

SUMMARY RECORD OF THE 49th MEETING

Chairman: Mr. AL-SHAALI (United Arab Emirates)

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The meeting was called to order at 10.15 a.m.

AGENDA ITEM 98: HUMAN RIGHTS QUESTIONS (continued) (A/46/67, 70, A/46/71*-E/1991/9*, A/46/72, 81, 83, 85, 95, 96, 99, 117, 121, 135, A/46/166-E/1991/71, A/46/183, A/46/184-E/1991/81, A/46/205*, 210, 226, 260, 270, 273, 290, A/46/292-S/22769, A/46/294, A/46/304-S/22796, A/46/312, 322, 331, 332, 351, 367, 402, 424, 467, 485, A/46/486-S/23055, A/46/493, 526, 582, 587*, A/46/598-S/23166; A/C.3/46/L.25)

- (b) HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS (continued) (A/46/3 (chap. VI, sect. C), 24, 420, 421, 422, 473, 504, 542, 543, 603, 609 and Add.1 and 2, 616 and Corr.1; A/C.3/46/L.2, L.3)
- (c) HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES (continued) (A/46/3 (chap. VI, sect. C), 401, 446, 529, 544 and Corr.1, 606, 647)

1. Mr. BURTON (United States of America), speaking on sub-item 98 (b) and, more particularly, on the question of periodic and genuine elections, said that his country, which had been founded upon the promise of liberty not only for Americans but for all peoples, shared the hopes and aspirations of the millions of human beings who were experiencing political and intellectual freedom, many for the first time.

2. The "wave of democracy" to which the Secretary-General referred in his report on the work of the Organization to the forty-sixth session of the General Assembly (A/46/1) placed new responsibilities upon the international community with regard to technical assistance to the many countries striving to establish democratic traditions and, in particular, to hold free and periodic elections which provided a guarantee for the protection of human rights and fundamental freedoms. His delegation believed that democracy fostered development and that economic progress proceeded from the aggregate efforts of individuals. It took great interest in the report of the Secretary-General on "Enhancing the effectiveness of the principle of periodic and genuine elections" (A/46/609), whose chapter II, describing United Nations experience in election monitoring, reflected the Organization's role in conducting plebiscites, referenda and elections in Trust and other Non-Self-Governing Territories, its work in Namibia, Panama, Nicaragua and Haiti, and the role it was now playing or about to play in the Western Sahara, Cambodia, Angola and elsewhere. The record was one of which the United Nations and its Member States could be proud.

3. The Secretary-General's report also gave an account of electoral assistance provided by the Centre for Human Rights, the Department of Technical Cooperation for Development and the United Nations Development Programme. Those three bodies were to be commended and encouraged to develop their activities.

(Mr. Burton, United States)

4. His Government agreed with the Secretary-General that the electoral assistance role of the United Nations was founded on the principle of equal rights and self-determination of peoples set forth in Article 1, paragraph 2 of the Charter, the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, and the International Covenants on Human Rights. Furthermore, Article 13 of the Charter required the General Assembly to promote international cooperation in the political field and Article 1, paragraph 3 spoke of encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion, while Articles 55 and 56 of the Charter required the United Nations to promote universal respect for, and observance of, human rights and fundamental freedoms for all. His Government hoped that no one doubted the competence of the United Nations in that sphere and that, subject to case-by-case authorization by the competent United Nations body, the Organization would be able to respond to requests for electoral verification assistance from Member States.

5. However, his delegation agreed with others which had expressed concern on that score that United Nations electoral assistance activities should remain exceptional and be undertaken only in clearly defined situations. In his 1990 report on the work of the Organization (A/45/1), the Secretary-General had proposed criteria for United Nations involvement and had also stressed the high cost of electoral verification missions. The United States Government would carefully review the Secretary-General's views, recommendations and caveats on that issue.

6. The United States was proposing the establishment of a voluntary trust fund to assist in financing electoral missions, disbursements from the fund to be governed by guidelines drawn up by the Secretary-General.

7. The United States did not consider that the United Nations needed a new structure or office for electoral assistance. It shared the Secretary-General's view that a senior official, possibly designated as the Coordinator for Electoral Matters, should be appointed in the Office of the Secretary-General to act as focal point within the Secretariat. The coordinator would assist the Secretary-General in reviewing requests and forwarding them to the appropriate United Nations body, office or programme, ensuring properly considered responses and developing the Organization's institutional memory in electoral matters, as well as in drawing up a roster of international experts who could be called upon as needed. Stressing the usefulness of the role which - without pre-empting or superseding the existing mechanisms - a coordinator for electoral matters could play, he expressed his delegation's hope that the Committee would endorse the Secretary-General's proposal.

8. The new Coordinator would collaborate closely with the Centre for Human Rights, UNDP, and the Department for Technical Cooperation and Development, as well as with regional international organizations, both intergovernmental and

(Mr. Burton, United States)

non-governmental. His Government supported the Secretary-General's proposal to set up a task force which would, inter alia, assist the coordinator in developing detailed guidelines and terms of reference for United Nations electoral involvement, uniform criteria for the assessment of electoral processes and a manual for use by United Nations election monitors.

9. Having carefully considered the 50 or so replies from Member States issued as addenda to the report of the Secretary-General, his delegation noted that the great majority among them supported the Secretary-General's ideas. It hoped that its draft resolution on the subject, to be introduced shortly, would receive the support of all delegations.

10. Mr. SAHRAQUI (Algeria) said that his delegation welcomed the growing interest in human rights over the past several years. The goal of all progress should be human beings, the satisfaction of their material and spiritual needs, the defence of all their civil, political, social, economic and cultural rights, and their protection from all forms of arbitrary treatment, exploitation and domination. In order to ensure the genuine promotion of human rights of both individuals and groups, those rights must be considered globally.

11. The international community should promote collective rights as vigorously as it promoted individual rights since those two categories of rights had not received equal treatment. Civil and political rights were defined as obligatory, without any exceptions whatsoever, while economic, social and cultural rights were considered more as goals to be reached "when conditions permitted".

12. The principal causes of underdevelopment in the countries of the South (increasing debt, the rising prices of imported manufactured goods, protectionism, financial manipulations that sought to transfer the deficits of affluent countries to the least developed countries) were a virtual denial of the right to development. The Declaration on the Right to Development, proclaimed by the General Assembly in its resolution 41/128, demonstrated that the international community had become aware of the inseparability of all human rights.

13. It was the duty of every nation to denounce violations of human rights without exception. However, during the time of ideological confrontation, certain totalitarian regimes had never been singled out for human rights abuses. Their role as ally in the erstwhile struggle had ensured their impunity.

14. Moreover, under colonialism, entire peoples, both individually and collectively, had suffered the terrible hardships of repression and exploitation, which many were doing their utmost to conjure away. The lessons of the past must not be forgotten, especially since current examples seemed to prove that evil had not been eradicated. That was the case in the occupied

(Mr. Sahraoui, Algeria)

Arab territories, as attested in the most recent report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories. That very long document described Israel's unwillingness to cooperate; the occupying Power's recourse to increasingly repressive practices; the use of real bullets and other cruel means of causing death; reputed allegations of systematic torture and maltreatment of prisoners, including minors; and the demolition of houses as a form of collective punishment.

15. Moreover, the Secretary-General's report on detention, torture and other inhuman treatment of children in South Africa (E/CN.4/1991/9) led one to question the true intentions of Pretoria which, in spite of positive developments in the situation, allowed such activities to persist.

16. Underprivileged groups must be protected, regardless of race, sex or religion.

17. The 1989 Algerian Constitution proclaimed that the people intended to establish institutions based on the participation of citizens in the management of public affairs, ensuring social justice, equality and freedom for all. The Constitution recognized the primacy of law for ensuring legal protection and monitoring the activities of the authorities.

18. In post-colonial Algeria, the Algerian people had not been able, for a number of reasons, to be the source of power. Human rights had not always been fully protected. Algeria hoped that it had succeeded in overcoming the traditional ambivalence that characterized post-colonial societies.

19. In a balanced society, the right and duties of the governors and the governed went hand in hand. That fundamental principle must be observed not only at the base but also at the highest level of the State. That was why, in addition to its two independent human rights leagues, Algeria had established a ministry to deal exclusively with human rights issues. Its goal was to make the public more aware of those rights in order to prove that Algeria was worthy of recognition for its promotion of human rights both at home and abroad.

20. Mr. MAKKAWI (Lebanon) said that history had confirmed the aspirations of the authors - which included Lebanon - of the Universal Declaration of Human Rights, adopted by the United Nations in 1948. After decades of sterile ideological confrontation, the basic aspiration for individual freedom had re-emerged. As the Secretary-General had declared in his address two years earlier, on the occasion of the forty-first anniversary of the Declaration, respect for human rights would be one of the themes that would dominate national and international debates during the 1990s. The Declaration, together with the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights, formed the backbone of numerous treaties and conventions that had been adopted by the United Nations since 1948.

(Mr. Makkawi, Lebanon)

21. No State could afford to ignore individual freedom, whether it took the form of aspiration for democratic institutions, or that of nationalism and respect for ethnic identity, or that of economic freedom. One of the major issues arising from that trend was the definition of a constantly evolving relationship between respect for individual freedoms and some of the attributes of State sovereignty. As the Secretary-General had pointed out in his report on the work of the Organization (A/46/1), in cases where human rights were massively violated with all impunity, the jurisdiction of States could not be regarded as a protective barrier from the active criticism of the international community.

22. His delegation expressed its interest in the World Conference on Human Rights, to be held at Berlin in 1993. His delegation had examined the report of the Preparatory Committee for the Conference and welcomed its idea of recommending to the General Assembly to reiterate its invitation for contributions of extrabudgetary resources to meet the cost of participation of representatives of least developed countries in the Conference, and to extend invitations to the chairmen of bodies established under international human rights agreements. It also supported the Preparatory Committee's decision to call for regional meetings in preparation for the Conference, and to encourage such participation within the framework of the Economic and Social Council for Western Asia (ESCWA) or with its assistance.

23. Lebanon was pleased that the Working Group on the Drafting of an International Convention on the Protection of the Rights of All Migrant Workers and Their Families had nearly completed its work. As international frontiers disappeared and economies became more interdependent, there was an urgent need for a legal framework that would enable national legislations to fight racial, religious or ethnic intolerance in cases involving migrant labour. Lebanon was also very concerned about the plight of women and children, who were the most vulnerable segment of its population and had been subjected to continuous trauma over 16 years of upheavals. Only the recent return of peace, law and stability had made it possible for Lebanon to begin to measure the magnitude of the disaster, with the assistance of UNICEF and other agencies, to which it extended its deep gratitude.

24. His delegation welcomed the completion by the open-ended working group of the Commission on Human Rights of the draft Declaration on the protection of all persons from enforced or involuntary disappearance. Lebanon, where disappearances and illegal abductions and detentions had been a common occurrence for years, looked forward, with the restoration of central authority following the Taif Agreement, to the very early release of the last hostages detained by illegal groups in the country.

25. His delegation deplored the fact that despite the end of violence and arbitrariness in the rest of the country, the human rights situation in the part of southern Lebanon under the control of Israel had gravely deteriorated. As the Israeli military authorities had later acknowledged,

(Mr. Makkawi, Lebanon)

Israeli troops had opened fire without provocation on entire villages, preventing any emergency food and medical supplies from reaching them, and had forced the deportation of the whole population of one village for no reason at all, at the very moment when Israeli delegates were smiling and talking of peace and cooperation at the Madrid peace conference. Shelling at any time of the day or night, curfews, kidnappings, expulsions, arbitrary detentions, torture, the barring of representatives of the International Committee of the Red Cross (ICRC) and Amnesty International from visiting detention camps, the seizure and use of agricultural lands for military purposes, the diversion of water resources to Israel - the list of violations endured by the civilian population of southern Lebanon under Israeli occupation since 1978 was endless. Israel did not even bother to respond to the Economic and Social Council decision on the situation of human rights in southern Lebanon (Commission on Human Rights resolution 1991/66 of 6 March 1991), or to the note from the Secretary-General dated 11 September 1991 (A/46/446).

26. So long as Israel did not abide by the international will expressed in Security Council resolution 425 (1978) and withdraw unconditionally from Lebanon, human rights violations would continue to occur and on an even greater scale. As one of the founding Members of the United Nations and one of the signatories of the United Nations Charter, Lebanon wondered for how long another State, created by the United Nations in 1947 by General Assembly resolution 181 (II), would be allowed to perpetrate and perpetuate such human rights violations. Having endured the miseries of occupation and war, Lebanon was eager to use its experience to promote respect for the human rights that its society had always advocated in a practical and effective way.

27. Mr. VILLAGRAN DE LEON (Guatemala) observed that certain well-meaning countries were disturbed by the human rights situation in Guatemala, but that his Government was the first to be concerned about defusing the violence, putting an end to armed clashes by means of dialogue and negotiation, consolidating its democratic institutions, and improving its judicial system. It accepted the role and assistance of the United Nations in the protection of human rights and was on good terms of cooperation with the international human rights organizations. The situation in Guatemala was being followed closely by the Commission on Human Rights, which had named an independent Expert for that purpose, Mr. Christian Tomuschat, who had recently visited Guatemala. Far from denying or concealing the fact that a complex and painful situation existed, his delegation asked only that it should be considered with objectivity and without political bias.

28. Unfortunately, the problem of violence in Guatemala had been exaggerated and distorted abroad, especially in North America and Europe, by certain groups following a political agenda. Guatemala was experiencing a serious crime problem, the product of a difficult socio-economic situation; a growing number of violent acts were committed in the country by organized drug traffickers, rebel bands were engaged in violence and terrorism, and all was compounded by political violence for which the Government was not

(Mr. Villagran de Leon, Guatemala)

responsible. Those different sources of human rights violations were fed by a tradition of abuse of authority and illegitimate use of force by influential members of various social groups. It was that whole culture of impunity that his Government was currently trying to stamp out.

29. His Government could therefore not tolerate the automatic assumption that there was a political reason behind the acts of violence. Yet it readily acknowledged that the main obstacles to its efforts to improve the human rights situation were the armed uprising, the tradition of impunity, and the shortcomings of the judicial system.

30. Thanks to the work being done by the independent ombudsman and government human rights agencies, there was increasing recognition of the need to adopt a system of rights guarantees. The Government had launched a large-scale education project in the field of human rights (seminars for teachers, publications, radio and television broadcasts). The Attorney General was endeavouring, for his part, to consolidate the judicial system. The Government had, moreover, established a Presidential Commission to investigate human rights violations and devise a system of human rights guarantees.

31. To be sure, some serious human rights violations continued to be committed, but the independent ombudsman named by the Congress of Guatemala had found in his report that their number had diminished during the past year, a fact confirmed by various independent observers. Under the circumstances, how could it be said that the situation had deteriorated? In any case, his Government would not be satisfied simply with reducing the acts of violence, and it would intensify its efforts to put an end to the violence, re-establish peace and bring about reconciliation.

32. It was in that spirit that the Government of President Serrano had launched its "total peace initiative", aimed not only at putting an end to the armed struggle but also at laying the bases for reconciliation and peaceful coexistence in Guatemala. The Government has entered into direct negotiations with the rebel groups, and the negotiations were being pursued through a national commission attended by an observer sent by the United Nations Secretary-General. Convinced that there was no justification for the armed conflict, the Government remained true to its commitment to promote a negotiated settlement. However, the rebel groups must show their political will by taking realistic rather than dogmatic positions and by renouncing terrorism. Despite the end of the ideological confrontation between East and West, the thinking of certain social groups did not yet conform to the new situation and they were holding on to positions dating from the cold war.

33. His Government appreciated the support given by the international community to the peace process in Central America and to the negotiations aimed at total peace in Guatemala.

34. Mr. MONTAÑO (Mexico) welcomed the emergence of a new international order which was both democratic and diversified. Pluralism, national sovereignty and respect for the rights of the minorities and the specific characteristics of each nation were essential to political development. However, economic stagnation and, above all, impoverishment threatened the social equilibrium. Without development, human rights would remain precarious, and the political culture which should underlie democratic institutions would not see the light of day.

35. The international community, which had applauded all the victories of democracy and of human rights and fundamental freedoms, had unfortunately failed to grasp the extent to which development was essential to reinforcing such progress. Free elections alone would not resolve the harrowing problems of poverty, as the painful example of Haiti had shown.

36. Mexico believed that the electoral assistance which the United Nations could provide was useful, but in that regard recalled that, in accordance with General Assembly resolutions 44/146 and 44/147, countries had the right to determine their political, economic and social systems without external interference, and that, as affirmed by the Secretary-General in paragraph 79 of his report on enhancing the effectiveness of the principle of periodic and genuine elections (A/46/609), requests for electoral assistance should pertain "primarily to situations with a clear international dimension".

37. He stressed that the principle of the sovereignty of States should remain inviolable, quoting in that regard the report of the Secretary-General (A/46/1), according to which "violations of human rights imperil peace, while disregard of the sovereignty of States would spell chaos", and the defence of human rights should not "become a platform for encroaching on the essential domestic jurisdiction of States and eroding their sovereignty", for nothing would be a surer prescription for anarchy.

38. The World Conference on Human Rights to be held in 1993 would provide a forum for consideration of the relationship between development and the universal enjoyment of economic, social and cultural rights, as well as civil and political rights, and for a review of the mechanisms for protecting fundamental freedoms and the formulation of recommendations with a view to creating the conditions which would enable all peoples of the world to enjoy such rights. It should create a full awareness of the importance of economic recovery in terms of respect for human rights. It was in that area that international cooperation could be the most fruitful over the years to come.

39. In view of the wide disparity in socio-economic development, it was essential to ensure the protection of the human rights of the most vulnerable groups, particularly migrants, whose number had greatly increased following the upheavals of recent years. The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and all activities aimed at protecting indigenous people, notably the International Year for the World's Indigenous People, were therefore important.

(Mr. Montaña, Mexico)

40. Convinced that respect for human rights in El Salvador was linked to a peace process, the Mexican Government had supported all efforts made, through the mediation of the Secretary-General, to achieve a political solution to the internal conflict which ravaged that country. It hoped that the United Nations Observer Mission in El Salvador (ONUSAL) would contribute to the re-establishment of peace.

41. The commitment of the Mexican Government to human rights was confirmed by the creation of a National Human Rights Commission, and by the draft law which was intended to confer constitutional status on that Commission. Other draft federal legislation also concerned human rights (prevention and punishment of torture, reform of the Penal Code and of the law on the protection of minors). In addition, Mexico was a party to the main international conventions on human rights and accepted the control mechanisms of the United Nations.

42. The changes in the contemporary world and United Nations activities in the field of human rights were justified by the principles that had governed the creation of the United Nations, which should be maintained in respecting the sovereign equality of States, whilst avoiding the use of fundamental human values as a means of political pressure.

43. Mr. JESUS (Cape Verde) said he was glad to note that human rights were no longer regarded as a taboo, which if even mentioned in the General Assembly in the past, would have constituted interference in the internal affairs of States. Instead, they were now regarded as one of the most serious world problems of the day. Such increased national and international awareness, which was largely due to the determination and dedication of non-governmental organizations, would greatly help to improve the situation.

44. Today, no one would dare to deny human rights, but those ready to act in their defence were few. Violations of human rights, whether the victims were political opponents or ethnic minorities, were only too frequent. All too often, despite policies announced enthusiastically and the laws promulgated to implement them, violations of human rights were tolerated for reasons of State. Respect for human rights could not be applied selectively. The national interest should not override the will of the "peoples of the United Nations", who had proclaimed in the Charter their faith in "fundamental human rights (and) in the dignity and worth of the human person".

45. Of all the recent violations of human rights, the massacre in East Timor, where over 100 innocent civilians had been killed or wounded by Indonesian forces, was of particular concern to Cape Verde, which had shared the history of East Timor during five centuries of Portuguese colonization. Cape Verde had condemned such atrocities in a joint declaration with Angola, Guinea-Bissau, Mozambique and Sao Tome and Principe. It urged the Indonesian Government to put an end to its violence against a peace-loving people, whose only crime was their attachment to freedom and their determination to exercise

(Mr. Jesus, Cape Verde)

their inalienable right to self-determination and independence. It was regrettable that the events in East Timor had met with silence from the international community, which could not proclaim its commitment to human rights without demanding that such rights should be respected in East Timor.

46. Mr. GOSHU (Ethiopia) said that over the past 17 years, Ethiopia had been the arena for serious human rights violations, particularly mass murders, arbitrary detention and disappearances. Today, however, the situation had improved remarkably. In May 1991, the armed forces of the Ethiopian Peoples Revolutionary Democratic Front (EPRDF) had put an end to the authoritarian regime of Mengistu Haile Miriam. The Front had assumed power, and one month later, had organized a national conference bringing together over 20 ethnic groups, organizations and political movements to deliberate on the political future of Ethiopia. The conference had negotiated political arrangements for the next two years, following which free and fair elections would be organized. It had adopted a national charter which, in clear and unambiguous terms, defined the fundamental rights of Ethiopians. It had also established a Transitional Government with a pluralistic Cabinet and Council of Representatives.

47. The charter began with a tribute to the Universal Declaration of Human Rights and to the individual rights which were the very essence of its principles. It guaranteed, inter alia, freedom of conscience, expression, association and peaceful assembly, the right to engage in political activities without restriction and the right to organize political parties.

48. Beyond individual rights, the Ethiopian charter very emphatically affirmed the right of nations, nationalities and peoples to self-determination. It recognized the right of all ethnic groups and all nationalities in Ethiopia to provide their culture and history, manage their own regional affairs and participate in government on the basis of the principles of freedom and fair representation. The charter clearly spelled out their right to determine their own future, even if that meant independence. Within that general framework, the Transitional Government of Ethiopia and the Provisional Government of Eritrea had signed an agreement on the future of Eritrea, which would be determined by the inhabitants of Eritrea in an internationally supervised referendum.

49. In the past six months, the Transitional Government of Ethiopia had more than proved its commitment to the principles of the Charter of July 1991. The current political scene in Ethiopia was characterized by a proliferation of political organizations propagating the most diverse views. The press was free and lively, and the debate on Ethiopia's future was proceeding enthusiastically in an atmosphere of unprecedented tolerance. Finally, the country had never seen so many demonstrations of all kinds.

50. The peaceful transformation of Ethiopia was beginning to have an impact in the Horn of Africa. In proclaiming its commitment to the principle of

(Mr. Goshu, Ethiopia)

peaceful coexistence and the pursuit of mutually advantageous relations with its neighbours, Ethiopia had created a favourable political climate. Moreover, the decision by the Transitional Government to waive visa restrictions for citizens of neighbouring countries - which had already been done for Kenya and had been reciprocated by the Sudan - was conducive to the free flow of people and ideas.

51. A number of national leaders had, at one time or another, been victims of arrest, torture or persecution. Consequently, there was a clear determination to prevent any recurrence of the tragedies recently experienced by the Ethiopian people by the institution of the necessary safeguards such as human rights monitoring groups and a national human rights commission.

52. In one of its early statements, the Transitional Government had announced its intention of acceding to and ratifying the International Covenant on Civil and Political Rights and all other human rights instruments.

53. Thanks to the pragmatism and sense of organization of EPRDF, the bloodbath that had been widely feared in the final days of the Mengistu regime had been avoided. There had been no reprisals and there would be none. Senior officials of the previous Government had no doubt been arrested and placed in custody pending investigation. Those accused of wrongful or criminal acts would be tried openly by an independent judiciary in civilian courts and international human rights organizations would be authorized to send observers if they so wished.

54. His delegation looked forward to the World Conference on Human Rights in 1991, which would serve to promote individual rights and contribute to the improvement and implementation of human rights standards.

55. Ethiopia was in need of the technical assistance and advisory services provided by the Centre for Human Rights, to which it would, at an appropriate time, submit detailed requests for training and technical cooperation.

56. Mr. VAN LIEKOP (Vanuatu), recalling that, in the nineteenth century, the American humanist, Thoreau, had allowed himself to be thrown into prison rather than be part of a society which tolerated slavery, denounced those who, in modern times, found rationalizations for their inactivity against apartheid and other human rights violations.

57. How could the international community, so committed in word to fundamental freedoms, have remained silent in 1975 when Indonesia had invaded East Timor? Would the universality of the principles of the United Nations remain an empty word? Indonesia had now repeated its offence: on 12 November, its security forces had massacred 80 to 100 unarmed demonstrators who were protesting the death by shooting of a 16-year-old youth two weeks earlier while he was seeking sanctuary in a church. On that recent occasion, however, the world had been witness to the horror.

(Mr. Van Lierop, Vanuatu)

58. Indonesia had announced that the Commander of its armed forces would launch an inquiry into the matter. However, while not wishing to accuse every member of the Indonesian armed forces of involvement, his delegation believed that an independent inquiry would be more credible. Vanuatu was on friendly terms with both East Timor and Indonesia. Over the years it had almost always found itself agreeing with Indonesia on all the issues debated in the General Assembly. The question of East Timor was an exception to that rule; to remain silent on that tragedy would be to deny the history and principles of Vanuatu. The events had been secretly filmed by two journalists, who had risked their lives in the process. His delegation did not fully comprehend why, despite existing precedents, the Secretariat had been unable to arrange a screening of the film for the Third Committee. However, exceptional procedures were justified in order to expose the truth about such serious events. The delegations of Angola, Cape Verde, Guinea-Bissau, Mozambique, Portugal, Sao Tome and Principe and Vanuatu invited delegations to a screening later that same day, at which the two journalists would be present. His delegation appealed to the people of East Timor and Indonesia to join forces in a search for a peaceful solution, based on respect for the legitimate aspirations of the people of East Timor and the principles and practices of the United Nations, but without overlooking the political realities and legitimate interests of Indonesia.

59. The question of East Timor highlighted the international community's inability to find comprehensive and coherent solutions to problems of that nature. The reaction of the United Nations to that crisis would indicate whether it had learned any lessons from the tragic conflict in the Gulf.

60. The end of the year holidays were approaching, but in many parts of the world, the disadvantaged had very little reason to celebrate - whether they were Palestinians, South Africans or the inhabitants of East Timor. On every continent, senseless ethnic conflicts were inflamed by the hateful rhetoric of self-serving demagogues.

61. The 1993 World Conference on Human Rights would provide an opportunity to improve the protection of human rights throughout the world. Like the Nordic countries, whose views had been expressed by the Ambassador of Sweden, Vanuatu believed that the efforts should be largely focused on the implementation of existing international instruments. Unfortunately, Governments often lagged behind peoples when it came to taking initiatives to protect human rights.

62. Even in their own countries, champions of human rights were not always well received, particularly by those wielding power. He therefore saluted the courage of those who, in anonymity or at the risk of being ostracized, imprisoned or even killed, were at the cutting edge of the struggle. As Thoreau had said, in a country where even one person was unjustly imprisoned, the true place for a just man was also a prison.

(Mr. Van Lierop, Vanuatu)

63. The international community must unite in order to obtain the rapid release of all those who were still unjustly imprisoned because of their struggle for human rights.

64. Mr. GANSUKH (Mongolia) welcomed the holding in 1993 of the World Conference on Human Rights, which would offer the world community an opportunity to take stock of its achievements and shortcomings in the field of human rights, and the preparatory process for which would open up new possibilities for the formulation of national, regional and global policies.

65. While much had certainly been done to codify the implementation of human rights, a whole set of new measures was required in order to improve the situation, which remained very alarming. The World Conference should lead to positive results in that regard.

66. For the second consecutive year, Mongolia was instituting profound political, social and economic reforms. The main task had become one of consolidating the democratization of the country and establishing the legal and other foundations which would rule out any return to the old order. In that regard, the constitution which was being elaborated was of great importance and Mongolia was grateful to the Centre for Human Rights for its assistance in drafting the text, lending its support for a seminar on human rights and translating a number of human rights documents into Mongolian.

AGENDA ITEM 92: ELIMINATION OF RACISM AND RACIAL DISCRIMINATION (continued)
(A/C.3/46/L.9/Rev.1)

67. The CHAIRMAN said that draft resolution A/C.3/46/L.9/Rev.1 introduced by Gabon on behalf of the Group of African States was the product of far-reaching consultations between delegations and that, if he heard no objection, he would take it that the Committee wished to adopt the text without a vote.

68. Draft resolution A/C.3/46/L.9/Rev.1 was adopted.

69. Mr. VAN DER HEIJDEN (Netherlands), speaking on behalf of the member States of the European Community in explanation of vote after the vote, emphasized that the Twelve supported the efforts made by the United Nations to combat racism and racial discrimination and, in particular, the second Decade proclaimed for that purpose. For that reason, they had immediately contacted the sponsors of the draft resolution to suggest that paragraph 18, which did not take into account the positive developments in the situation in South Africa, should be reworded. The Twelve thanked the Group of African States for the constructive attitude it had taken, particularly in regard to that paragraph, which had enabled the member States of the European Community to support the draft resolution as they had done in previous years.

70. Mr. SIGURDSSON (Iceland), speaking on behalf of the Nordic countries in explanation of vote after the vote, emphasized that the draft resolution had been the subject of far-reaching consultations in which the Nordic countries had actively participated and that it took into consideration the concerns they had expressed. He thanked the sponsors for their cooperation which had enabled the Committee, as in previous years, to adopt the draft resolution without a vote.

71. Mr. BURTON (United States of America) said that his country had not participated in the discussions nor in the adoption of the draft resolution; it had not participated in the adoption of resolutions concerning the First and Second Decades or activities undertaken in connection with them since 1975, the year in which the General Assembly, in resolution 3379 (XXX), had stated that zionism was a form of racism and racial discrimination. President Bush had asked for that resolution to be repealed immediately and his delegation reiterated that position.

72. Mr. NAIM (Israel) said that, while maintaining its outright condemnation of racism in all its forms, Israel felt compelled to refrain from participating in the vote on the draft resolution concerning the Second Decade to Combat Racism and Racial Discrimination, since it was linked to General Assembly resolution 3379 (XXX) which maliciously equated zionism with racism.

INTRODUCTION OF DRAFT RESOLUTIONS

AGENDA ITEM 98 (a): IMPLEMENTATION OF HUMAN RIGHTS INSTRUMENTS

Draft resolution A/C.3/46/L.40

73. Mr. SIGURDSSON (Iceland), introducing the draft resolution on behalf of its sponsors, which also included New Zealand, recalled that the United Nations Voluntary Fund for Victims of Torture had been established in 1981 by General Assembly resolution 36/151. The Fund, which was administered by the Secretary-General and a Board of Trustees, provided humanitarian, legal and financial aid to victims of torture and to their relatives, and its activities were detailed in the report of the Secretary-General (A/46/618).

74. The Board of Trustees, having noted that regular contributions facilitated support for large-scale projects in the long term, was asking donors to pay the contributions they had pledged as rapidly as possible since pledges could not be taken into account in long-term planning. The draft resolution was similar to resolutions which had been adopted in previous years on the same subject. After reading paragraphs 1, 2 and 4, he said that the sponsors hoped that it would be adopted without a vote.

Draft resolution A/C.3/46/L.41

75. Mr. KESSEL (Canada) introduced draft resolution A/C.3/46/L.41 entitled "Effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights" on behalf of the sponsors.

76. The draft text reflected the concerns generally expressed in previous years in resolutions of the Third Committee, the Economic and Social Council and the Commission on Human Rights regarding the effective implementation of international instruments on human rights. The effective implementation of resolutions on the issue was an essential condition for the implementation of those instruments. The draft text reaffirmed that it was the responsibility of the General Assembly to ensure the proper functioning of all human rights treaty bodies and that to that end it was necessary to have an effective system of reporting and sufficient resources. The draft resolution called on the Assembly to endorse the conclusions and recommendations of the second and third meetings of persons chairing the human rights treaty bodies aimed at streamlining, rationalizing and otherwise improving reporting procedures and requested the Secretary-General to give high priority to establishing a computerized database to improve the efficiency and effectiveness of the treaty bodies. Paragraphs 11 and 12 stressed the fact that it was important to put arrangements for meeting the costs of implementing the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment on a viable basis by drawing on the United Nations regular budget.

77. Draft resolution A/C.3/46/L.41 had no financial implications for either the current budget or that for the biennium 1992-1993 and he hoped that it would be adopted by consensus as had been the case with similar resolutions in previous years.

Draft resolution A/C.3/46/L.42

78. Ms. BOGARDE (Sweden) introduced the draft resolution entitled "Implementation of the Convention on the Rights of the Child" on behalf of the 68 sponsors and announced that Belgium, Benin, Guinea, Ireland, Lesotho, Paraguay and Samoa had joined the sponsors. After reading out several of the provisions, she pointed out that 57 reports of States parties were due to be submitted in 1992; that problem was referred to in the interim report of the Committee on the Rights of the Child (CRC/C/7), which had not yet been submitted to the General Assembly since it had to be submitted through the Economic and Social Council. The sponsors of the draft resolution considered that steps would have to be taken to deal with the situation resulting from the success of the Convention.

79. Regarding measures to be taken for 1992, operative paragraph 12 of the draft resolution was concerned with the financing of the working group of the whole of the Committee but not with the duration of the Committee's sessions,

(Ms. Bogarde, Sweden)

which under article 43, paragraph 10, of the Convention, was to be determined by the States parties and approved by the General Assembly. Since the working group would be able to meet for the three weeks already approved by the States parties, that provision related only to the additional travel costs of 10 experts. The sponsors understood that a statement of programme budget implications would be submitted to the Third Committee. As to arrangements for 1993 and beyond (covered by operative paragraphs 9, 10 and 11), no decision could be taken on the duration of sessions until the matter had been considered by the States parties and an interim report constituting the first part of the Committee's first biannual report had been approved by the Economic and Social Council, which would consider the interim report at its session in 1992. A brief meeting of the States parties would have to be convened to approve the Committee's recommendations concerning the duration of its session before the Third Committee took up the question at the forty-seventh session of the General Assembly. For the cost of that meeting to be covered from existing resources, it would have to be held as one of the meetings already allocated to the Third Committee. The Secretary-General would submit a report on the status of the Convention to the General Assembly at its forty-seventh session under the agenda item entitled "Human rights questions".

80. The sponsors of draft resolution A/C.3/46/L.42 hoped that it would be adopted by consensus.

AGENDA ITEM 98 (b): HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

Draft resolution A/C.3/46/L.3/Rev.1

81. Mr. OLIYNYK (Ukraine) introduced draft resolution A/C.3/46/L.3/Rev.1, entitled "Non-discrimination and protection of minorities", on behalf of the sponsors, who had been joined by the Philippines. He thanked those delegations which had shown interest in the draft resolution, an Ukrainian initiative that went back to the forty-fifth session of the General Assembly. In an effort to win unanimous acceptance of the draft resolution, the sponsors had removed the provisions that had constituted an obstacle to consensus and had focused on the main objective, which was to complete the final text of the draft declaration on the rights of persons belonging to national, ethnic, religious and linguistic minorities. In the preamble, reference was made to article 27 of the International Covenant on Civil and Political Rights, the only text dealing with minorities. It was appropriate in that regard to underline the role of legal instruments already in existence.

82. While regretting the slow pace of the elaboration of the draft declaration, he felt that it was entirely possible to complete that process as the draft declaration was intended only to set out in a general manner the main principles of the protection of minorities and ways and means of ensuring such protection; only afterwards would specific legal provisions be developed for its implementation.

(Mr. Oliynyk, Ukraine)

83. He expressed the hope that the draft resolution would be adopted by consensus.

Draft resolution A/C.3/46/L.26*

84. Mrs. WARZAZI (Morocco), introducing draft resolution A/C.3/46/L.26*, entitled "World Conference on Human Rights", announced that Algeria, Argentina, Bangladesh, Benin, Burundi, China, Latvia, the Libyan Arab Jamahiriya, Pakistan, the Philippines, the Union of Soviet Socialist Republics and Vanuatu had joined the sponsors.

85. A major step forward had been taken since 1989, when her country had put forward the idea of a world conference on human rights. In September 1991, the first session of the Preparatory Committee for the Conference had adopted, without a vote, six decisions that were now before the General Assembly.

86. The preambular part of the draft resolution submitted to the Third Committee recalled principles dear to the Committee and welcomed the appointment of the Under-Secretary-General for Human Rights as Secretary-General of the World Conference. The operative part reflected the Preparatory Committee's six decisions, while placing emphasis on the participation of representatives of the least developed countries in the preparatory meetings, including regional meetings and the World Conference itself. She hoped that the draft resolution would receive unanimous approval.

87. Adoption of the draft resolution would not automatically mean approval of document A/C.3/46/L.35, concerning the programme budget implications of the draft resolution. It was, of course, for the Fifth Committee to decide on the budget of the Conference. Nevertheless, it should be noted that of the four meetings referred to in paragraph 13 of document A/C.3/46/L.35, three would in fact be held away from headquarters (in Costa Rica for Latin America and the Caribbean, in Tunisia for Africa and in Bulgaria for Europe). Furthermore, most of the sponsors of the draft resolution felt that the estimates set forth in document A/C.3/46/L.35 were too low. She hoped that all the sponsors of the draft resolution would urge the delegations participating in the work of the Fifth Committee to augment the budget of the Conference.

Draft resolution A/C.3/46/L.34

88. Mr. FERNANDEZ (Cuba), speaking on behalf of the sponsors, who had been joined by the Islamic Republic of Iran, introduced draft resolution A/C.3/46/L.34, entitled "Alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms". Since the General Assembly's historic resolution 32/130 the majority of Member States had regularly reaffirmed their support for similar resolutions on that question.

(Mr. Fernandez, Cuba)

89. In the draft resolution before the Committee, the sponsors were defending two basic ideas, the first being that all human rights and fundamental freedoms were indivisible and interdependent. The archaic conception of human rights as having a purely individual dimension had been superseded by recent events, whence the second key idea of the draft resolution, namely that among the most important of the collective rights of peoples was the right to development. That presupposed a more just international economic order and a solution to North/South imbalances.

Draft resolution A/C.3/46/L.36

90. Ms. VASSILIOU (Greece), introducing the draft resolution concerning the strengthening of the Centre for Human Rights, on behalf of the sponsors, who had been joined by Algeria, Benin and Yugoslavia, read out some of the provisions of the draft resolution, all of which pointed to the fact that the Centre's workload had continued to increase by reason of decisions of intergovernmental and expert bodies and that it must be provided with the necessary staff and financial resources to enable it to carry out its numerous functions. That was stated more particularly in operative paragraph 2, in which the Secretary-General was requested, when preparing his proposals for the following year, to ensure that sufficient resources were accorded to the Centre to enable it to carry out all of its mandates, including the additional ones entrusted to it after the finalization of the proposed programme budget for 1992-1993. She also pointed out that the title of the draft resolution ("Strengthening of the Centre for Human Rights") differed from that of the previous year's resolution ("Developments relating to the activities of the Centre for Human Rights of the Secretariat"), the sponsors having felt that the title should be changed to indicate more clearly the aim of the resolution.

91. She added that, by recalling resolution 45/248 B in the third preambular paragraph, the authors wished to show their respect for the decision of the General Assembly concerning non-involvement in the areas of competence of its Main Committees, and particularly of the Fifth Committee. It had never been their intention not to respect that Committee's competence. The sponsors had therefore been very careful in drafting the text of draft resolution A/C.3/46/L.36. They believed that the Main Committees should work in close cooperation when dealing with issues that were of concern to all of them. Furthermore, it was only natural that the Committee which dealt with human rights questions should be concerned about adequate staffing for the Centre for Human Rights to enable it to carry out effectively, in full and on time, all the mandates assigned to it by Member States.

92. While some steps had been taken to increase the human and financial resources of the Centre, those had been quite inadequate. The conversion of temporary posts to established posts, although a positive step, had not resulted in an increase in the manpower of the Centre. The statistics showed that in 1990 the number of meetings serviced had increased by 84 per cent over

(Ms. Vassiliou, Greece)

the 1985 total, advisory services and technical assistance by 900 per cent, and special procedures mandates by 300 per cent. Established posts in 1990-1991 (76 in total) had decreased by 6 per cent since the period 1982-1983 (a total of 81 at that time). Under those circumstances, the efforts of the Centre to carry out its increased responsibilities were indeed commendable. Under the able leadership of the Under-Secretary-General, the Centre had been reorganized and it was using its human resources to the fullest possible extent. The Under-Secretary-General and his staff had worked closely with the Management Advisory Service in reviewing the organization and staffing of the Centre. The authors of draft resolution A/C.3/46/L.36 believed that if it was difficult to allocate to the Centre the additional resources needed to carry out its increased responsibilities, the Committee should stop assigning to it additional mandates. That of course would mean that it should stop promoting further the cause of human rights, which the international community could not afford to do at a time when the United Nations was required to strengthen its role in that area in view of the current changes in the international climate and the rise of democracy in many parts of the world and in view of the fact that the Secretary-General in his most recent report on the work of the Organization (A/46/1) had said that the protection of human rights had now become one of the keystones in the arch of peace and that the Under-Secretary-General for Human Rights, in his introductory statement, had said that the human rights programme was increasingly seen by world public opinion as a test of the Organization's effectiveness. That was why the 61 sponsors from all regional groups appealed to the Fifth Committee, when examining the proposals of the Secretary-General, to ensure that the Centre's human and financial resources would permit it to carry out all its mandates, old, new and additional ones, since the responsibility lay with all States Members of the Organization, which had pledged themselves under the Charter to promote and respect human rights, to work towards that objective.

93. The draft resolution had no financial implications for the budget of the current biennium and she hoped that it would be adopted without a vote, as it had been in the Economic and Social Council and in the Commission on Human Rights.

Draft resolution A/C.3/46/L.38

94. Mr. KRENKEL (Austria), introducing draft resolution A/C.3/46/L.38 entitled "Human rights in the administration of justice" on behalf of the sponsors, said that the draft resolution sought to draw attention once again to the many international norms that existed in the area of the administration of justice and were an integral part of the system of protection of human rights. He drew attention, in particular, to operative paragraphs 1, 2, 3 and 7 (a), (b) and (c).

95. Since the results of the Ministerial Meeting at Paris were still pending, the sponsors had not touched upon the subject of the creation of a new and effective crime prevention and criminal justice programme and its possible

(Mr. Krenkel, Austria)

impact on the activities of the United Nations in the field of the administration of justice.

96. The fourth line of paragraph 5 should read: "particular attention to the effective implementation of existing standards and instruments in the field of human rights".

Draft resolution A/C.3/46/L.39

97. Mr. LAZARO (Peru), introducing draft resolution A/C.3/46/L.39 entitled "Human rights and extreme poverty" on behalf of the sponsors, said that the Dominican Republic, Paraguay and Senegal had joined the sponsors of the draft resolution.

98. He recalled resolution 1991/14 adopted by the Commission on Human Rights at its forty-seventh session, to which the draft resolution presented to the Third Committee added nothing to the substance. The primary objective of the draft was to request the Commission on Human Rights to give appropriate consideration, in directing its studies of extreme poverty, to the causes which, combined with poverty, exacerbated social conflict and created situations of violence which affected the life of peoples and States. It did not seek to prejudge the orientation of the work of the experts but rather to suggest themes of reflection for the plan of work to be adopted during the initial phase of the proposed studies. The authors of the draft had been careful to avoid expressing any preferences and had merely sought to introduce an element which obviously needed to be taken into account in the studies to be undertaken.

99. It was his delegation's hope that the draft resolution would be adopted by consensus.

100. Mr. FONTAINE ORTIZ (Cuba) drew attention to the letter from the Controller addressed to the Chairman of the Third Committee on the programme budget implications of draft resolutions A/C.3/46/3. During the current year, several resolutions again contained provisions which, in the view of his delegation, were linked to questions that were within the competence of the Fifth Committee. That was why the delegation of Cuba was officially requesting that the Third Committee should be addressed by the Controller, or, failing that, another senior official responsible for budgetary questions, before it took a decision on the paragraphs in question and without prejudice to their relevance to the substance of the draft resolution.

101. Ms. VASSILIOU (Greece), replying to the statement made by the representative of Cuba, said that the letter of the Controller concerned those draft resolutions that had programme budget implications. It did not concern draft resolution A/C.3/46/L.36. While acknowledging the usefulness of hearing the view of the competent officer in the Office of the Controller on certain questions of procedure, Greece was officially requesting that the Third Committee should invite the Legal Counsel to give his view.

102. Mr. FONTAINE ORTIZ (Cuba) said that he had not referred to a particular draft resolution. Nevertheless, he would support the proposal of the representative of Greece in so far as the views of the Legal Counsel would also be useful to the Third Committee.

The meeting rose at 1.10 p.m.