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58th meeting  
held on  
Tuesday, 28 November 1989  
at 3 p.m.  
New York

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SUMMARY RECORD OF THE 58th MEETING

Chairman: Mr. KABORE (Burkina Faso)

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DISTR. GENERAL  
A/C.3/44/SR.58  
2 December 1989

ORIGINAL: ENGLISH

The meeting was called to order at 3.20 p.m.

AGENDA ITEM 12: REPORT OF THE ECONOMIC AND SOCIAL COUNCIL (continued)  
(A/C.3/44/L.62, L.64, L.65, L.66, L.70, L.71, L.74, L.75, L.78, L.81, L.82, L.83,  
L.84, L.85)

Draft resolutions A/C.3/44/L.64, L.65, L.66, L.70, L.71, L.62 and L.78

1. Mr. NZENGEYA (Zaire), speaking on behalf of the sponsors, introduced draft resolutions A/C.3/44/L.64 on humanitarian assistance to refugees and displaced persons in Djibouti, A/C.3/44/L.65 on the situation of refugees in the Sudan, A/C.3/44/L.66 on assistance to refugees in Somalia, A/C.3/44/L.70 on assistance to voluntary returnees and displaced persons in Chad, A/C.3/44/L.71 on assistance to refugees and returnees in Ethiopia, A/C.3/44/L.62 on assistance to refugees and displaced persons in Malawi and A/C.3/44/L.78 on assistance to student refugees in southern Africa. He paid tribute to the Office of the High Commissioner for Refugees (UNHCR), the international voluntary organizations and all the African States which had accepted refugees, for their humanitarian and social work. He suggested that, since Africa had the largest number of refugees in the world, it would be appropriate to appoint an African as the High Commissioner's deputy, to assist with the refugee problem in Africa.

2. With regard to draft resolution A/C.3/44/L.64, the sponsors of which had been joined by Trinidad and Tobago, he said that since January 1988 a number of refugees in Djibouti had been identified as nationals of Djibouti and had been given the right to remain there, a number of Ethiopian refugees had been voluntarily repatriated and some 1,500 refugees remained. A further 35,000 people had arrived but had not yet been settled.

3. In the Sudan - the subject of draft resolution A/C.3/44/L.65 - the 745,000 refugees included 350,000 Ethiopians, more than half of whom had settled on their own initiative and were not receiving any aid, and 83,500 Ugandans, who had agreed to return voluntarily to their own country. A multisectoral programme had been established by the Government with the assistance of UNHCR and financial support from the World Bank, the United States, the United Nations Development Programme and the European Community, but the situation remained a matter of serious concern.

4. Turning to draft resolution A/C.3/44/L.66, whose sponsors had been joined by Zambia, he said that by 1986 the refugee population in Somalia, one of the world's largest, had risen to 840,000. Although, with the improved political climate of the region, the number of refugees was falling, there were still 600,000. Negotiations had taken place between Somalia and Ethiopia earlier in 1989 with a view to the voluntary repatriation of the Ethiopian refugees. For those who remained, the Government of Somalia, in co-operation with UNHCR, the World Food Programme, the World Bank and the European Community, had given priority to a number of projects. Under an agreement with UNHCR, the Government had submitted an estimated budget for 1990 of \$24 million, in which a number of international agencies were involved.

(Mr. Nzengeya, Zaire)

5. With regard to the draft resolution, he said that, in the last line of paragraph 4, the words "as soon as conditions permit" had been replaced by "to the extent possible".
6. In connection with draft resolution A/C.3/44/L.70, he drew attention to the programme for repatriating displaced persons to Chad from Benin, Cameroon, the Central African Republic and Nigeria, in accordance with General Assembly resolution 43/143, under which some 103,000 repatriates had received assistance from UNHCR.
7. In connection with Ethiopia, he drew attention to draft resolution A/C.3/44/L.71, whose sponsors had been joined by China, India, Swaziland, Trinidad and Tobago and Yemen. Sudanese refugees had been arriving in Ethiopia at a rapid rate and now numbered over 20,000, while the number of refugees from Somalia had reached 350,000. In addition, Ethiopia was now facing the voluntary return of its own refugees from Somalia and Djibouti. The situation was a matter of serious concern and he drew attention to the appeal in paragraph 2 of the draft resolution.
8. Turning to draft resolution A/C.3/44/L.62, he noted that the situation in southern Africa had deteriorated since the end of 1987 with the massive flow to Malawi of Mozambican refugees, who now numbered over 645,000. An agreement had been concluded in December 1988 between the Governments of Malawi and Mozambique and UNHCR for their voluntary repatriation as soon as the situation permitted; pending that time, however, they would have to remain in camps, since there was no arable land available for them to meet their own needs.
9. Lastly, he drew attention to draft resolution A/C.3/44/L.78, designed to provide young refugees in southern Africa with knowledge and skills to enable them to lead a productive life in their countries of asylum and to prepare them for senior roles when they returned to their countries of origin. Although, with the independence of Namibia, many of them would return, there were many, mostly South Africans, who would remain for training in other southern African countries.
10. In view of their humanitarian purpose, he trusted that the seven draft resolutions would be adopted without a vote.

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

11. Mrs. AGUILERA (Mexico) introduced, on behalf of the sponsors, draft resolution A/C.3/44/L.74 on measures to improve the situation and ensure the human rights and dignity of all migrant workers. 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 had already adopted a large number of articles of the draft convention, on matters including compensation for the death of migrant workers or their families, safeguarding the right of States to establish standards for admission of migrant workers and their families, and the obligation of States to harmonize their legislation with the Convention.

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

12. Mrs. WARZAZI (Morocco) introducing, on behalf of the sponsors, draft resolution A/C.3/44/L.75 on a world conference on human rights, said that despite the success of the International Year for Human Rights in 1968 and the International Conference on Human Rights held in Tehran in the same year, as well as the present international climate, much remained to be done to ensure that men and women throughout the world could enjoy on an equal footing all the rights provided for in the Universal Declaration of Human Rights. With the enormous advances in science and technology, the impact of communications in bringing people closer together and the urgent wish of all people to live in peace and friendship, a second international conference on human rights was needed, so that all countries could take stock of progress and of the problems that still remained, and seek solutions in a spirit of co-operation.

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

13. Mr. OGURTSOV (Byelorussian Soviet Socialist Republic) introduced, on behalf of the sponsors, draft resolution A/C.3/44/L.79 on the status of the Convention on the Prevention and Punishment of the Crime of Genocide, which urged those States which had not yet become parties to the Convention to ratify or accede to it without further delay. The sponsors hoped that, as in past years, it would be adopted without a vote.

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

14. Mr. DUHS (Sweden), speaking on behalf of the sponsors, now joined by the United Kingdom and Sweden, introduced draft resolution A/C.3/44/L.80 on summary or arbitrary executions. In his sixth report on summary or arbitrary executions to the Commission on Human Rights, the Special Rapporteur, Mr. S. Amos Wako, stated that he had received information concerning a considerable number of alleged summary or arbitrary executions. The draft resolution contained a number of elements from General Assembly resolution 43/151 and Economic and Social Council resolutions 1989/64 and 1989/65. The sponsors hoped that, as in previous years, it would be adopted without a vote.

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

15. Mr. BRETHES (France) introducing, on behalf of the sponsors, draft resolution A/C.3/44/L.81 on enforced or involuntary disappearances, announced that Uruguay had also become a sponsor. He said that the text differed from General Assembly resolution 43/159 only in the addition in paragraph 7 of wording taken from Commission on Human Rights resolution 1989/25.

16. There had been a minor revision, in that paragraph 4 had been placed immediately before the last preambular paragraph; as a consequence, the words "Further welcomes" should be replaced by "Welcoming", and operative paragraphs from 5 onward should be renumbered.

(Mr. Brethes, France)

17. Given the importance of the struggle against enforced or involuntary disappearances and the vital role of the Working Group of the Commission in that regard, the sponsors hoped that the draft resolution would once again be adopted by consensus.

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

18. Mr. COTTAFVI (Italy), speaking on behalf of the sponsors, introduced draft resolution A/C.3/44/L.82 on human rights in Afghanistan, which as far as possible reflected the conclusions and recommendations of the report on the situation of human rights in Afghanistan (A/44/669). The sponsors hoped that it would be adopted without a vote.

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

19. Mr. KRENKEL (Austria), speaking on behalf of the sponsors, now joined by Cyprus and the United Kingdom, introduced draft resolution A/C.3/44/L.83 on human rights in the administration of justice. The purpose of the draft resolution, which was based on Commission on Human Rights resolution 1989/29 and General Assembly resolution 43/153, was to reaffirm the importance of following United Nations standards for human rights in the administration of justice. The sponsors hoped that, as in previous years, the draft resolution would be adopted by consensus.

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

20. The CHAIRMAN, introducing draft resolution A/C.3/44/L.84 on human rights in the Islamic Republic of Iran, said that he had submitted the draft in his capacity as Chairman of the Committee. It was the result of protracted negotiations between its traditional sponsors and the Iranian delegation. He asked the Committee to consider adopting the draft resolution immediately and without a vote.

21. Draft resolution A/C.3/44/L.84 was adopted without a vote.

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

22. Mr. TESSIER (Canada), introducing, on behalf of the sponsors, draft resolution A/C.3/44/L.85 on human rights and mass exoduses, said that it was intended to ensure the international community's continued awareness of mass exoduses of refugees and to focus attention on preventing exoduses caused by human rights violations. The sponsors believed that it would be adopted without a vote.

AGENDA ITEM 109: EFFECTIVE IMPLEMENTATION OF INTERNATIONAL INSTRUMENTS ON HUMAN RIGHTS, INCLUDING REPORTING OBLIGATIONS UNDER INTERNATIONAL INSTRUMENTS ON HUMAN RIGHTS (continued) (A/C.3/44/L.73)

Draft resolution A/C.3/44/L.73

23. Mr. TROTTIER (Canada), speaking on behalf of the sponsors now joined by Belgium, Iceland and Costa Rica, introduced draft resolution A/C.3/44/L.73 on the implementation of human rights instruments. The sponsors hoped that it would be adopted by consensus. He orally revised paragraph 11 by inserting the phrase "within existing resources" after the word "Secretary-General".

AGENDA ITEM 111: INTERNATIONAL CAMPAIGN AGAINST TRAFFIC IN DRUGS (continued) (A/C.3/44/L.32/Rev.1, L.36/Rev.2 and L.41/Rev.1)

Draft resolution A/C.3/44/L.32/Rev.1

24. Mr. WALKER (Jamaica), introducing, on behalf of the sponsors, draft resolution A/C.3/44/L.32/Rev.1 on international co-operation against drug abuse and illicit trafficking, said that, during the intensive negotiations on draft resolutions dealing with item 111, the sponsors had been guided by two basic considerations. First, no action taken at the current session of the General Assembly should diminish the importance of the special session of the General Assembly devoted to narcotic drugs, to be held in February 1990. Second, because the campaign against drug trafficking required the support of the entire international community, it was necessary to achieve the broadest consensus possible. As a result, various proposals had been combined into a single draft resolution, a revised text of which would be submitted at a subsequent meeting. It was the hope of the sponsors that the draft resolution would be adopted by consensus.

Draft resolution A/C.3/44/L.36/Rev.2

25. Mr. DUHS (Sweden), speaking on behalf of the sponsors, now joined by Belgium, the Federal Republic of Germany, Malaysia and the Ukrainian SSR, introduced draft resolution A/C.3/44/L.36/Rev.2 on a global programme of action against illicit drugs. The revisions were meant to clarify the draft and to ensure its complete compatibility with preparations for the special session devoted to narcotic drugs.

Draft resolution A/C.3/44/L.41/Rev.1

26. Mrs. ASHTON (Bolivia), speaking on behalf of the sponsors, introduced draft resolution A/C.3/44/L.41/Rev.1 on the international struggle against drug abuse and illicit trafficking. She pointed out a number of changes that had been made in the text in order to take into account suggestions made by delegations. They would be incorporated in a revised text to be issued subsequently.

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

AGENDA ITEM 109: EFFECTIVE IMPLEMENTATION OF INTERNATIONAL INSTRUMENTS ON HUMAN RIGHTS, INCLUDING REPORTING OBLIGATIONS UNDER INTERNATIONAL INSTRUMENTS ON HUMAN RIGHTS (continued) (A/44/98, A/44/539, A/44/668, A/44/171, A/44/409-S/20743 and Corr.1 and 2, A/44/551-S/20870 and A/44/689-S/20921)

27. The CHAIRMAN invited the Committee to continue the general discussion on items 12 and 109.

28. Mrs. TASKINUD-DIN (Pakistan) said that the people of Afghanistan were still being denied their fundamental right to self-determination. The Geneva Agreements did not constitute a comprehensive settlement since they addressed only the external aspects of the problem. General Assembly resolution 44/15 provided the framework for an internal settlement of the conflict through the establishment of a broad-based government in Afghanistan to ensure the broadest support and immediate participation of all segments of the Afghan people and the voluntary return of over 5 million Afghan refugees to their homeland in safety and honour.

29. Because of the continuing conflict in Afghanistan, more and more people had been forced to seek refuge in neighbouring countries. The refugees who had returned to Afghanistan were far outnumbered by new arrivals seeking refuge in Pakistan. The refugees would not return to Afghanistan until favourable conditions were created in that country. The continued presence of over 5 million Afghan refugees in Pakistan and Iran demonstrated the sorry state of human rights in Afghanistan.

30. The free exercise of the right to self-determination by the Afghan people remained the basis for any settlement; they could not enjoy human rights under a régime imposed from outside. Her delegation expressed deep regret that the situation of human rights in Afghanistan had deteriorated further. As indicated in paragraph 100 of document A/44/669, opponents of the régime were still being tried by special security courts and the procedural guarantees of the accused were not in conformity with international human rights instruments. There were still more than 3,000 political prisoners in Afghanistan. The conditions of prisoners awaiting trial or verdict were deplorable. The International Committee of the Red Cross had not so far had the opportunity to visit persons awaiting trial.

31. The flow of refugees into Pakistan had increased. Through its indiscriminate acts of retaliation against innocent civilians, the Kabul régime was desperately attempting to perpetuate its rule. It was using highly sophisticated weaponry against its own population inside Afghanistan and Afghan refugees in camps in Pakistan.

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(Mrs. Taskinud-Din, Pakistan)

32. Her country was fully committed to bringing about a comprehensive political settlement and establishing a broad-based, representative government in Afghanistan. In spite of its limited resources, the Pakistan Government had provided relief and shelter to over 3 million Afghan refugees. It would continue to carry out its humanitarian obligations until the refugees were able to return to their homeland safely and voluntarily.

33. Lastly, she drew attention to the 3,000 Bulgarian Muslims who had been forced to take refuge in Turkey. Her delegation hoped that the efforts of the Organization of the Islamic Conference and the bilateral contacts between Turkey and Bulgaria would resolve that issue.

34. Mr. MONTAÑO (Mexico) said that the general political and economic situation and, in particular, the situation of human rights in the world continued to be a cause for concern. Social and economic development and the observance of human rights were essential for peace and justice among nations. His Government was aware of the importance of promoting human rights and had co-operated with the Commission on Human Rights to that end. In that connection, he stressed the need to uphold the principle of universality and ideological pluralism in efforts to protect human rights, and reiterated his delegation's concern about the use of procedure to prevent the taking of decisions on specific cases.

35. Mexico would continue to support the peace efforts of the Central American countries. His delegation was deeply concerned about the suspension of the dialogue between the Government of El Salvador and Frente Farabundo Martí para la Liberación Nacional and about the increased violence, which had serious consequences for the civilian population. It strongly condemned the recent murder of six priests in that country. The General Assembly should call for an immediate cease-fire and the resumption of the dialogue to bring about a political settlement.

36. The report by the Special Rapporteur on the situation of human rights in Chile (A/44/635) demonstrated the progress being made by the Chilean people towards the re-establishment of a representative and pluralist democracy and their desire for peace and national reconciliation. In that regard, he pointed out that draft resolution A/C.3/44/L.87 urged the Government of Chile to make further progress in respect for human rights and fundamental freedoms by adapting the legal system to the relevant principles and provisions.

37. The Iranian Government was continuing to commit acts incompatible with its obligations under international instruments. He hoped that it would reconsider its position and fully co-operate with the Special Representative of the Commission on Human Rights and enable him to visit that country in order to investigate reports of human rights violations.

38. The situation of human rights in Afghanistan was also cause for serious concern. In spite of the withdrawal of foreign troops, peace had not been restored. The continuing violence had increased the number of refugees and

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(Mr. Montaño, Mexico)

prevented their return. Mexico agreed with the Special Rapporteur that a halt to the delivery of weapons from abroad would be a welcome step, leading to a comprehensive political solution.

39. Mr. AZAMBUJA (Brazil) said there was no doubt as to the existence of international competence in the field of human rights but that the promotion and protection of human rights was first and foremost the task of the States themselves. International human rights activities must be primarily humanitarian and not used for political or propagandistic purposes or as a pretext for undermining the principles of non-interference in the internal affairs of other States and of the right to self-determination.

40. Rather than overburdening human rights institutions with additional work, it would be wiser to build on what had already been accomplished. Human rights and fundamental freedoms, being indivisible and interdependent, could be broadened and thereby avoid complicating matters with the assertion of new rights that were already at least implicit in the International Bill of Human Rights. In fact the corpus of human rights had recently been broadened with the adoption of the Declaration on the Right to Development, which was premised on the realization that the full implementation of civil and political rights was dependent upon the implementation of economic, social and cultural rights.

41. His delegation commended the work of the special rapporteurs, who must be assured the co-operation of interested States and act with extreme prudence and with due regard for the complexities of each national situation.

42. His own country was in the process of restoring democracy through its recent free and democratic elections with the participation of no less than 80 million people, a new Constitution that asserted the prevalence of human rights and the ratification of the Inter-American Convention to Prevent and Punish Torture and the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

43. Miss ENKHTSETSEG (Mongolia) said that the United Nations deserved credit for producing a number of major human rights instruments whose effectiveness, however, required adequate implementation at the national and international levels. Unfortunately, the procedures for monitoring compliance with those instruments had suffered because of the enormous backlog of periodic reports and the late submission or even non-submission of overdue reports, the overburdening of supervisory bodies and financial problems.

44. She therefore welcomed the recommendations in the report of the meeting of Chairpersons of human rights treaty bodies in document A/44/98. She welcomed the expected completion of the consolidated guidelines referred to in paragraph 46 and the detailed reporting manual referred to in paragraph 51; the recommendations concerning technical assistance and advisory services, and particularly training courses, in paragraph 60; and the recommendation concerning the financing of the human rights committees at the end of paragraph 70 and the recommendation concerning improved communication in paragraph 68.

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(Miss Enkhtsetseg, Mongolia)

45. In Mongolia, basic laws were being adjusted and improved to meet internationally recognized human rights standards, and Mongolia's periodic reports to the human rights committees had been met with appreciation as reflecting substantial progress in implementing the relevant instruments.

46. U KYAW MIN (Myanmar) said that in reply to comments made about his country in the Third Committee and in the plenary Assembly he wished to report on substantial progress that had been made in his country towards the restoration of democracy and human rights through fair elections. The single-party political system had been replaced by a multi-party one and a multi-party general election was scheduled to be held in May 1990. Implementation of the programme and timetable for holding the general election was proceeding well and on schedule,

47. The decision to hold elections had been made by the country's highest policy-making body, but the conduct and oversight of the election was the responsibility of an independent and widely representative election commission, which would handle all arrangements to ensure free and fair conduct of the election. Foreign missions and news media would be allowed to observe the election and assure themselves that Myanmar was fully capable of undertaking its national responsibility to keep it free and fair.

48. Democracy could flourish only where law and order prevailed, and Myanmar was sparing no effort to make sure that it did. Every citizen must obey the law in order to ensure peace and tranquillity, because freedom without discipline was merely licence and undisciplined democracy meant anarchy. That was why restrictions had been placed on a few politicians, including two leaders from one political party, for violating the law by inciting people to commit acts of violence and to defy State authority.

49. Those restrictions were the very mildest ones provided under the law and, together with the continuation of the curfew and martial law in certain areas of the country, were temporary measures and did not derogate from any non-derogable principles. The political parties which those politicians represented were free to participate in the election and to campaign within the law, and restrictions on political campaigning would be further relaxed as the election date drew near. The political parties would have access to the media during the campaign.

50. He was sorry that some representatives had given credence to unfounded allegations of human rights abuses made by dubious elements while ignoring the real situation in his country as reflected in official statements and documents. Myanmar had a fully developed independent judiciary system and appeals procedures and the authorities made sure that torture and arbitrary extrajudiciary executions were effectively prohibited. It rejected any interference in matters falling solely within its domestic jurisdiction but would always co-operate and accept constructive advice in promoting human rights, to which it was fully committed.

51. Mr. DJOUDI (Algeria) said that the United Nations had justifiably acknowledged the right of self-determination to be a pre-condition for the implementation of other human rights, and he drew attention in that connection to paragraph 1 of the Declaration on the Granting of Independence to Colonial Countries and Peoples in General Assembly resolution 1514 (XV). Renewed efforts must be made to complete the process of decolonization so as to guarantee the rights and freedoms of peoples still under foreign occupation.

52. The protection of human rights was premised on the understanding that all human rights were indivisible and interdependent, as clearly stated in the preamble to the International Covenants on Human Rights and often reaffirmed by the General Assembly. The dignity and value of the individual human person could not be upheld without giving economic, social and cultural rights the same importance as civil and political rights. Any delay in implementing one category of rights could only impede progress in realizing the other category of human rights. There was an international responsibility to work for the implementation of all human rights, including the right to food, education and health.

53. The promotion of human rights was one of the fundamental objectives of the non-aligned countries, which felt that the right of every individual fully to enjoy his civil, political, economic, social and cultural rights was a source of inspiration to them.

The meeting rose at 6.05 p.m.