been considered one of the least developed countries and that the recent inflow of large numbers of externally displaced persons and the continued presence of refugees have severely strained the already inadequate social and economic infrastructure,

Noting also that the present situation has required the diversion of scarce resources from development to emergency relief and precautionary measures,

Appreciating the determined and sustained efforts made by the Government of Djibouti to cope with the growing needs of refugees and externally displaced persons,

Noting with appreciation the steps taken by the Government of Djibouti, in close co-operation with the United Nations High Commissioner for Refugees, to implement appropriate and lasting solutions with respect to the refugees and externally displaced persons in Djibouti,

Noting with satisfaction that over six thousand refugees have been granted settlement and integration in Djibouti, despite the physical, social and economic obstacles that the country faces,

Appreciating the assistance provided by Member States, the specialized agencies, intergovernmental and non-governmental organizations and voluntary agencies to the ongoing relief and rehabilitation programmes for the refugees and externally displaced persons in Djibouti,

1. Takes note of the report of the Secretary-General on humanitarian assistance to refugees in Djibouti and appreciates the efforts of the United Nations High Commissioner for Refugees to keep the situation under constant review;
2. Welcomes the steps taken by the Government of Djibouti, in close co-operation with the High Commissioner, to implement appropriate and lasting solutions with respect to the refugees and externally displaced persons in Djibouti;
3. Expresses its appreciation to Member States, the specialized agencies, intergovernmental and non-governmental organizations and voluntary agencies for their assistance to the relief and rehabilitation programmes for the refugees and externally displaced persons in Djibouti;
4. Urges the High Commissioner to intensify his efforts to mobilize, on an emergency basis, the necessary resources to implement lasting solutions with respect to the refugees in Djibouti and the increasing inflow of externally displaced persons;
5. Calls upon all Member States, the organizations of the United Nations system, the specialized agencies and intergovernmental and non-governmental organizations to continue to support the determined and sustained efforts made by the Government of Djibouti to cope with the urgent needs of refugees and externally displaced persons and to implement lasting solutions as regards their situation;
6. Requests the Secretary-General to report to the General Assembly at its forty-fifth session, through the Economic and Social Council, on the implementation of the present resolution.

#### DRAFT RESOLUTION III

##### Situation of refugees in the Sudan

The General Assembly,

Recalling its resolution 43/141 of 8 December 1988 and its other previous resolutions on the situation of refugees in the Sudan,

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Having considered the report of the Secretary-General 17/ on the implementation of resolution 43/141 and the report of the United Nations High Commissioner for Refugees, 14/

Expressing its appreciation for the efforts made by the Government of the Sudan for the reception of the refugees and the provision of protection, shelter, food, health, education and other humanitarian services to the ever increasing number of refugees who have been crossing the borders into the Sudan since the early 1960s,

Recognizing the heavy burden shouldered by the people and the Government of the Sudan and the sacrifices they are making to host more than one million refugees, who constitute approximately 7.5 per cent of the total population of the country,

Deeply concerned that the great majority of the refugees have spontaneously settled in various urban and rural communities throughout the country and are thus sharing with the indigenous population the already meagre resources and services,

Expressing grave concern at the devastating and far-reaching effects of the successive calamities, ranging from the drought in 1984 to the torrential rains and floods and locust infestations in 1988, that have afflicted the country, thus exacerbating the already deteriorating situation resulting from the presence of this great number of refugees,

Gravely concerned also that the Government of the Sudan, besides dealing with the difficult prevailing economic and social problems, has the additional task of taking care of more than 1.5 million persons displaced by successive calamities and civil strife in the south,

Recognizing the efforts undertaken by the Government of the Sudan to initiate a wide-ranging rehabilitation programme to redress the damages incurred by the natural disasters,

Considering those serious circumstances, which render the Government of the Sudan less prepared than ever to meet its obligations to its own people, and the more serious consequences, which affect the capacity of the Government of the Sudan to receive and grant asylum to additional numbers of refugees,

Expressing its appreciation for the assistance rendered by Member States and intergovernmental and non-governmental organizations in support of the refugee programme in the Sudan,

1. Takes note of the report of the Secretary-General on the situation of refugees in the Sudan;

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17/ A/44/426.

2. Takes note also of the report of the United Nations High Commissioner for Refugees and, in particular, of the new trends in the area of refugee aid and development;

3. Expresses its appreciation to the Secretary-General, the High Commissioner, donor countries and intergovernmental and non-governmental organizations for their efforts to assist the refugees in the Sudan;

4. Expresses grave concern at the serious and far-reaching consequences of the presence of massive numbers of refugees on the security and stability of the country and the overall negative impact on its basic infrastructure and socio-economic development;

5. Also expresses grave concern at the shrinking resources available for refugee programmes in the Sudan and the serious consequences of this situation on the country's ability to continue to host and assist refugees;

6. Appeals to Member States, the appropriate organs, organizations and bodies of the United Nations system, intergovernmental and non-governmental organizations and the international financial institutions to provide the Government of the Sudan with the necessary resources for the implementation of development assistance projects, in particular those prepared by the United Nations Development Programme, in the regions affected by the presence of refugees;

7. Requests the Secretary-General to mobilize the necessary financial and material assistance for the full implementation of ongoing projects in the areas affected by the presence of refugees;

8. Requests the High Commissioner to continue co-ordination with the appropriate specialized agencies in order to consolidate and ensure the continuation of essential services to the refugees in their settlements and to explore ways and means to extend assistance to spontaneous refugees;

9. Requests the Secretary-General to report to the General Assembly at its forty-fifth session, through the Economic and Social Council, on the implementation of the present resolution.

#### DRAFT RESOLUTION IV

#### Assistance to refugees in Somalia

#### The General Assembly,

Recalling its resolutions 35/180 of 15 December 1980, 36/153 of 16 December 1981, 37/174 of 17 December 1982, 38/88 of 16 December 1983, 39/104 of 14 November 1984, 40/132 of 13 December 1985, 41/138 of 4 December 1986, 42/127 of 7 December 1987 and 43/147 of 8 December 1988 on the question of assistance to refugees in Somalia,

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Having considered the report of the Secretary-General on assistance to refugees in Somalia, 18/

Deeply concerned about the heavy burden that has been placed on the fragile economy of Somalia by the continuing presence of large numbers of refugees,

Taking note of the circumstances that have made it necessary for the Office of the United Nations High Commissioner for Refugees and the World Food Programme to suspend temporarily their food and other humanitarian assistance programmes for refugees in the north-west districts of Somalia,

Gravely concerned by the resultant serious food shortages that have occurred in the refugee settlements in the north-west districts of Somalia,

Conscious of the fact that Somalia, as a least developed country, does not possess the economic or financial capacity to fill the gap created by the temporary suspension of humanitarian assistance programmes for refugees in the north-west districts of Somalia,

Aware of the fact that Somalia, as a least developed country, does not have the capacity to provide humanitarian assistance from its limited resources,

Noting with concern the deleterious effect of the refugee presence on the environment, which has resulted in widespread deforestation, soil erosion and the threat of destruction to an already fragile ecological balance,

1. Takes note of the report of the Secretary-General;
2. Commends the measures that the Government of Somalia is taking to provide material and humanitarian assistance to refugees, in spite of its own limited resources and fragile economy;
3. Expresses its appreciation to the Secretary-General, the United Nations High Commissioner for Refugees, donor countries and intergovernmental and non-governmental organizations for their efforts to assist the refugees in Somalia;
4. Calls upon the Office of the United Nations High Commissioner for Refugees and the World Food Programme to resume their assistance programmes for the refugees in the north-west districts of Somalia as soon as possible;
5. Requests the Secretary-General, in close co-operation with the Office of the High Commissioner, the World Food Programme and the donor community, to launch an interim assistance programme that would ensure that

essential food aid and other humanitarian supplies continue to reach the refugee settlements in the north-west districts of Somalia until such time as a more permanent arrangement can be made;

6. Appeals to Member States, international organizations and voluntary agencies to give full support to the Secretary-General in the launching of the proposed interim assistance programme;

7. Appeals to Member States, international organizations and voluntary agencies to render maximum and timely material, financial and technical assistance to enable the Government of Somalia to implement the projects and activities identified in the report of the 1987 inter-agency mission annexed to the report of the Secretary-General to the General Assembly at its forty-second session 19/ as the basis for a comprehensive programme of action relating to both the humanitarian and the developmental needs of refugees;

8. Requests the pertinent organizations of the United Nations system, namely the Food and Agriculture Organization of the United Nations, the International Labour Organisation, the World Health Organization, the United Nations Educational, Scientific and Cultural Organization and the United Nations Children's Fund, as well as the United Nations Environment Programme and the World Food Programme, to prepare, in consultation with the Government of Somalia, detailed project documentation for the implementation of those projects and activities identified in the report of the Secretary-General 20/ as priority endeavours for a comprehensive programme of action;

9. Calls upon the United Nations Development Programme, the United Nations Environment Programme, the United Nations Sudano-Sahelian Office and the Food and Agriculture Organization of the United Nations to continue and expand their activities in Somalia, in co-operation with the Government of Somalia, and to protect and rehabilitate its damaged environment;

10. Recognizes the important role that non-governmental organizations are playing with regard to programmes for the care, maintenance and rehabilitation of refugees, particularly in activities related to small-scale development projects, and in the fields of health and agriculture;

11. Requests the United Nations High Commissioner for Refugees and the Administrator of the United Nations Development Programme to apprise the Economic and Social Council at its second regular session of 1990 of the progress made in their respective fields of responsibility with regard to those provisions of the present resolution which concern them;

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19/ A/42/645.

20/ Ibid., paras. 55-66.

12. Requests the Secretary-General, in consultation with the High Commissioner and the United Nations Development Programme, to submit to the General Assembly at its forty-fifth session a report on the progress achieved in the implementation of the present resolution.

DRAFT RESOLUTION V

Assistance to voluntary returnees and displaced persons in Chad

The General Assembly,

Recalling its resolution 43/143 of 8 December 1988 on emergency assistance to voluntary returnees and displaced persons in Chad, as well as all its previous resolutions on this question,

Taking note of the report of the Secretary-General on emergency humanitarian assistance to voluntary returnees and displaced persons in Chad, 21/

Deeply concerned about the persistence of the harmful effects of the natural calamities that are compounding the already precarious food and health situation in Chad,

Considering that the large number of voluntary returnees poses serious social and economic problems for the Government of Chad,

Considering also that the return of displaced persons in the northern region poses serious resettlement problems for the Government of Chad,

Bearing in mind the many appeals made by the Government of Chad for international assistance to the voluntary returnees and displaced persons in Chad,

1. Endorses the appeals made by the Government of Chad for humanitarian assistance to the voluntary returnees and displaced persons in Chad;

2. Reiterates its appeal to all States and intergovernmental and non-governmental organizations to support, by generous contributions, the efforts being made by the Government of Chad to assist and resettle the voluntary returnees and displaced persons;

3. Takes note with satisfaction of the action undertaken by the various organizations of the United Nations system and the specialized agencies with a view to mobilizing humanitarian assistance to the voluntary returnees and displaced persons in Chad;

4. Again requests the United Nations High Commissioner for Refugees and the United Nations Disaster Relief Co-ordinator to mobilize humanitarian assistance to the voluntary returnees and displaced persons in Chad;

5. Calls upon:

(a) The Secretary-General to continue his efforts to mobilize special humanitarian assistance for the resettlement of displaced persons in the northern region of Chad;

(b) The international community to support the efforts made by the Government of Chad to implement the programmes for repatriating and resettling the voluntary returnees and displaced persons in Chad;

6. Requests the Secretary-General, in co-operation with the United Nations High Commissioner for Refugees and the United Nations Disaster Relief Co-ordinator, to report to the General Assembly at its forty-fifth session on the implementation of the present resolution.

#### DRAFT RESOLUTION VI

##### Assistance to refugees and returnees in Ethiopia

The General Assembly,

Recalling all its resolutions, in particular resolution 43/144 of 8 December 1988, as well as all those of the Economic and Social Council, on assistance to displaced persons in Ethiopia,

Taking note of the report of the Secretary-General on assistance to refugees and returnees in Ethiopia, 22/

Having considered the report of the United Nations High Commissioner for Refugees, 14/

Recognizing the increasing number of refugees and voluntary returnees in Ethiopia,

Deeply concerned about the massive flow of refugees and voluntary returnees into the country and the enormous burden this has placed on the country's infrastructure and meagre resources,

Deeply concerned also about the grave consequences this has entailed for the country's capability to grapple with the effects of the prolonged drought,

Aware of the heavy burden placed on the Government of Ethiopia and of the need for adequate assistance to refugees, voluntary returnees and victims of natural disasters,

1. Commends the Office of the United Nations High Commissioner for Refugees and intergovernmental organizations and voluntary agencies for their assistance in mitigating the plight of the large number of refugees and voluntary returnees in Ethiopia;

2. Appeals to Member States and to international organizations and voluntary agencies to provide adequate material, financial and technical assistance for relief and rehabilitation programmes for the large number of refugees and voluntary returnees in Ethiopia;

3. Requests the High Commissioner to continue his efforts in mobilizing humanitarian assistance for the relief, rehabilitation and resettlement of voluntary returnees and the large number of refugees in Ethiopia;

4. Requests the Secretary-General, in co-operation with the High Commissioner, to apprise the Economic and Social Council, at its second regular session of 1990, of the implementation of the present resolution and to report thereon to the General Assembly at its forty-fifth session.

#### DRAFT RESOLUTION VII

##### Measures to improve the situation and ensure the human rights and dignity of all migrant workers

##### The General Assembly,

Reaffirming once more the permanent validity of the principles and standards set forth in the basic instruments regarding the international protection of human rights, in particular in the Universal Declaration of Human Rights, 23/ the International Covenants on Human Rights, 24/ the International Convention on the Elimination of All Forms of Racial Discrimination 25/ and the Convention on the Elimination of All Forms of Discrimination against Women, 26/

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23/ Resolution 217 A (III).

24/ See resolution 2200 A (XXI), annex.

25/ Resolution 2106 A (XX), annex.

26/ Resolution 34/180, annex.

Bearing in mind the principles and standards established within the framework of the International Labour Organisation and the United Nations Educational, Scientific and Cultural Organization and the importance of the task carried out in connection with migrant workers and their families in other specialized agencies and in various organs of the United Nations,

Reiterating that, in spite of the existence of an already established body of principles and standards, there is a need to make further efforts to improve the situation and ensure the human rights and dignity of all migrant workers and their families,

Recalling its resolution 34/172 of 17 December 1979, in which it decided to establish a working group open to all Member States to elaborate an international convention on the protection of the rights of all migrant workers and their families,

Recalling also its resolutions 35/198 of 15 December 1980, 36/160 of 16 December 1981, 37/170 of 17 December 1982, 38/86 of 16 December 1983, 39/102 of 14 December 1984, 40/130 of 13 December 1985, 41/151 of 4 December 1986, 42/140 of 7 December 1987, and 43/146 of 8 December 1988, by which it renewed the mandate of the Working Group on the Drafting of an International Convention on the Protection of the Rights of All Migrant Workers and Their Families and requested it to continue its work,

Having examined the progress made by the Working Group at its eighth inter-sessional meeting, held from 31 May to 9 June 1989, and at the current session of the General Assembly, from 26 September to 6 October 1989, during which the Working Group continued with the second reading of the draft convention,

1. Takes note with satisfaction of the two most recent reports of the Working Group on the Drafting of an International Convention on the Protection of the Rights of All Migrant Workers and Their Families 27/ and, in particular, of the progress made by the Working Group on the drafting, in second reading, of the draft convention;

2. Requests the Secretary-General to entrust to the Centre for Human Rights of the Secretariat the technical revision of the text of the articles of the draft convention that have been approved so far by the Working Group in second reading, with a view to ensuring uniformity of terminology and gender and to harmonizing the versions in the official languages of the United Nations, bearing in mind General Assembly resolution 41/120 of 4 December 1986, and to transmit the results of this technical revision to Governments as soon as possible, and at least one month before the next meeting of the Working Group, to be held in 1990;

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27/ A/C.3/44/1 and A/C.3/44/4.



3. Decides that the Working Group shall hold a meeting of two weeks' duration in New York, immediately after the first regular session of 1990 of the Economic and Social Council, with a view to completing the remaining articles and considering the results of the technical revision of the draft convention;

4. Invites the Secretary-General to transmit to Governments the two most recent reports of the Working Group so as to enable the members of the Working Group to finish the drafting, in second reading, of the draft convention during the meeting to be held in the spring of 1990, as well as to transmit the results obtained at that meeting to the General Assembly so that it may take a decision during its forty-fifth session;

5. Also invites the Secretary-General to transmit the above-mentioned documents to the competent organs of the United Nations and to the international organizations concerned, for their information, so as to enable them to continue their co-operation with the Working Group;

6. Requests the Secretary-General to do everything possible to ensure adequate Secretariat services for the Working Group for the timely fulfilment of its mandate during the meeting to be held immediately after the first regular session of 1990 of the Economic and Social Council.

#### DRAFT RESOLUTION VIII

##### World conference on human rights

##### The General Assembly,

Noting the progress made by the United Nations over the past twenty years towards achieving its goal of promoting respect for human rights and fundamental freedoms for all, without distinction as to race, sex, language or religion,

Noting also that there are still areas in which further progress could be made towards this goal,

Considering that, in view of the progress made and the new challenges that lie ahead, it would be appropriate to conduct a review of what has been accomplished through the human rights programme and what remains to be done,

1. Requests the Secretary-General to seek the views of Governments, specialized agencies, non-governmental organizations and United Nations bodies concerned with human rights regarding the desirability of convening a world conference on human rights for the purpose of dealing at the highest level with the crucial questions facing the United Nations in connection with the promotion and protection of human rights;

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2. Also requests the Secretary-General to submit to the General Assembly at its forty-fifth session a report on this question;

3. Decides to consider the report of the Secretary-General at its forty-fifth session.

DRAFT RESOLUTION IX

Assistance to student refugees in southern Africa

The General Assembly,

Recalling its resolution 43/149 of 8 December 1988, in which it, inter alia, requested the United Nations High Commissioner for Refugees, in co-operation with the Secretary-General, to continue to organize and implement an effective programme of educational and other appropriate assistance for student refugees from South Africa and Namibia who had been granted asylum in Botswana, Lesotho, Swaziland and Zambia,

Having considered the report of the Secretary-General on assistance to student refugees in southern Africa, 28/

Noting with appreciation that some of the projects recommended in the report continue to be successfully implemented,

Noting with concern that the discriminatory and repressive policies that continue to be applied in South Africa cause a continued and increasing influx of student refugees into Botswana, Lesotho, Swaziland and Zambia,

Conscious of the burden placed on the limited financial, material and administrative resources of the host countries by the increasing number of student refugees,

Appreciating the efforts of the host countries to deal with their student refugee populations, with the assistance of the international community,

1. Takes note with satisfaction of the report of the Secretary-General;
2. Expresses its appreciation to the Governments of Botswana, Lesotho, Swaziland and Zambia for granting asylum and making educational and other facilities available to the student refugees, in spite of the pressure that the continuing influx of those refugees exerts on facilities in their countries;

3. Also expresses its appreciation to the Governments of Botswana, Lesotho, Swaziland and Zambia for the co-operation that they have extended to the United Nations High Commissioner for Refugees on matters concerning the welfare of the refugees;
4. Notes with appreciation the financial and material support provided for the student refugees by Member States, the Office of the United Nations High Commissioner for Refugees, other bodies of the United Nations system and intergovernmental and non-governmental organizations;
5. Requests the High Commissioner, in co-operation with the Secretary-General, to continue to organize and implement an effective programme of educational and other appropriate assistance for student refugees from South Africa and Namibia who have been granted asylum in Botswana, Lesotho, Swaziland and Zambia;
6. Urges all Member States and intergovernmental and non-governmental organizations to continue contributing generously to the assistance programme for student refugees, through financial support of the regular programmes of the High Commissioner and of the projects and programmes, including unfunded projects, which were submitted to the Second International Conference on Assistance to Refugees in Africa, held at Geneva from 9 to 11 July 1984; 29/
7. Also urges all Member States and all intergovernmental and non-governmental organizations to assist the countries of asylum materially and otherwise to enable them to continue to discharge their humanitarian obligations towards refugees;
8. Appeals to the Office of the United Nations High Commissioner for Refugees, the United Nations Development Programme and all other competent United Nations bodies, as well as other international and non-governmental organizations, to continue providing humanitarian and development assistance so as to facilitate and expedite the settlement of student refugees from South Africa who have been granted asylum in Botswana, Lesotho, Swaziland and Zambia;
9. Calls upon agencies and programmes of the United Nations system to continue co-operating with the Secretary-General and the High Commissioner in the implementation of humanitarian programmes of assistance for the student refugees in southern Africa;
10. Requests the High Commissioner, in co-operation with the Secretary-General, to continue to keep the matter under review, to apprise the Economic and Social Council, at its second regular session of 1990, of the current status of the programmes and to report to the General Assembly at its forty-fifth session on the implementation of the present resolution.

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29/ See A/CONF.125/1, para. 33.

DRAFT RESOLUTION X

Status of the Convention on the Prevention and Punishment  
of the Crime of Genocide

The General Assembly,

Recalling its resolutions 40/142 of 13 December 1985, 41/147 of 4 December 1986, 42/133 of 7 December 1987 and 43/138 of 8 December 1988,

Recalling also Commission on Human Rights resolutions 1986/18 of 10 March 1986, 30/ 1987/25 of 10 March 1987, 31/ 1988/28 of 7 March 1988, 32/ and 1989/16 of 2 March 1989, 33/

Recalling its resolution 260 A (III) of 9 December 1948, by which it approved and proposed for signature, ratification or accession the Convention on the Prevention and Punishment of the Crime of Genocide,

Reaffirming once again its conviction that genocide is a crime that violates the norms of international law and runs counter to the spirit and aims of the United Nations,

Convinced that international co-operation is necessary in order to liberate mankind from such an odious crime,

Recognizing that crimes of genocide have caused great losses to mankind,

Taking note of the report of the Secretary-General, 34/

1. Once again strongly condemns the crime of genocide;
2. Reaffirms the necessity of international co-operation in order to liberate mankind from such an odious crime;
3. Notes with satisfaction that many States have ratified the Convention on the Prevention and Punishment of the Crime of Genocide or have acceded thereto;

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30/ Official Records of the Economic and Social Council, 1986, Supplement No. 2 (E/1986/22), chap. II, sect. A.

31/ Ibid., 1987, Supplement No. 5 and corrigendum (E/1987/18 and Corr.1), chap. II, sect. A.

32/ Ibid., 1988, Supplement No. 2 and corrigendum (E/1988/12 and Corr.1), chap. II, sect. A.

33/ Ibid., 1989, Supplement No. 2 (E/1989/20), chap. II, sect. A.

34/ A/44/440.

4. Expresses its conviction that implementation of the provisions of the Convention by all States is necessary for the prevention and punishment of the crime of genocide;

5. Urges those States which have not yet become parties to the Convention to ratify it or accede thereto without further delay;

6. Invites the Secretary-General to submit to the General Assembly at its forty-fifth session a report on the status of the Convention.

#### DRAFT RESOLUTION XI

##### Summary or arbitrary executions

###### The General Assembly,

Recalling the provisions of the Universal Declaration of Human Rights, 23/ in which it is stated that every human being has the right to life, liberty and security of person,

Having regard to the provisions of the International Covenant on Civil and Political Rights, 24/ in which it is stated that every human being has the inherent right to life, that this right shall be protected by law and that no one shall be arbitrarily deprived of his life,

Recalling its resolution 36/22 of 9 November 1981, in which it condemned the practice of summary or arbitrary executions, and its resolutions 37/182 of 17 December 1982, 38/96 of 16 December 1983, 39/110 of 14 December 1984, 40/143 of 13 December 1985, 41/144 of 4 December 1986, 42/141 of 7 December 1987 and 43/151 of 8 December 1988,

Deeply alarmed at the continued occurrence on a large scale of summary or arbitrary executions, including extra-legal executions,

Recalling Economic and Social Council resolution 1984/50 of 25 May 1984 and the safeguards guaranteeing protection of the rights of those facing the death penalty annexed thereto, which resolution was endorsed by the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders in its resolution 15, 35/

Recalling also the close co-operation established between the Centre for Human Rights, the Crime Prevention and Criminal Justice Branch of the Centre

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35/ See Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Milan, 26 August-6 September 1985: report prepared by the Secretariat (United Nations publication, Sales No. E.86.IV.1), chap. I, sect. E.

for Social Development and Humanitarian Affairs of the Secretariat and the Committee on Crime Prevention and Control with regard to the elaboration of the principles on the effective prevention and investigation of arbitrary and summary executions, including extra-legal executions,

Welcoming the adoption of Economic and Social Council resolution 1989/65 of 24 May 1989 containing the Principles on the Effective Prevention and Investigation of Extra-legal Arbitrary and Summary Executions,

Welcoming also the adoption of Economic and Social Council resolution 1989/64 of 24 May 1989 entitled "Implementation of the safeguards guaranteeing protection of the rights of those facing the death penalty" and the recommendations contained therein,

Convinced of the need for appropriate action to combat and eventually eliminate the abhorrent practice of summary or arbitrary executions, which represents a flagrant violation of the most fundamental human right, the right to life,

1. Once again strongly condemns the large number of summary or arbitrary executions, including extra-legal executions, that continue to take place in various parts of the world;
2. Demands that the practice of summary or arbitrary executions be brought to an end;
3. Appeals urgently to Governments, United Nations bodies, the specialized agencies, regional intergovernmental organizations and non-governmental organizations to take effective action to combat and eliminate summary or arbitrary executions, including extra-legal executions;
4. Reaffirms Economic and Social Council resolution 1982/35 of 7 May 1982, in which the Council decided to appoint a special rapporteur to consider the questions related to summary or arbitrary executions;
5. Welcomes Economic and Social Council resolution 1988/38 of 7 May 1988, by which the Council decided to renew the mandate of the Special Rapporteur, Mr. S. Amos Wako, for two years, while keeping the annual reporting cycle;
6. Urges all Governments, in particular those which have consistently not responded to communications transmitted to them by the Special Rapporteur, and all others concerned, to co-operate with and assist the Special Rapporteur so that he may carry out his mandate effectively;
7. Requests the Special Rapporteur, in carrying out his mandate, to respond effectively to information that comes before him, in particular when a summary or arbitrary execution is imminent or threatened, or when such an execution has recently occurred; and, furthermore, to promote exchanges of views between Governments and those who provide reliable information to the

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Special Rapporteur, where the Special Rapporteur considers that such exchanges of information might be useful;

8. Welcomes the recommendations made by the Special Rapporteur in his reports 36/ to the Commission on Human Rights at its forty-fourth and forty-fifth sessions with a view to eliminating summary or arbitrary executions;

9. Encourages Governments, international organizations and non-governmental organizations to organize training programmes and support projects with a view to training or educating law enforcement officers in human rights issues connected with their work, and appeals to the international community to support endeavours to that end;

10. Considers that the Special Rapporteur, in carrying out his mandate, should continue to seek and receive information from Governments, United Nations bodies, specialized agencies, regional intergovernmental organizations and non-governmental organizations in consultative status with the Economic and Social Council, as well as medical and forensic experts;

11. Requests the Secretary-General to continue to provide all necessary assistance to the Special Rapporteur so that he may effectively carry out his mandate;

12. Again requests the Secretary-General to continue to use his best endeavours in cases where the minimum standard of legal safeguards provided for in articles 6, 14 and 15 of the International Covenant on Civil and Political Rights 24/ appear not to have been respected;

13. Requests the Commission on Human Rights at its forty-sixth session, on the basis of the report of the Special Rapporteur to be prepared in conformity with Economic and Social Council resolutions 1982/35, 1983/36, 1984/35, 1985/40, 1986/36, 1987/60 and 1988/38, to make recommendations concerning appropriate action to combat and eventually eliminate the abhorrent practice of summary or arbitrary executions.

## DRAFT RESOLUTION XII

### Question of enforced or involuntary disappearances

#### The General Assembly,

Recalling its resolution 33/173 of 20 December 1978 concerning disappeared persons, and its resolution 43/159 of 8 December 1988 on the question of enforced or involuntary disappearances,

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36/ E/CN.4/1988/22 and Add.1 and 2 and E/CN.4/1989/25.

Deeply concerned about the persistence, in certain cases, of the practice of enforced or involuntary disappearances, and about the fact that, in certain cases, the families of disappeared persons have been the target of intimidation and ill-treatment,

Expressing its profound emotion at the anguish and sorrow of the families concerned, who are unsure of the fate of their relatives,

Convinced of the need to continue implementing the provisions of its resolution 33/173 and of the other United Nations resolutions on the question of enforced or involuntary disappearances, with a view to finding solutions for cases of disappearances and helping to eliminate such practices,

Welcoming the progress made in the preparation of the draft declaration on enforced or involuntary disappearances,

Bearing in mind Commission on Human Rights resolution 1989/27 of 6 March 1989, 33/

1. Expresses its appreciation to the Working Group on Enforced or Involuntary Disappearances for its humanitarian work and to those Governments that have co-operated with it;

2. Welcomes the decision of the Commission on Human Rights, at its forty-fourth session, to extend for two years the term of the mandate of the Working Group, as defined in Commission resolution 20 (XXXVI) of 29 February 1980, 37/ while maintaining the principle of annual reporting by the Working Group;

3. Also welcomes the provisions made by the Commission on Human Rights in its resolution 1986/55 of 13 March 1986 30/ to enable the Working Group to fulfil its mandate with greater efficiency;

4. Appeals to the Governments concerned, particularly those which have not yet replied to the communications addressed to them by the Working Group, to co-operate fully with the Working Group so as to enable it, with respect for its working methods based on discretion, to perform its strictly humanitarian role, and in particular to reply more quickly to the requests for information addressed to them by the Working Group;

5. Encourages the Governments concerned to consider the wish of the Working Group, when such a wish is expressed, to visit their countries, thus enabling the Working Group to fulfil its mandate even more effectively;

6. Extends its warm thanks to those Governments which have invited the Working Group and requests them to give all necessary attention to its recommendations;

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37/ See Official Records of the Economic and Social Council, 1980, Supplement No. 3 and corrigenda (E/1980/13 and Corr.1 and 2), chap. XXVI, sect. A.



7. Appeals to the Governments concerned to take steps to protect the families of disappeared persons against any intimidation or ill-treatment of which they may be the target;

8. Calls upon the Commission on Human Rights to continue to study this question as a matter of priority and to take any step it may deem necessary to the pursuit of the task of the Working Group when it considers the report to be submitted by the Working Group to the Commission at its forty-sixth session;

9. Renews its request to the Secretary-General to continue to provide the Working Group with all necessary facilities.

DRAFT RESOLUTION XIII

Situation of human rights in Afghanistan

The General Assembly,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights, 23/ the International Covenants on Human Rights 24/ and the accepted humanitarian rules as set out in the Geneva Conventions of 12 August 1949 38/ and their Additional Protocols of 1977, 39/

Aware of its responsibility to promote and encourage respect for human rights and fundamental freedoms for all and resolved to remain vigilant with regard to violations of human rights wherever they occur,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have freely undertaken under the various international instruments,

Recalling Economic and Social Council resolution 1984/37 of 24 May 1984, in which the Council requested the Chairman of the Commission on Human Rights to appoint a special rapporteur to examine the situation of human rights in Afghanistan, with a view to formulating proposals that could contribute to ensuring full protection of the human rights of the inhabitants of the country before, during and after the withdrawal of all foreign forces,

Recalling also its relevant resolutions as well as the resolutions of the Commission on Human Rights and the decisions of the Economic and Social Council,

Recalling in particular Commission on Human Rights resolution 1989/67 of 8 March 1989, 33/ by which the Commission decided to extend the mandate of its Special Rapporteur for one year and requested him to report to the General Assembly at its forty-fourth session on the situation of human rights in Afghanistan,

Emphasizing the relevance of the Agreements on the Settlement of the Situation relating to Afghanistan, concluded at Geneva on 14 April 1988, 40/ which constitute an important step towards a comprehensive political solution,

Welcoming the completion, on 15 February 1989, of the withdrawal of Soviet troops from Afghanistan in accordance with the Geneva Agreements,

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38/ United Nations, Treaty Series, vol. 75, Nos. 970-973.

39/ A/32/144, annexes I and II.

40/ Official Records of the Security Council, Forty-third Year, Supplement for April, May and June 1988, document S/19835, annex I.

Welcoming also the co-operation that the Afghan authorities have extended to international organizations, in particular to the Special Co-ordinator for Humanitarian and Economic Assistance relating to Afghanistan, the specialized agencies of the United Nations, the Office of the United Nations High Commissioner for Refugees and the International Committee of the Red Cross,

Having examined the interim report of the Special Rapporteur on the situation of human rights in Afghanistan, 41/ which remains a matter of great concern even after the withdrawal of Soviet troops,

Recognizing with deep concern that a situation of armed conflict continues to exist in Afghanistan, leaving large numbers of victims and causing enormous human suffering to the civilian population,

Recognizing with grave concern that the treatment of prisoners detained in connection with the conflict does not conform to the internationally recognized principles of humanitarian law,

Recognizing with equal concern that more than five million refugees are living outside Afghanistan, that many Afghans are displaced within the country and that in both cases the numbers have increased,

Aware that the main reasons given by the refugees for not returning to Afghanistan, pending the achievement of a comprehensive political solution, are the continued fighting in some provinces, the use of very destructive arms in the conflict, and the minefields that have been laid in many parts of the country,

Noting with concern that acts of terrorism have significantly increased,

1. Takes note with appreciation of the interim report of the Special Rapporteur on the situation of human rights in Afghanistan and of the conclusions and recommendations contained therein;
2. Welcomes the co-operation of the Afghan authorities with the Special Rapporteur;
3. Urges all parties concerned to work for the achievement of a comprehensive political solution based on the right of self-determination and for the creation of a situation that will permit the return of refugees and the full enjoyment of human rights by all Afghans;
4. Calls once again upon all parties to the conflict, in order to alleviate the serious suffering of the Afghan people, strictly to respect human life and the principles and provisions of international humanitarian law and to co-operate fully and effectively with international humanitarian organizations, especially with the International Committee of the Red Cross, in particular by granting it unrestricted access to all parts of the country;

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41/ A/44/669, annex.

5. Notes with grave concern the continuation of the armed conflict, which threatens the life and security of innocent men, women and children;
6. Urges all parties to the conflict to respect the Geneva Conventions of 1949 and their Additional Protocols of 1977, to halt the use of weapons against the civilian population, to transmit to humanitarian organizations and, in particular, to the International Committee of the Red Cross, the names of all political prisoners and detained Afghan soldiers, as well as to allow the International Committee of the Red Cross to visit all prisoners in accordance with its established criteria;
7. Also urges all parties to the conflict to release all prisoners of war in accordance with the internationally recognized principles of humanitarian law;
8. Expresses its concern at reports that the living conditions of refugees, especially those of women and children, are becoming increasingly difficult because of the decline in international humanitarian assistance;
9. Urgently appeals to all Member States, humanitarian organizations and all parties concerned to co-operate fully, in co-ordination with the Office of the United Nations High Commissioner for Refugees, in order to facilitate the return of refugees and displaced persons in safety;
10. Urgently appeals to all Member States and humanitarian organizations to promote the implementation of the projects envisaged by the Special Co-ordinator for Humanitarian and Economic Assistance relating to Afghanistan and the programmes of the United Nations High Commissioner for Refugees;
11. Urges all parties to the conflict to treat all prisoners in their custody in accordance with the internationally recognized principles of humanitarian law and to protect them from all acts of reprisal and violence, including ill-treatment, torture and summary execution;
12. Notes with concern reports of the interrogation practices of the Afghan authorities, the large number of political prisoners and the conditions of prisoners awaiting trial;
13. Calls upon the Afghan authorities to investigate thoroughly the fate of disappeared persons, to apply amnesty decrees equally to foreign detainees, to reduce the period during which prisoners await trial, to treat all prisoners, especially those awaiting trial or in custody in juvenile rehabilitation centres, in accordance with the Standard Minimum Rules for the Treatment of Prisoners 42/ and to allow the International Committee of the Red Cross to visit them regularly in accordance with its established criteria;

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42/ First United Nations Congress on the Prevention of Crime and the Treatment of Offenders: report prepared by the Secretariat (United Nations publication, Sales No. 1956.IV.4), annex I.A.

14. Requests the Afghan authorities strictly to apply to all convicted persons article 14, paragraph 3 (d), and 14, paragraph 5, of the International Covenant on Civil and Political Rights; 24/

15. Notes with concern the allegations of atrocities committed against Afghan soldiers, civil servants and captured civilians;

16. Urges all parties concerned to extend their full co-operation to the Commission on Human Rights and its Special Rapporteur;

17. Requests the Secretary-General to give all necessary assistance to the Special Rapporteur;

18. Decides to keep under consideration, during its forty-fifth session, the situation of human rights in Afghanistan in order to examine it anew in the light of additional elements provided by the Commission on Human Rights and the Economic and Social Council.

#### DRAFT RESOLUTION XIV

##### Human rights in the administration of justice

###### The General Assembly,

Bearing in mind the principles embodied in articles 3, 5, 9, 10 and 11 of the Universal Declaration of Human Rights 23/ and the relevant provisions of the International Covenant on Civil and Political Rights, 24/ in particular article 6, which explicitly states that no one shall be arbitrarily deprived of his life and prohibits the imposition of the death penalty for crimes committed by persons below eighteen years of age,

Bearing in mind also the relevant principles embodied in the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment 43/ and in the International Convention on the Elimination of All Forms of Racial Discrimination, 25/

Calling attention to the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, adopted by the General Assembly in its resolution 43/173 of 9 December 1988,

Calling attention also to the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power 44/ and the safeguards guaranteeing protection of the rights of those facing the death penalty, 45/ as well as to

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43/ Resolution 39/46, annex.

44/ Resolution 40/34, annex.

45/ Economic and Social Council resolution 1984/50, annex.

the Basic Principles on the Independence of the Judiciary, 46/ the Model Agreement on the Transfer of Foreign Prisoners and recommendations on the treatment of foreign prisoners, 47/ as well as the Code of Conduct for Law Enforcement Officials 48/ and the Standard Minimum Rules for the Treatment of Prisoners, 49/

Reaffirming also in this context the importance of the principles contained in its resolution 41/120 of 4 December 1986 on standard-setting in the field of human rights,

Recognizing the important contribution of the Commission on Human Rights in the field of human rights in the administration of justice, as reflected in its resolution 1989/24 of 6 March 1989 on human rights in the administration of justice, 1989/32 of 6 March 1989 on the independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers, 1989/38 of 6 March 1989 on administrative detention without charge or trial and 1989/64 of 8 March 1989 on summary or arbitrary executions, 33/

Recognizing also the significant work accomplished in this area under the United Nations crime prevention and criminal justice programme, including the results of the interregional and regional meetings for the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders,

Convinced of the need for further co-ordinated and concerted action in promoting respect for human rights in the administration of justice,

Welcoming Commission on Human Rights resolution 1989/24, in which the Commission, inter alia, stressed the desirability of providing States, at their request, with continued assistance in the field of the administration of justice, including in such assistance provision of model texts for national legislative or other measures for the effective implementation of standards in this field,

1. Reaffirms the importance of the full implementation of United Nations norms and standards on human rights in the administration of justice;

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46/ See Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Milan, 26 August-6 September 1985: report prepared by the Secretariat (United Nations publication, Sales No. E.86.IV.1), chap. I, sect. D.2.

47/ Ibid., chap. I, sect. D.1.

48/ Resolution 34/169, annex.

49/ See Human Rights: A Compilation of International Instruments (United Nations publication, Sales No. E.88.XIV.1).

2. Endorses Economic and Social Council resolution 1989/63 of 24 May 1989 on the implementation of United Nations standards and norms in crime prevention and criminal justice;
3. Also endorses the Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions, adopted by the Economic and Social Council in its resolution 1989/65 of 24 May 1989;
4. Further endorses Economic and Social Council resolutions 1989/57 on the implementation of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, 1989/60 on procedures for the effective implementation of the Basic Principles of the Independence of the Judiciary, 1989/61 on guidelines for the effective implementation of the Code of Conduct for Law Enforcement Officials and 1989/64 on the implementation of the safeguards guaranteeing protection of the rights of those facing the death penalty;
5. Invites Member States to pay attention to these resolutions in developing strategies for the practical implementation of United Nations norms and standards in the administration of justice and human rights, as requested in its resolution 43/153 of 8 December 1988;
6. Requests the Commission on Human Rights to invite the Sub-Commission on Prevention of Discrimination and Protection of Minorities to study the practical implementation of United Nations norms and standards in this field and to recommend practical measures to the Commission;
7. Requests the Secretary-General in this regard:
  - (a) To solicit comments from Member States as well as from the relevant international agencies and bodies, such as, in particular, the Human Rights Committee, the Committee against Torture and the Committee for the Elimination of Racial Discrimination, on the implementation of these standards;
  - (b) To forward these comments to the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its next session;
8. Also requests the Secretary-General:
  - (a) To identify general problems that may impinge on the effective implementation of standards and norms and to recommend viable solutions with action-oriented proposals;
  - (b) To formulate practical proposals for the Eighth United Nations Congress on procedures and actions at the national, regional and international levels to implement United Nations norms and standards in the administration of justice and human rights;

(c) To continue to assist Member States, at their request, in implementing existing international human rights standards in the administration of justice, in particular under the programme of advisory services;

(d) To continue to provide all necessary support to United Nations bodies working on standard-setting in this field;

(e) To co-ordinate the various technical advisory services carried out by the Centre for Human Rights and the Centre for Social Development and Humanitarian Affairs of the Secretariat with a view to undertaking joint programmes and strengthening existing mechanisms for the protection of human rights in the administration of justice;

9. Emphasizes the important role of the regional commissions, specialized agencies and United Nations institutes in the area of human rights and crime prevention and criminal justice and other organizations of the United Nations system, as well as intergovernmental and non-governmental organizations, including national professional associations concerned with promoting United Nations standards in this field;

10. Draws the attention of the Commission on Human Rights and its Sub-Commission on Prevention of Discrimination and Protection of Minorities, as well as of the Eighth United Nations Congress and the Committee on Crime Prevention and Control, to the issues raised in the present resolution, in order to accord priority to issues related to human rights in the administration of justice;

11. Decides to consider at its forty-fifth session the question of human rights in the administration of justice.

#### DRAFT RESOLUTION XV

##### Situation of human rights in the Islamic Republic of Iran

The General Assembly,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights 23/ and the International Covenants on Human Rights, 24/

1. Takes note with appreciation of the interim report of the Special Representative of the Commission on Human Rights; 50/

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50/ E/CN.4/1989/26.



2. Takes note of the recommendation of the Special Representative that, in order to achieve full co-operation between the Government of the Islamic Republic of Iran and the Special Representative, there is a need to proceed to another stage in the discharge of the mandate of the Special Representative;

3. Welcomes the invitation by the Islamic Republic of Iran to the Special Representative to visit that country; 51/

4. Requests the Secretary-General to give all necessary assistance to the Special Representative;

5. Decides to continue its examination of the situation of human rights in the Islamic Republic of Iran during its forty-fifth session in the light of additional elements provided by the Commission for Human Rights and the Economic and Social Council.

#### DRAFT RESOLUTION XVI

##### Human rights and mass exoduses

##### The General Assembly,

Mindful of its general humanitarian mandate under the Charter of the United Nations to promote and encourage respect for human rights and fundamental freedoms,

Deeply disturbed by the continuing scale and magnitude of exoduses of refugees and displacements of population in many regions of the world and by the human suffering of millions of refugees and displaced persons,

Conscious of the fact that human rights violations are one of the multiple and complex factors causing mass exoduses of refugees and displaced persons, as indicated in the study of the Special Rapporteur of the Commission on Human Rights on this subject 52/ and also in the report of the Group of Governmental Experts on International Co-operation to Avert New Flows of Refugees, 53/

Aware of the recommendations concerning mass exoduses made by the Commission on Human Rights to its Sub-Commission on Prevention of Discrimination and Protection of Minorities and to special rapporteurs to be taken into account when studying violations of human rights in any part of the world,

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51/ A/C.3/44/9.

52/ E/CN.4/1503.

53/ A/41/324, annex.

Deeply preoccupied by the increasingly heavy burden being imposed, particularly upon developing countries with limited resources of their own and upon the international community as a whole, by these sudden mass exoduses and displacements of population,

Stressing the need for international co-operation aimed at averting new massive flows of refugees in parallel with the provision of durable solutions to actual refugee situations,

Reaffirming its resolution 41/70 of 3 December 1986, in which it endorsed the conclusions and recommendations contained in the report of the Group of Governmental Experts on International Co-operation to Avert New Flows of Refugees,

Recalling its resolution 43/154 of 8 December 1988 and Commission on Human Rights resolution 1989/63 of 8 March 1989, 33/ as well as all previous relevant resolutions of the General Assembly and the Commission on Human Rights,

Welcoming the steps taken so far by the United Nations to examine the problem of massive outflows of refugees and displaced persons in all its aspects, including its root causes,

1. Endorses the recommendation of the Group of Governmental Experts on International Co-operation to Avert New Flows of Refugees that the principal organs of the United Nations should make fuller use of their respective competencies under the Charter of the United Nations for the prevention of new massive flows of refugees and displaced persons;

2. Again invites all Governments and intergovernmental and humanitarian organizations concerned to intensify their co-operation and assistance in world-wide efforts to address the serious problems resulting from mass exoduses of refugees and displaced persons, and also the causes of such exoduses;

3. Requests all Governments to ensure the effective implementation of the relevant international instruments, in particular in the field of human rights, as this would contribute to averting new massive flows of refugees and displaced persons;

4. Invites the Commission on Human Rights to keep the question of human rights and mass exoduses under review with a view to supporting the early warning arrangement instituted by the Secretary-General to avert new massive flows of refugees and displaced persons;

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5. Takes note of the report of the Secretary-General on human rights and mass exoduses, 54/ and invites him to inform the General Assembly in future reports on the modalities of early warning activities to avert new and massive flows of refugees;

6. Specially encourages the Secretary-General to continue to discharge the task described in the report of the Group of Governmental Experts on International Co-operation to Avert New Flows of Refugees;

7. Requests the Secretary-General to continue to develop the role of the Office for Research and the Collection of Information of the Secretariat as a focal point for the operation of an effective early warning system and the strengthening of co-ordination of information-gathering and analysis among United Nations agencies with a view to preventing new massive flows of refugees and displaced persons;

8. Urges the Secretary-General to use the resources available to consolidate and strengthen the system for undertaking early warning activities in the humanitarian area by, inter alia, early computerization of the Office for Research and the Collection of Information and strengthened co-ordination among the relevant parts of the United Nations system, especially the Office for Research and the Collection of Information, as well as the Office of the United Nations High Commissioner for Refugees, the Centre for Human Rights of the Secretariat and the relevant specialized agencies;

9. Requests the Secretary-General to report to the General Assembly at its forty-fifth session on the strengthened role that he is playing in undertaking early warning activities, especially in the humanitarian area, as well as on any further developments relating to the recommendations contained in the report of the Group of Governmental Experts on International Co-operation to Avert New Flows of Refugees;

10. Decides to continue consideration of the question of human rights and mass exoduses at its forty-fifth session.

#### DRAFT RESOLUTION XVII

##### Situation of human rights and fundamental freedoms in El Salvador

The General Assembly,

Guided by the principles of the Charter of the United Nations, the Universal Declaration of Human Rights, 23/ the International Covenant on Civil and Political Rights, 24/ the International Covenant on Economic, Social and

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54/ A/44/622.

Cultural Rights, 24/ and the humanitarian rules laid down in the Geneva Conventions of 12 August 1949 38/ and Additional Protocol II thereto, of 1977, 55/

Deeply alarmed that, despite the encouraging signs offered by the meetings held by the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional, the aggravation of the conflict and the resurgence of violence have seriously affected the civilian population,

Reaffirming that it is the duty of the Governments of all Member States to promote and protect human rights and fundamental freedoms and to fulfil the obligations that they have assumed under the relevant international instruments,

Recalling that, since 1980, it has been expressing its deep concern at the situation of human rights in El Salvador, as indicated in its resolution 43/145 of 8 December 1988,

Bearing in mind Commission on Human Rights resolution 32 (XXXVII) of 11 March 1981, 56/ in which the Commission decided to appoint a special representative on the situation of human rights in El Salvador, and subsequent resolutions, including Commission resolution 1989/68 of 8 March 1989, 33/ in which it extended the mandate of the Special Representative for another year and requested him to report to the General Assembly at its forty-fourth session and the Commission at its forty-sixth session,

Considering that an armed conflict of a non-international character continues to exist in El Salvador in which the parties involved are under an obligation to apply the minimum standards of protection of human rights and humanitarian treatment provided for in article 3 common to the Geneva Conventions of 1949 and in Additional Protocol II thereto of 1977,

Deeply concerned because, as the Special Representative indicates in his report, the number of politically motivated serious violations of human rights continues to increase; in particular, there has been a resurgence of torture and an increase in arrests, and summary executions, disappearances, abductions, attacks on the economic infrastructure and violations of the humanitarian rules of war have remained at disturbing levels,

Concerned also because many sources continue to attribute summary executions and other serious violations of human rights to the so-called "death squads",

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55/ A/32/144, annex II.

56/ See Official Records of the Economic and Social Council, 1987, Supplement No. 5 and corrigendum (E/1981/25 and Corr.1), chap. XXVIII, sect. A.

Deeply disturbed by the collective assassination in cold blood, on 16 November 1989, of the Rector, five professors and two members of the service staff of the Central American University,

Expressing its concern because, as a consequence of the current situation, acts of intimidation and harassment have been carried out against the Church hierarchy, political and trade union leaders, members of humanitarian organizations belonging to various churches and the headquarters of political parties and trade unions, as well as against relatives of members of the armed forces and civil servants and members of their families,

Considering that there has been no progress during 1989 in the judicial case of the assassination of Monsignor Romero, which took place in 1980, and that it is a matter of urgency that those responsible for many other recent violations of human rights, including the assassination of the Minister in the office of the President and the fatal collective attack on a trade union federation, be identified and punished,

Convinced that the strict fulfilment of the commitments assumed by the Government of El Salvador under the "Procedure for the establishment of a firm and lasting peace in Central America" (Esquipulas II agreement) 57/ and the Joint Declarations of the Central American Presidents signed in Costa Rica, El Salvador and Honduras, will contribute to the promotion, respect and realization of human rights and fundamental freedoms in that country,

Recognizing the importance of the fact that, in the agreements adopted at Tela, Honduras, 58/ the five Central American Presidents expressed their firm belief in the necessity of an immediate and effective end to hostilities in El Salvador and therefore strongly urged the Frente Farabundo Martí para la Liberación Nacional to carry out a constructive dialogue for the purpose of achieving a just and lasting peace and, equally strongly, urged the Government of El Salvador to arrange, with full guarantees and in the spirit of section 2 of the Esquipulas agreement, the integration of members of the Frente Farabundo Martí para la Liberación Nacional into peaceful and institutional life,

Considering it necessary and urgent to return to the agreements of 15 September and 18 October 1989 signed at Mexico and at San José, respectively, by the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional whereby, inter alia, they undertook to maintain a process of ongoing dialogue not permitting of unilateral withdrawal, in order that they might, in an effort to arrive at a negotiated understanding, manage

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57/ A/42/521-S/19085, annex. For the printed text, see Official Records of the Security Council, Forty-second Year, Supplement for July, August and September 1987, document S/19085, annex.

58/ A/44/451-S/20778.

to end the armed conflict by political means as soon as possible, promote the democratization of the country and reunify Salvadorian society and also agreed on the need to create international verification mechanisms appropriate to the characteristics and realities of El Salvador to monitor the implementation of the agreements reached by them,

Considering that, under Additional Protocol II to the Geneva Conventions, the war-wounded and war-injured must be respected and protected, their evacuation by the International Committee of the Red Cross so that they may receive the medical care that they need must not be impeded and no one may be punished for carrying out medical activities compatible with medical ethics, regardless of the circumstances and the beneficiaries of such activities,

Aware that a negotiated political solution of the Salvadorian conflict can be cut short if external forces do not support the resumption of the dialogue but instead seek in different ways to spur the intensification or prolongation of the war, with ensuing grave effects on the situation of human rights and the possibilities of economic recovery in El Salvador,

1. Commends the Special Representative for his report 59/ on the situation of human rights in El Salvador and endorses the recommendations contained therein, while requesting the Special Representative to update them in the light of the serious events taking place in that country;
2. Expresses its deepest dismay at the aggravation of the conflict, the resurgence of violence, the bombings and the indiscriminate use of high-power heavy weapons in densely populated areas, resulting in numerous civilian casualties and substantial material damage;
3. Expresses also its serious concern at the systematic attacks on the country's economic infrastructure, which seriously undermine the present and future enjoyment of important economic, social and cultural rights by the Salvadorian people;
4. Urgently appeals to the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional to put an immediate end to the armed conflict and to work for a resumption of the currently suspended dialogue in order to reach agreements that would lead to the definitive cessation of all hostilities within an agreed timeframe;
5. Requests the parties to the conflict to guarantee respect for the international standards applicable to an armed conflict of a non-international character, in particular, the protection of the civilian population and the war-wounded, to make possible the immediate evacuation of the war-wounded and war-injured, whether civilians or combatants, in order that they may receive the medical care that they need and, furthermore, to co-operate with

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59/ A/44/677.

humanitarian organizations working to alleviate the suffering of the civilian population in any part of the country in which such organizations are operating and requests that medical and health personnel shall under no circumstances be penalized for carrying out their activities;

6. Supports fully the expressed readiness of the Secretary-General to help bring about, as a first stage in a political solution, an immediate agreement on the cessation of the armed conflict, and his decision taken last September to accept the invitation from the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional that he or his representatives should participate in their process of dialogue and negotiation, since all this forms part of the mission of good offices that he is performing to assist the Central American Governments in their efforts to achieve the objectives set forth in the Esquipulas II agreement;

7. Expresses its firm support for the efforts of the Secretary-General of the Organization of American States to bring about a resumption of the political dialogue in El Salvador;

8. Appeals urgently to the parties to the conflict to respect and guarantee the security of the staff and official premises of international agencies;

9. Condemns the brutal assassination of the Rector and seven other members of the Central American University and hopes that the Government of El Salvador will fulfil its pledge to carry out an immediate investigation and to punish those responsible for such an abominable crime;

10. Expresses its deep concern at the persistence of and increase in politically motivated serious violations of human rights such as summary executions, disappearances, torture and abductions;

11. Also expresses its deep concern at the persistence of and increase in the alleged activities of the so-called "death squads", which are operating with impunity in El Salvador;

12. Renews its appeal to all States to refrain from intervening in the internal situation of El Salvador and, instead of seeking in different ways to spur the prolongation and intensification of the armed conflict, to stimulate dialogue until a firm and lasting peace is attained;

13. Expresses its profound concern at the fact that the capacity of the Salvadorian judicial system continues to be extremely unsatisfactory, despite the efforts made by the Government to determine the responsibility of the instigators of some violations of human rights, and consequently urges the competent authorities to accelerate the adoption of the measures necessary for ensuring the effectiveness of the system and its compatibility with the commitments made in the field of human rights;

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14. Renews its appeal to the competent organs and organizations of the United Nations system that, on the basis of Commission on Human Rights resolution 1989/68 of 8 March 1989 and its own resolution 43/145 of 8 December 1988, they provide such advice and assistance as the Government of El Salvador may request in order to enhance the promotion and protection of human rights and fundamental freedoms;

15. Requests the Commission on Human Rights at its forty-sixth session to consider the situation of human rights in El Salvador and the mandate of its Special Representative, taking into account the evolution of the situation of human rights in that country and the developments linked to the fulfilment of all the agreements signed by the Central American Presidents within the framework of the regional peace process and the agreements concluded by the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional in Mexico and Costa Rica;

16. Urges, in accordance with the recommendations of the Special Representative, the Government of El Salvador and all the country's political powers, agencies and forces, including the Frente Farabundo Martí para la Liberación Nacional, to adopt immediate measures to put an end to attacks on the life, integrity and dignity of persons outside, during and as a result of combat situations;

17. Reiterates its call to the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional to continue co-operating with the Special Representative of the Commission on Human Rights;

18. Decides to keep under consideration, during its forty-fifth session, the situation of human rights and fundamental freedoms in El Salvador in order to re-examine this situation in the light of the information provided by the Commission on Human Rights and the Economic and Social Council.

#### DRAFT RESOLUTION XVIII

##### Situation of human rights in Chile

The General Assembly,

Guided by the purposes and principles of the Charter of the United Nations and bearing in mind the Universal Declaration of Human Rights, 23/ the International Covenant on Economic, Social and Cultural Rights, 24/ and the International Covenant on Civil and Political Rights, 24/

Aware of its responsibility to promote and encourage respect for human rights and fundamental freedoms, and determined to remain vigilant with regard to violations of human rights wherever they occur,

Noting the obligation of the Government of Chile to respect and protect human rights in accordance with the international instruments to which Chile is a party,

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Bearing in mind that the concern of the international community at the situation of human rights in Chile has been expressed by the General Assembly in a number of resolutions, particularly resolution 33/173 of 20 December 1978 on disappeared persons and resolution 43/158 of 8 December 1988,

Recalling the pertinent resolutions of the Commission on Human Rights, particularly resolution 1989/62 of 8 March 1989, 33/ by which the Commission decided, inter alia, to extend the mandate of the Special Rapporteur for one year, to consider the question as a matter of high priority in view of the persistence of serious violations of human rights in Chile and to determine how the item was to be dealt with on the agenda of its forty-sixth session in the light of developments in the situation,

Regretting the decision of the Government of Chile to discontinue its co-operation with the Special Rapporteur,

Further regretting that the process of restoration of civil and political rights in Chile does not yet include the amendment of numerous laws that constitute an institutional and legal framework that makes violations of human rights possible,

1. Takes note with appreciation of the report of the Special Rapporteur 60/ submitted in accordance with Commission on Human Rights resolution 1989/62 of 8 March 1989;
2. Congratulates the Chilean people on their peaceful progress towards the re-establishment of a representative and pluralist democracy based on respect for human rights and fundamental freedoms, and for their reiterated will to achieve peace and national reconciliation through the restoration of justice;
3. Expresses its satisfaction at the progress of the Chilean electoral process as an important step towards the rapid return of democracy in that country;
4. Considers a positive development the decision by the Government of Chile to heed the demands of democratic sectors of the country and of the international community with regard to reforming the institutional and legal framework in certain aspects harmful to civil and political rights;
5. Notes with satisfaction the decision by the Government of Chile to incorporate the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights into domestic law;

6. Welcomes the improvement of the human rights situation in Chile during the six months covered by the report, as described by the Special Rapporteur in that document;

7. Regrets nevertheless the decision by the Government to discontinue its co-operation with the Special Rapporteur in the fulfilment of his mandate, and urges it to resume such co-operation in compliance with the resolutions of the General Assembly and the Commission on Human Rights;

8. Urges the Government of Chile to make further progress in respect for human rights and fundamental freedoms for all the Chilean people, including the indigenous peoples, especially by adapting the legal system to the relevant principles and provisions, and refraining from making any more changes in national institutions without duly consulting the people, and to be guided by those principles and provisions in the exercise of its powers in the same way as the judiciary;

9. Also urges the Government of Chile for that purpose to ensure the independence of the judiciary and the effectiveness of judicial remedies, by respecting procedural guarantees, equality before the law and the right to defence in all cases;

10. Expresses its concern at acts of violence of any origin that continue to occur in Chile, thereby aggravating the climate of insecurity and rendering the return to democracy more difficult;

11. Again expresses its serious concern at the persistence of violations of human rights and fundamental freedoms in Chile involving, inter alia, cases of death, torture, ill-treatment and the "Colonia Dignidad" case, as described by the Special Rapporteur in his report;

12. Urges the Government of Chile to investigate all cases of serious violations of human rights that occurred in the past, bearing in mind the reports of the Special Rapporteurs;

13. Invites the Commission on Human Rights to evaluate at its forty-sixth session the situation of human rights in Chile, bearing in mind the reports presented by the Special Rapporteurs, to consider the mandate of the Special Rapporteur and also how the item is to be dealt with on the agenda in the light of developments in the situation, and to report to the General Assembly at its forty-fifth session.

DRAFT RESOLUTION XIX

Enlargement of the Commission on Human Rights  
and the further promotion of human rights and  
fundamental freedoms

The General Assembly,

Recalling Economic and Social Council resolutions 845 (XXXII) of 3 August 1961, 1147 (XLI) of 4 August 1966 and 1979/36 of 10 May 1979,

Appreciating the contribution made by the Commission on Human Rights to the cause of human rights and recognizing the need to reinforce it,

Reaffirming that the Commission on Human Rights shall be guided by the standards in the field of human rights laid down in the various international instruments in that field,

Emphasizing the importance of further improving the effective functioning of the Commission on Human Rights and the participation therein by Member States at a high level,

Taking note of the relevant section of the final documents of the Ninth Conference of Heads of State or Government of Non-Aligned Countries adopted at Belgrade on 7 September 1989, 61/ which states that in order to strengthen the role and efficiency of the United Nations and to reinforce United Nations mechanisms so as to allow for efficient co-ordination of the Organization's activities, there is an urgent need, inter alia, for an overall review of the current distribution of membership in the various United Nations bodies and commissions, with a view to achieving a more equitable geographical distribution,

1. Decides to recommend that the Economic and Social Council take the necessary steps, at its first regular session of 1990, to expand the membership of the Commission on Human Rights, on the basis of the principle of equitable geographical distribution, for the further promotion of human rights and fundamental freedoms;

2. Calls upon the Economic and Social Council to conclude deliberations on this question with urgency;

3. Requests the Commission on Human Rights to examine ways and means of making its work more effective and to submit its recommendations thereon to the Economic and Social Council.

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61/ See A/44/551-S/20870, annex.

79. The Third Committee recommends to the General Assembly the adoption of the following draft decision:

DRAFT DECISION

The General Assembly decides to defer consideration of the draft decision 62/ entitled "Programme of work of the Third Committee" to its forty-fifth session, and that, when considering its organization of work for the forty-fifth session, the Third Committee would have before it the text of the draft decision and the summary records 63/ of the meetings at which the draft decision had been discussed.

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62/ A/C.3/44/L.2.

63/ A/C.3/44/SR.60 and 61.