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New York

SUMMARY RECORD OF THE 58th MEETING

Chairman: Mr. SOMAVIA (Chile)

CONTENTS

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

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The meeting was called to order at 11.10 a.m.

AGENDA ITEM 12: REPORT OF THE ECONOMIC AND SOCIAL COUNCIL (continued)
(A/C.3/45/L.62, L.71, L.72/Rev.1, L.73/Rev.1, L.75, L.76, L.77, L.78, L.79, L.80,
L.82, L.83, L.91, L.92, L.94, L.95/Rev.1 and L.101)

Draft decision A/C.3/45/L.62

1. The CHAIRMAN invited the Committee to take action on draft decision A/C.3/45/L.62, the programme budget implications of which were contained in document A/C.3/45/L.97.

2. A recorded vote was taken on the draft decision.

In favour: Afghanistan, Albania, Algeria, Argentina, Australia, Austria, Bahamas, Bahrain, Bangladesh, Barbados, Belgium, Benin, Bhutan, Bolivia, Botswana, Brazil, Bulgaria, Burkina Faso, Burundi, Byelorussian Soviet Socialist Republic, Canada, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Congo, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Czechoslovakia, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Fiji, Finland, France, Germany, Ghana, Greece, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Israel, Italy, Jamaica, Jordan, Kenya, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Liechtenstein, Madagascar, Malawi, Malaysia, Mali, Malta, Mauritania, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Romania, Saint Kitts and Nevis, Samoa, Sierra Leone, Singapore, Somalia, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syrian Arab Republic, Thailand, 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, Zambia, Zimbabwe.

Against: Japan, United States of America.

Abstaining: Brunei Darussalam, Cameroon, Hungary, Oman, Zaire.

3. Draft resolution A/C.3/45/L.62 was adopted by 126 votes to 2, with 5 abstentions.

4. Mr. WALDROP (United States of America), speaking in explanation of vote after the vote, said that he had voted against the draft resolution because he believed that the obligation to finance the expenses of the Committee to be established under the Convention on migrant workers should be borne exclusively by the States parties to the Convention and not all the States Members of the United Nations. The Committee in question would not be a United Nations body, would not be open to the nationals of all the Member States and would serve only the States parties to the Convention. In the current climate of fiscal austerity, the activities of the Committee should not be financed by funds from the regular budget of the United Nations that were available for activities which benefited all Member States.

5. Mrs. MAYMOUNA (Senegal) said that, if she had been present during the vote, she would have voted in favour of the draft resolution.

Draft resolution A/C.3/45/L.77

6. The CHAIRMAN said that Nigeria had joined the sponsors of draft resolution A/C.3/45/L.77.

7. Mr. JESUS (Cape Verde) said that his country had become a sponsor of the draft resolution.

8. Draft resolution A/C.3/45/L.77 was adopted without a vote.

9. Miss FOSTIER (Belgium) said that her country had not opposed the adoption of the draft resolution without a vote so as not to impede the adoption of an international instrument designed to ensure respect for the human rights and dignity of migrant workers and their families. That view, however, in no way prejudged the position which Belgium would take concerning the Convention itself after considering all the relevant questions.

10. Mr. COOMBS (New Zealand) said that from the outset the decision to elaborate an international convention on the protection of the rights of all migrant workers and members of their families had been far from unanimous and that New Zealand itself had abstained in the vote on General Assembly resolution 34/172, which had created a working group to elaborate the convention, because her country had been apprehensive about a proliferation of international instruments and had felt that the question of the rights of migrant workers fell within the purview of the International Labour Organisation. New Zealand would therefore reserve its position on the draft Convention until it had given thorough consideration to the obligations under it.

11. Mr. KOENIG (Germany) said that his Government had always been very sceptical about the idea of an international convention on the protection of the rights of all migrant workers and members of their families in so far as the basic human rights were embodied in the two International Covenants, which applied, with a few exceptions, not only to the nationals of States parties but also to foreign nationals in their territory. The adoption of such a convention would be justified only if the international community had reason to assume that migrant workers were

(Mr. Koenig, Germany)

being denied those rights in host countries or that the countries which had not yet ratified the Covenants would be inclined to accede to a convention relating specifically to migrant workers. Furthermore, improving the social status and working conditions of migrant workers was a responsibility of the International Labour Organisation, which had already elaborated two conventions in that field, one of which, Convention No. 143, had not yet entered into force because it had not been ratified by a sufficient number of countries.

12. With regard to the substance of the matter, Germany was also concerned that migrant workers whose situation was illegal would, under the Convention, receive protection that extended far beyond that required to ensure respect for human rights. Thus, there might be an increase in illegal immigration. Unlike Convention No. 143 of the International Labour Organization, the draft Convention - just adopted included in its definition of a migrant worker a number of categories self-employed, project-tied and frontier workers - to which most of the rights specified by it did not apply. It also contained technical provisions relating to labour, social affairs, residence, taxation and the right to work, which were generally regulated by parliaments and Governments. Under the draft Convention, articles 9, 11 and 15, dealing with the right to life, compulsory labour and arbitrary deprivation of property, had the same legal standing as article 33, concerning the failure to provide migrant workers with comprehensive information. As a result of that intermingling of different rights, Germany had been forced to adopt a position on a number of provisions of the draft Convention that was different from its position with regard to other human rights conventions. The draft Convention also imposed on the countries of employment demands that could not be fulfilled.

13. Despite its strong misgivings, Germany recognized that the draft Convention responded to a considerable need, at least in some parts of the world, and therefore could be regarded as progress. Moreover, his country did not wish to give the impression that it had no intention of signing or ratifying the Convention or wanted to discourage other countries from doing so. It had voted for the same reason in favour of draft resolution A/C.3/45/L.62 on the understanding that the additional resources required to finance the Committee to be established under the Convention would be allocated through redeployment of funds within the regular budget of the United Nations.

14. Mr. WALDROP (United States of America) said that his country firmly believed that everything possible should be done at the national and international levels to protect migrant workers, who were often victims of abuse and ill-treatment. That notwithstanding, the draft convention which had just been adopted was of dubious value since there were already two International Labour Organisation (ILO) conventions on the same matter. Furthermore, had there been a real need for a new convention, the task of drafting one should have been entrusted to ILO. It was also regrettable that so few countries had participated in the Working Group that had produced the draft convention, which, given its length and complexity, had little chance of being widely ratified.

(Mr. Waldrop, United States)

15. As to the substance of the question, his country believed, however, that the new convention guaranteed adequate protection to migrant workers and their families while taking account of the varying attitudes world wide with regard to migrant labour and respecting the right of each country to limit the number of immigrants entering its territory. His delegation wished to pay a tribute to the Mexican delegation for its significant contribution to the work of the Working Group.

16. Mr. TROTTIER (Canada) said that the draft convention contained important provisions for safeguarding the human rights of migrant workers and their families. For that reason, the Canadian delegation had joined the consensus on draft resolution A/C.3/45/L.77. In Canada, where the protection of migrant workers was a priority, such workers were for the most part permanent residents who enjoyed the same or nearly the same rights as Canadians. Nevertheless, it was possible that some provisions of the convention differed from existing law and practice in Canada and that certain provisions fell within the jurisdiction of the provinces, whose consent would then be required before the convention could be ratified.

17. Mr. SCHERK (Austria) said that the adoption of the Draft International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families would certainly contribute to improving the situation of migrant workers and their families and to protecting them against all forms of discrimination.

18. Austria had, however, strong reservations, which it had already made known to the Working Group, concerning certain provisions of the draft convention which were not compatible with its legal system. While some of those reservations were of a technical nature, others concerned basic questions. For example, article 2, which defined the term "migrant worker", did not distinguish between legal and illegal migrant workers. Austria therefore reserved its right not to sign or ratify the convention.

19. Mr. AL-BADI (Oman) said that certain provisions of the convention, which was otherwise a comprehensive document, were incompatible with legal practice in his country. He would provide more specific information at a later time.

20. Ms. TERANISHI (Japan) said that, in recognition of the many years of work which it had taken to produce the convention and its humanitarian character, her delegation had not pressed for a vote on the draft resolution. Nevertheless, owing to certain reservations which it would present in plenary meeting, Japan would not be able to sign the convention.

21. Mr. MOSTURA (France) said that the draft convention was a very positive step forward. It was his country's understanding that the application of articles 48, 52, 53 and 54 of the convention was subject to reciprocity. France's interpretation of article 42, paragraph 1, was that it entailed obligations solely for the State of origin, on which it was incumbent to provide representation for its nationals, wherever they were, as France had done through the Conseil Supérieur des Français à l'étranger.

Draft resolution A/C.3/45/L.72/Rev.1

22. Ms. VASSILIOU (Greece), speaking on behalf of the sponsors, who had been joined by Austria, Morocco and Samoa, introduced draft resolution A/C.3/45/L.72/Rev.1, concerning developments relating to the activities of the Centre for Human Rights. The revisions to the draft resolution had been prompted by the submission of the report envisaged in the sixth preambular paragraph of draft resolution A/C.3/45/L.72, whereby the General Assembly would have expressed its regret at not having received the report in time. In the sixth preambular paragraph of the revised draft resolution, the General Assembly, having considered the report in question (A/45/807), noted that in spite of the recognition that the responsibilities of the Centre had increased rapidly in recent years, the report had not formulated any interim solutions to the problems posed by the resource situation of the Centre. The new paragraph 1 referred to the services of staff on short-term contracts and volunteer-interns, mentioned in paragraph 3 of the report, and to the need to find lasting solutions to the Centre's lack of human resources. The remaining paragraphs were unchanged. Greece hoped that the draft resolution would be adopted by consensus.

Draft resolutions A/C.3/45/L.71, L.75, L.76, L.78, L.79 and L.80

23. The CHAIRMAN said that Suriname and Yemen had become sponsors of draft resolution A/C.3/45/L.75, which had no programme budget implications. Suriname had also joined the sponsors of draft resolutions A/C.3/45/L.78 and A/C.3/45/L.80.

24. Mr. WALDROP (United States of America) said that his delegation would not participate in the decisions on the six draft resolutions under consideration and reserved the right to explain its position in plenary meeting.

25. Draft resolutions A/C.3/45/L.71, L.75, L.76, L.78, L.79 and L.80 were adopted without a vote.

26. The CHAIRMAN invited those delegations which so desired to explain their position on the draft resolutions which had just been adopted by consensus.

27. Ms. TERANISHI (Japan) said that her delegation had joined the consensus on draft resolution A/C.3/45/L.71, hoping at the same time that the situation in Somalia would improve so that the international organizations could carry out their assistance activities and the safety of the personnel engaged in those activities could be guaranteed.

28. Mr. TISSOT (United Kingdom) said that his delegation, too, had joined the consensus on draft resolution A/C.3/45/L.71. However, his Government had reservations concerning those paragraphs which referred to the resumption of the interim assistance programmes. The Somali Government could not yet guarantee the safety of the staff of the Office of the United Nations High Commissioner for Refugees who were assigned to work in the north-west part of the country.

29. Mr. BARKER (Australia) said that his delegation had joined the consensus because the suffering of African refugees required urgent humanitarian assistance. In view of their economic difficulties, the African countries had shown exemplary attitudes in taking responsibility for those refugees. Furthermore, many of the situations created by the influx of refugees were complex and were not amenable to effective solutions unless that complexity was recognized. In that connection, the paragraphs of the draft resolution concerning the suspension of the humanitarian assistance programmes in Somalia did not make reference to the events that had led to the suspension and that had made it difficult to resume those programmes.
30. Mr. OSMAN (Somalia) expressed his country's gratitude at the adoption by consensus of draft resolution A/C.3/45/L.71. He took note of the remarks concerning the security in the north-western part of the country and reaffirmed that his Government was working actively to re-establish peace and to achieve national reconciliation. In conclusion, he appealed to donor countries to continue providing assistance to the Somalian refugees without regard to political considerations, which were totally unrelated to what was essentially a humanitarian problem.
31. Mr. DORANI (Djibouti) said that his delegation welcomed the adoption by consensus of draft resolution A/C.3/45/L.76. Since Djibouti's independence, the Government had consistently provided assistance and protection for the refugees and displaced persons in its territory. The number of refugees and displaced persons currently stood at some 50,000, or 10 per cent of the total population. His delegation emphasized that, unlike other African countries, Djibouti had never been the source of movements of refugees or displaced persons.
32. Mr. MISOMALI (Malawi) said that there was a growing number of refugees and displaced persons in Malawi, scattered throughout the country. He appealed again to the Secretary-General, the United Nations High Commissioner for Refugees, donor countries and the intergovernmental and non-governmental organizations to continue their support for Malawi. His Government pledged to use any assistance they provided to meet the needs of the refugees and displaced persons as best it could.
33. Mr. YOUSIF (Sudan) said that his Government would continue to co-operate with all organizations concerned with refugees. As far as the Sudan was concerned, a distinction should be drawn between the situation of refugees and the situation of displaced persons. Refugees were essentially nationals of neighbouring countries but displaced persons were Sudanese citizens who were victims of natural disasters or other unfortunate circumstances. In view of the complexity of the problem, his delegation appealed to all parties to be careful about the accuracy of information on refugees and displaced persons, especially since there were official reports in existence which had been prepared by the Office of the High Commissioner for Refugees and the Sudanese Government. It was important, too, that the issue should not become involved with political considerations.
34. Mr. COTTAFANI (Italy), speaking on behalf of the 12 States members of the European Economic Community, said that the Twelve had joined in the consensus, although the sponsors of the draft resolution had refused to take into account a

(Mr. Cottafavi, Italy)

proposed amendment drawing the attention of the Sudanese Government to the human rights situation of displaced persons and refugees in the Sudan.

35. The CHAIRMAN invited the Committee to vote on draft resolution A/C.3/45/L.83.

Draft resolution A/C.3/45/L.83

36. Mr. OLIYINIK (Ukrainian Soviet Socialist Republic) said that the preparation of the draft resolution had been a long process and consultations had shown that delegations were keenly interested in the question. Many important ideas had unfortunately been put forward too late for agreement to be reached on their inclusion in the text. The Secretariat, on its own initiative, had inserted a reference to Economic and Social Council decision 1990/238 in paragraph 7. That decision concerned indigenous populations and not the draft declaration on the rights of persons belonging to national, ethnic, religious and linguistic minorities. The text that his delegation had submitted to the Secretariat mentioned Economic and Social Council resolution 1990/39. After further consultations, the delegations had agreed on a draft decision postponing consideration of the draft resolution until the forty-sixth session of the General Assembly, to read:

"The General Assembly,

"Welcoming the completion of the first reading of the draft declaration on the rights of persons belonging to national, ethnic, religious and linguistic minorities, and the decision of the Economic and Social Council to request the Secretary-General to provide the open-ended working group of the Commission on Human Rights with all the assistance it may require for the continuation of its drafting work,

"Encourages the Commission on Human Rights to complete the final text of the draft declaration as soon as possible and to transmit it to the General Assembly, through the Economic and Social Council,

"Decides to defer its consideration of the draft resolution contained in document A/C.3/45/L.83 to its forty-sixth session and to continue its discussion of the question at that time under the item entitled 'Report of the Economic and Social Council'."

37. He proposed that the symbol "E/RES.1990/39" should be inserted in brackets after the words "Economic and Social Council" in the preamble.

38. The draft decision proposed orally by the delegation of the Ukrainian Soviet Socialist Republic was adopted without a vote.

Draft resolution A/C.3/45/L.91

39. The CHAIRMAN informed members of the Committee that the draft resolution, whose sponsors now included Australia, had no programme budget implications.

40. Mr. ZAINAL ABIDIN (Malaysia) and Mr. DORANI (Djibouti) said that their countries had also joined as sponsors.

41. Draft resolution A/C.3/45/L.91 was adopted without a vote.

42. The CHAIRMAN invited delegations that so desired to explain their position.

43. Ms. TERANISHI (Japan) said that her delegation had joined in the consensus, although the fourth preambular paragraph did not adequately reflect the changes that had taken place in southern Africa in the past year.

Draft resolution A/C.3/45/L.92

44. Mrs. DA SILVA-SUNIAGA (Venezuela) said that France, Greece and Spain had become sponsors of the draft resolution. The fifth preambular paragraph had been revised to include the words "provoked by the Frente Farabundo Marti para la Liberación Nacional" after the word "violence" in the second line.

45. Ms. KAMAL (Secretary of the Committee) said that in paragraph 10, the words "of 7 March 1990" should be added after "resolution 1990/77" and in paragraph 11 of the English version, the word "evaluation" should be replaced by the word "evolution".

46. Draft resolution A/C.3/45/L.92, as orally revised, was adopted without a vote.

47. The CHAIRMAN invited delegations that so desired to explain their position on the draft resolution just adopted.

48. Mr. HJELLE (Norway), speaking on behalf of Norway, Denmark and Sweden, said that those three Nordic countries had always participated actively in the discussions on human rights in El Salvador ever since the General Assembly had begun considering the question. In that connection, the report of the Special Representative of the Commission on Human Rights (A/45/630), an essential document, showed that the human rights situation there remained precarious. Although the draft resolution was exhaustive and well-balanced on the whole, it was not as clear as Norway, Denmark and Sweden would have liked. In addition to the other numerous human rights violations (summary and arbitrary executions, torture, disappearances, inhuman and degrading treatment during interrogations and the exactions of the death squads), the Special Representative had also drawn attention to attacks against trade union leaders, to which no reference was made in the draft resolution.

49. It was important for the largest possible number of delegations to be able to participate in drafting such a draft resolution, but that had not been the case; nevertheless, Denmark, Sweden and Norway had joined the consensus.

50. Mr. VAN DER HEIJDEN (Netherlands) said that his delegation had joined the consensus. In supporting the remarks made by the previous speaker, he said that his delegation, which had traditionally been one of the sponsors of the draft resolution relating to El Salvador, regretted that it had not been able to

(Mr. van der Heijden, Netherlands)

participate in drafting the one submitted at the current session. If it had, it would have proposed several amendments, in particular to express the Commission's concern about the more recent human rights violations committed by the death squads. His delegation hoped that, in the future, consultations on the draft resolution would be conducted in a different manner.

51. Mr. HENNESSY (Ireland) said that his delegation had joined the consensus because it supported paragraphs 1 and 13. However, the operative part of the draft resolution did not sufficiently reflect the conclusions of the Special Representative of the Commission on Human Rights concerning the increase in the criminal activities of the death squads, which were more and more believed to be linked to the security forces. In general, by ignoring the reports of the special representatives and rapporteurs, the Third Committee weakened the human rights monitoring system set up by the United Nations. Along with a number of others, his delegation had proposed that a paragraph on the death squads, identical to the one in General Assembly resolution 44/165, should be included in the operative part of the draft resolution, but the main sponsors of the draft resolution had been opposed to that proposal, and the consultation process had not permitted all the delegations which were interested to make their views known.

Draft resolution A/C.3/45/L.94

52. Draft resolution A/C.3/45/L.94 was adopted without a vote.

Revised amendments (A/C.3/45/L.95/Rev.1) to draft resolution A/C.3/45/L.73/Rev.1

53. Mr. CHEN (China), introducing the revised amendments (A/C.3/45/L.95/Rev.1) to draft resolution A/C.3/45/L.73/Rev.1, said he hoped that the sponsors would agree to the new changes. His delegation had thought that the decision to convene the World Conference on Human Rights could be taken by consensus, but it had learned that morning that many delegations continued to have reservations in that regard. It was to be hoped that a consensus could be reached through further consultations.

Amendments (A/C.3/45/L.101) to draft resolution A/C.3/45/L.82

54. Mr. BARKER (Australia), introducing the amendments to draft resolution A/C.3/45/L.82 contained in document A/C.3/45/L.101, said that many delegations had not seen draft resolution A/C.3/45/L.82 until 27 November, two days before the date scheduled for the conclusion of the Third Committee's work. His delegation had discussed the draft resolution just a few days before it had been introduced by the Cuban delegation, to which Australia had expressed its concern.

55. That concern had grown when his delegation had considered what it had at first taken to be a new initiative. In fact, the draft resolution under consideration had a long history in the Third Committee. At the fortieth session of the General Assembly a delegation had proposed and revised a draft resolution entitled "Inadmissibility of exploitation or distortion of human rights issues for interference in the internal affairs of States" (A/C.3/40/L.83/Rev.1), consideration of which had been postponed after a long debate. At the forty-first

(Mr. Barker, Australia)

session, consideration of draft resolution A/C.3/41/L.83 had led to the adoption, by 154 votes to none, with 1 abstention, of General Assembly resolution 41/155 entitled "Strengthening of international co-operation in the field of human rights". As a solution satisfactory to most delegations had seemed to have been found at the forty-first session, his delegation had drawn upon resolution 41/155 when reflecting upon draft resolution A/C.3/45/L.82, and that had led it to propose the amendments to that draft resolution contained in document A/C.3/45/L.101. His delegation was concerned about the selective reference made in the sixth preambular paragraph of draft resolution A/C.3/45/L.82 to the Declaration on the Inadmissibility of Intervention and Interference in the Internal Affairs of States (contained in the annex to General Assembly resolution 36/103). The eighth to tenth preambular paragraphs implied that States commonly engaged in the exploitation and distortion of human rights issues as a means of interfering in the internal affairs of other States, that Governments, non-governmental organizations and the media increasingly engaged in defamation and propaganda campaigns and that information on human rights situations in all countries was not being disseminated in an objective and impartial fashion. Those were arguments that had already been used at the fortieth session, during a discussion on the aforementioned draft resolution A/C.3/40/L.83/Rev.1.

56. His delegation was the first to recognize that human rights issues should not be manipulated for political purposes. The United Nations and Governments must act on the basis of impartial and objective information and all Member States should do everything possible to provide such information. The subjective criteria that were proposed in draft resolution A/C.3/45/L.82 were, however, most disturbing. A State need only contend that an alleged human rights violation was a case of exploitation or distortion of the facts to reject expressions of concern by the United Nations or by another Member State, however justified those concerns might be. The offending State could always argue that the State alleging such violations had dishonourable motives and, in doing so, could stifle debate in the Third Committee, which might, as a result, remain deaf to any appeal for assistance, from wherever it might come. His delegation believed that it was far preferable to have an open discussion, accepting the fact that unjustified claims might be made from time to time. Ultimately, delegations would be able to judge for themselves the veracity of the information put before them.

57. His delegation could not, moreover, accept the idea that the role of the United Nations in the field of human rights should be strictly circumscribed and that harmonious relations between States should take precedence over concern for the welfare of human beings. The Charter of the United Nations made it clear that human rights, in all their facets, were a concern of the United Nations. As the Secretary-General had observed in 1985, the history of the United Nations refuted the argument put forward by some Member States that action by the United Nations in the field of human rights was an infringement of their sovereignty and contrary to the Charter.

58. His delegation was also concerned that reference was made in the draft resolution under consideration to declarations adopted in other Main Committees of

(Mr. Barker, Australia)

the General Assembly with which the representatives in the Third Committee were not very familiar, and that the draft contained various assertions about international law. Even without the benefit of expert opinion, his delegation was not convinced that paragraph 2 was an accurate statement in international law. On reading the paragraph, it might be asked whether Radio Martí constituted as serious a contravention of international law as the invasion and occupation of Kuwait. Furthermore, the International Court of Justice had ruled on some of the questions raised in the draft resolution before the Committee, such as military and paramilitary activities in and against Nicaragua. His delegation was therefore opposed to the Third Committee taking any decisions that did not fully reflect the current state of international law.

59. If the foregoing considerations did not suffice to explain why his delegation had submitted amendments to the draft resolution under consideration, it might be added that the 1981 Declaration (General Assembly resolution 36/103) on which some of the more problematic paragraphs of draft resolution A/C.3/45/L.82 and of its predecessor, A/C.3/40/L.83/Rev.1, were based, was itself a controversial document, the adoption of which had not been supported by a significant number of Governments. That Declaration had, moreover, been overtaken by the new spirit of co-operation reflected in the resolution on international co-operation in the field of human rights which had just been adopted. Reviving old controversies would only serve to undermine the gains made by the reduction in East-West tensions. The Third Committee would not advance the cause of human rights by dwelling on an initiative that worked against the efforts of delegations from all regional groups to enhance co-operation on social and humanitarian issues.

60. The amendments proposed by his delegation reflected the letter and spirit of the Charter, deleted selective references to previously adopted texts and introduced three new paragraphs based on the wording of resolution 41/155 concerning the need to understand the economic, social and cultural realities and the variety of problems existing in different societies. They omitted the ambitious calls for new working groups and further reports as well as the request to Member States to communicate their views. There was already ample opportunity in the Commission on Human Rights to raise questions about international co-operation; indeed, that was one of the Commission's main purposes.

61. Mr. MORA (Cuba), referring to the statement by the representative of Australia, said that some countries had chosen to pursue a policy different from that advocated by the Charter of the United Nations, in order to distort its principles and use it for political purposes. That was why his delegation had submitted the draft resolution now under consideration.

62. Mr. WALDROP (United States of America), speaking on a point of order, asked what exactly was being discussed. Was it the Australian amendments?

63. The CHAIRMAN said that the representative of Cuba had requested the floor to clarify a point concerning the statement by the representative of Australia, and that the procedure entitled him to do so.

64. Mr. BARKER (Australia) said that the representative of Cuba should be allowed to express his views.

65. The CHAIRMAN said that if the Third Committee wished to proceed without delay to discuss the amendments proposed by Australia, it could do so.

66. It was so decided.

67. Mr. MORA (Cuba) said that it was essential, as the representative of Australia had said, for everyone to be able to express his views. The point he wished to clarify concerned the comparison drawn by the representative of Australia between the activities of Radio Martí and the invasion of Kuwait by Iraq. Radio Martí reflected a policy which was in no way comparable to a policy of invasion. Radio Martí pursued different aims, and that was what he had wished to say to the representative of Australia. Cuba had voted in favour of Security Council resolution 660 (1990) against the invasion of Kuwait since no country could justify an invasion on the grounds that it was an internal matter. That being said, his delegation reiterated that it was prepared to negotiate on the amendments proposed by Australia.

68. Mr. SCHWANDT (Germany) said that he had been present during the discussion on draft resolution A/C.3/40/L.83/Rev.1 to which the representative of Australia had referred. The results of that discussion were reflected in General Assembly resolution 43/155, which concerned international co-operation in solving international problems of a social, cultural or humanitarian character and had been adopted without a vote. When the representative of Cuba had submitted amendments to the draft resolution concerning free elections two days previously, he had said that when draft resolutions were submitted to the Third Committee account should be taken of that Committee's previous decisions. Resolution 43/155 had been adopted by the General Assembly in plenary, and his delegation hoped that Cuba would revert to the wording already adopted and, for that reason, he associated himself with the sponsors of the amendments in document A/C.3/45/L.101.

69. Miss MANSARAY (Sierra Leone) proposed that, in view of the complexity of the questions raised in draft resolution A/C.3/45/L.82 and the amendments thereto in document A/C.3/45/L.101 and in view of the fact that the amendments contained elements which further complicated the initial draft resolution, any decision thereon should be deferred until the forty-sixth session.

70. The CHAIRMAN, noting that the atmosphere seemed conducive to an agreement, invited the sponsors of the draft resolution and of the amendments to continue their consultations.

The meeting rose at 1.05 p.m.