

UNITED NATIONS
General Assembly
FORTY-SIXTH SESSION
Official Records

THIRD COMMITTEE
40th meeting
held on
Wednesday, 13 November 1991
at 10 a.m.
New York

SUMMARY RECORD OF THE 40th MEETING

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

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Distr. GENERAL
A/C.3/46/SR.40
19 November 1991

ORIGINAL: ENGLISH

The meeting was called to order at 10.05 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)

(a) IMPLEMENTATION OF HUMAN RIGHTS INSTRUMENTS (continued) (A/46/3 (chap. VI, sect. C), A/46/40, 46, 392-395, 490, 503, 618)

1. Mr. BITAR (Lebanon), confining his comments to questions concerning the rights of the child, said that the tragic war in his country had touched every segment of Lebanon's society, but had left a particularly heavy imprint on children, whose plight was a matter of high priority for his Government. Some 1.4 million Lebanese had been displaced during the war, 800,000 of them permanently. Mass emigration had been one of the most destructive by-products of the conflict. Whereas physical evidence of massive destruction was everywhere, the cultural, psychological and emotional impact on Lebanese children had been equally tragic, owing to loss of education, abandonment, severe post-traumatic stress, permanent disability, death of parents, malnutrition and disease. Numerous studies suggested that half the children residing in Beirut were suffering from psychosomatic illnesses or had symptoms of anxiety or depression. Extensive damage to the Lebanese educational system denied children their right to learn. One of the direct results of the war had been the orphaning and abandoning of children. The country's 80 orphanages were overfilled.

2. A national survey conducted in 1990 by the Ministry of Health and Social Affairs in conjunction with the United Nations Children's Fund (UNICEF) and with the technical support of the World Health Organization (WHO) had estimated the infant mortality rate to be 35 per thousand, due to hygiene-related diseases but also to the situation of mothers: the survey had found a striking relationship between a woman's educational status and child mortality. An infant born to an illiterate mother was eight times more likely to die before its first birthday than an infant born to a mother with a university education, but a small amount of education had been found to have a dramatic impact on lowering child mortality. The study also showed that a child born to a working mother was almost twice as likely to survive to the age of five than a child born to a non-working mother.

3. His Government commended the work of UNICEF in Lebanon and elsewhere in the world and expressed its appreciation to that and other United Nations agencies, as well as to local and national non-governmental organizations for their efforts, which would continue to be needed.

(Mr. Bitar, Lebanon)

4. His Government had set up a strategy to provide better assistance to children; it would include a vaccination programme, reactivation of the country's public hospitals, and a new social security system. In education, Lebanon was considering ways to improve the working conditions of teachers, repair schools and create kindergarten and day-care facilities, and also sought to reopen rehabilitation centres and institutions for the mentally and physically disabled.

5. Lebanon had signed and ratified the Convention on the Rights of the Child and was working towards a lasting peace in which its children would live in harmony and dignity.

6. Mr. PIZARRO (Chile) said that, for his Government, respect for human rights was not merely an internal affair of States. Such rights drew their legitimacy from the intrinsic dignity of the human person. Chile considered human rights to be indivisible, and all rights recognized in the various international human rights instruments must be respected. Democracy, a fundamental and universal human right anchored in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, included the right to political participation and freedom of expression, association and assembly. Respect for human rights and democracy was also crucial for ensuring all economic, cultural and social rights.

7. By its very nature, democracy could not, however, be imposed from outside. It must be based on the free will of the people, who had the inalienable right to take measures to protect their democratic system, consistent with international law and respect for the right to self-determination of other peoples.

8. A number of democratic States had developed forms of solidarity to deter threats to and interruption of democratic processes. That was already a reality in the inter-American system. Meeting in Santiago, Chile, in June 1991, the Organization of American States (OAS) had approved a resolution on taking speedy and effective measures to promote and defend representative democracy. Another resolution instructed the Secretary-General of OAS immediately to convene a meeting of the Permanent Council when events took place that interfered with the democratic political process or the legitimate exercise of power of a democratically elected Government in one of the member States.

9. The OAS had given a first example of its determination to implement those two resolutions in connection with the recent coup in Haiti: the Permanent Council had met to implement the resolution on representative democracy, and an ad hoc meeting of ministers for foreign affairs had been convened, which had firmly condemned the coup in Haiti, appointed a high-level ad hoc committee to visit Haiti to persuade the de facto leaders to restore power to President Aristide, called for the diplomatic isolation of those holding power in that country, urged an immediate freeze of all Haitian assets and the

(Mr. Pizarro, Chile)

imposition of a trade embargo, recommended a suspension of all aid to the Haitian dictatorship, asked all States to abstain from granting Haiti any military or political assistance, requested the Inter-American Commission on Human Rights to adopt measures in defence of human rights in Haiti and called upon the States Members of the United Nations to take action.

10. His delegation was convinced that the pressure exerted by the OAS upon the leaders of the coup would eventually achieve results and would also deter attempts to interfere with the democratic process in other countries of the continent.

11. As to the funds earmarked for the promotion and protection of human rights activities, it was the view of his Government that the proposed 1 per cent allocation for the next biennium was insufficient, given the importance of those activities. In Chile, the vigilance and solidarity of the United Nations human rights bodies, including the Third Committee, had enabled many lives to be saved and had drawn world attention to Chile's fate; that had been an invaluable moral support in the fight to restore democracy in that country. His delegation called upon the international community to increase significantly funds for promoting human rights.

12. Mr. HJELDE (Norway), speaking on behalf of the Nordic countries (Denmark, Finland, Iceland, Norway and Sweden) and confining his comments to matters concerning the Convention on the Rights of the Child, said that the great susceptibility of children to abuse and exploitation had lent special urgency to the protection and promotion of their rights. States parties had committed themselves to the principle that every child must enjoy the rights contained in the Convention and that the best interests of the child must be a primary consideration in all actions concerning children. Any reservation by States parties that ran counter to those principles or to the intentions of the Convention were incompatible with it.

13. The Nordic countries encouraged those States that had not yet done so to become parties to the Convention and regretted that far too many States parties had not implemented its provisions. The increasing number of States parties had not led to a corresponding decrease in the number of alarming reports of violations of children's rights. The international obligations under the Convention must be respected as faithfully as those under any other international instrument.

14. States parties to the Convention, and States Members of the United Nations in general, must reaffirm their commitment to take action for the benefit of the world's children by adopting decisions at the current session on the functioning of the Committee on the Rights of the Child, which, in view of its enormous task, had appealed to the General Assembly for further resources.

(Mr. Hjelde, Norway)

15. In the view of the Nordic countries, the United Nations had a clear duty to ensure that the Committee on the Rights of the Child became an effective instrument for the protection and promotion of children's rights. The Committee had estimated that it needed at least two sessions of two weeks each per year in order to cope with its task, and even more during the years 1993-1995. The General Assembly must give due consideration to meeting the Committee's requirements. The Nordic countries attached great importance to the ability of the Committee to follow up requests from States parties for technical advice or assistance.

16. It was of fundamental importance to respect the physical integrity of all children. The Nordic countries unequivocally condemned the exploitation of children in any form, such as the sale of children, child prostitution and child pornography as well as the exploitation of child labour. Those evils must be combated vigorously. The Nordic countries welcomed the work done by the Special Rapporteur on the exploitation of children, and looked forward to contributing to the follow-up to his report.

17. Related to the child's right to physical integrity were the problems of harmful traditional practices affecting girls. It was the understanding of the Nordic countries that article 24 of the Convention prohibited female circumcision. That article implied action at the national level, for example in terms of legislation, education and information. It also called for the involvement of the international community. The Working Group on Traditional Practices and the Subcommission on Prevention of Discrimination and Protection of Minorities had contributed to an increasing awareness by the international community of the seriousness of those practices.

18. A recent United Nations regional seminar on traditional practices held in Ouagadougou had concluded that such practices persisted because of the lack of political will of many States and the failure to inform and educate the public. Without religious or racial prejudice, the Nordic countries appealed to all Governments to do their utmost to put an end to practices such as female genital mutilation, which represented an unacceptable assault on the physical and moral integrity of girls and women.

AGENDA ITEM 92: ELIMINATION OF RACISM AND RACIAL DISCRIMINATION (continued)
(A/C.3/46/L.8, L.9, L.11*)

19. The CHAIRMAN invited the Committee to consider draft resolutions A/C.3/46/L.8, L.9, and L.11*, which had no programme budget implications.

Draft resolution A/C.3/46/L.8

20. The CHAIRMAN said that Canada and New Zealand had joined the sponsors.

21. Mr. KOTÉY (Ghana) said that his delegation wished to become a sponsor.

22. Draft resolution A/C.3/46/L.8 was adopted without a vote.

Draft resolution A/C.3/46/L.9

23. The CHAIRMAN said that the draft resolution had been submitted by Ethiopia on behalf of the Group of African States.

24. Mr. HJELDE (Norway), supported by Mrs. WARZAZI (Morocco), asked if consideration of the draft resolution could be postponed for a few days to allow further time for consultations with a view to achieving a consensus.

25. It was so decided.

Draft resolution A/C.3/46/L.11*

26. The CHAIRMAN said that Angola, Burkina Faso, Iraq, the Libyan Arab Jamahiriya, Mozambique, Namibia, Uganda and Viet Nam had joined the sponsors.

27. Mr. VAN DER HEIJDEN (Netherlands), speaking in explanation of vote before the vote on behalf of the 12 States members of the European Community, said that their vote had no connection with their views on apartheid, which had been clearly expressed in their statement to the Committee. They had repeatedly condemned apartheid, called for its abolition and taken practical measures against it.

28. The Twelve noted that some controversial phrases in resolutions of previous years did not appear in the present draft, but, while supporting the stated aim of the International Convention on the Suppression and Punishment of the Crime of Apartheid, they were not parties to the Convention and had serious reservations concerning the means envisaged in it. They could not support the language used in certain paragraphs, nor the wording on which in previous years a separate vote had been cast.

29. The Twelve had noticed with concern that the draft resolution did not take adequate account of the practical and political efforts of the international community, including the European Community and its member States, to contribute to the abolition of apartheid. Nor did it reflect the significant changes that had taken place in South Africa which should lead to the establishment of a democratic, non-racial, united country.

30. A recorded vote was taken on draft resolution A/C.3/46/L.11*.

In favour: Afghanistan, Algeria, Angola, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Central African Republic, Chad, Chile, China, Colombia, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Democratic People's Republic of Korea, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Estonia, Ethiopia, Fiji, Gabon, Ghana, Grenada, Guatemala, Guinea, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab

Jamahiriya, Malawi, Malaysia, Maldives, Mali, Mauritania, Mexico, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Saint Kitts and Nevis, Saudi Arabia, Singapore, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Uganda, Ukraine, United Arab Emirates, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zambia, Zimbabwe.

Against: United States of America.

Abstaining: Albania, Argentina, Australia, Austria, Belgium, Bulgaria, Canada, Czechoslovakia, Denmark, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Korea, Romania, Spain, Sweden, Turkey, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland.

31. Draft resolution A/C.3/46/L.11* was adopted by 96 votes to 1, with 36 abstentions.

32. The CHAIRMAN invited delegations that so wished to explain their vote.

33. Mr. LINDGREN ALVES (Brazil), said that he had voted in favour of the draft resolution, on the understanding that its main purpose was to reaffirm the international community's commitment to eradicating apartheid. However, Brazil was not a party to the Convention and had doubts about some aspects of the draft resolution.

34. Mr. MARKS (United States of America) said that, although his country strongly opposed racial discrimination and recognized that apartheid was a violation of human rights, it had voted against the draft resolution because it opposed the Convention, particularly at a time when irreversible progress had been made in dismantling apartheid in South Africa. The term "crime against humanity" should be construed strictly in keeping with the Charter of the Nürnberg Tribunal: the definition of that term in the Convention was too broad and ambiguous, and the unbalanced wording of the draft resolution failed to respect the spirit and letter of General Assembly resolutions S-16/1 and 45/90.

35. Mr. PARSHIKOV (Union of Soviet Socialist Republics) said that his delegation had abstained, but it reserved the right to speak in explanation of vote when the draft resolution came before the plenary Assembly.

36. Mr. STUART (Australia) said that his delegation had abstained because Australia was not a party to the Convention, which contained fundamental legal concepts that it did not accept.

37. Miss RAYNATOU (Niger) said that she had voted in favour of the draft resolution but her vote had not been recorded.

38. Ms. COOMBS (New Zealand) said that her delegation had abstained because, for legal reasons, New Zealand was not a party to the Convention. That did not affect its commitment to the international campaign to eliminate apartheid.

39. Ms. MANSARAY (Sierra Leone) said that her delegation had voted in favour of the draft resolution.

40. Mrs. MBELLA NGOMBA (Cameroon), Mr. HABIJAKARE (Rwanda), Mrs. QUEDRAOGO (Burkina Faso) and Mrs. SIMON (Vanuatu) said that if they had been present for the vote they would have voted in favour.

AGENDA ITEM 93: RIGHT OF PEOPLES TO SELF-DETERMINATION (continued)
(A/C.3/46/L.10/Rev.1, L.12, L.13/Rev.1)

41. The CHAIRMAN invited the Committee to consider draft resolutions A/C.3/46/L.10/Rev.1, L.12 and L.13/Rev.1, which had no programme budget implications.

Draft resolution A/C.3/46/L.10/Rev.1

42. The CHAIRMAN read out the minor revisions made orally at a previous meeting by the representative of Gabon when introducing the revised draft resolution on behalf of the Group of African States. He invited delegations that so wished to explain their vote before the vote.

43. Mr. NAIM (Israel) said that, although the Committee's decisions were merely recommendatory, they must still be grounded in morality if they were to be acceptable to Governments and public opinion and they must also reflect reality. The draft resolution was, however, unjust, morally bankrupt and not helpful to the peace process, and it completely ignored the historic Madrid Conference. Instead of reflecting the reality of the present world order, it was a relic of a past era. Member States should make it clear that the world had entered a new era, and the most effective way to do so would be to vote against the draft resolution.

44. Mr. KHALIL (Egypt), speaking on behalf of the Group of Arab States, said that the Group would vote in favour of the draft resolution, in affirmation of the United Nations central role and responsibility for helping oppressed peoples to exercise their right of self-determination, in accordance with Article 1, paragraph 2, of the Charter.

45. The draft resolution deliberately avoided condemnatory wording. The Arab Group welcomed the current Middle East peace talks and hoped that they would result in a lasting, just and comprehensive peace, guaranteeing the right of self-determination of the Palestinian people in accordance with the relevant United Nations resolutions. The Arab States called upon all parties to avoid

(Mr. Khalil, Egypt)

action which would obstruct the move towards peace or create mutual suspicion of intentions. Meanwhile, the Group would continue to associate itself with the United Nations in calling on Member States to respect human rights and to work for self-determination in South Africa and Palestine.

46. Mr. SAHRAOUI (Algeria) said that the draft resolution reflected the sad realities of daily life faced by the Palestinians. A vote in favour would help to end their sufferings.

47. A recorded vote was taken on draft resolution A/C.3/46/L.10/Rev.1.

In favour: Afghanistan, Algeria, Angola, Bahamas, Bahrain, Bangladesh, Barbados, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burundi, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Côte d'Ivoire, Cuba, Cyprus, Democratic People's Republic of Korea, Djibouti, Dominican Republic, Ecuador, Egypt, Ethiopia, Gabon, Ghana, Grenada, Guatemala, Guinea, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Malawi, Malaysia, Maldives, Mali, Mauritania, Mexico, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Peru, Philippines, Qatar, Saint Kitts and Nevis, Saudi Arabia, Senegal, Sierra Leone, Singapore, Solomon Islands, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Uganda, United Arab Emirates, United Republic of Tanzania, Venezuela, Viet Nam, Yemen, Yugoslavia, Zambia, Zimbabwe.

Against: Argentina, Belgium, Bulgaria, Canada, Czechoslovakia, Denmark, Finland, France, Germany, Iceland, Israel, Italy, Luxembourg, Netherlands, Norway, Panama, Poland, Romania, Sweden, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Albania, Australia, Austria, Belarus, Costa Rica, El Salvador, Estonia, Fiji, Greece, Hungary, Ireland, Jamaica, Japan, Latvia, Liechtenstein, Lithuania, Malta, New Zealand, Papua New Guinea, Paraguay, Portugal, Republic of Korea, Spain, Turkey, Ukraine, Union of Soviet Socialist Republics, Uruguay.

48. Draft resolution A/C.3/46/L.10/Rev.1 was adopted by 93 votes to 21, with 27 abstentions.

49. The CHAIRMAN invited delegations that so wished to explain their vote.
50. Mrs. de St. MALO (Panama) said that her delegation's vote against the draft resolution in no way signified that her country opposed peoples' right of self-determination, one of the foundations of democracy and human rights. Her Government recognized the need to end apartheid and noted the changes that had occurred in that direction; it also recognized the inalienable rights of the Palestinian people and the need for a solution to the Middle East conflict. However, the draft resolution ignored the international community's efforts for peace in the Middle East, including the historic Madrid Conference, and was therefore counter-productive.
51. Mr. VAN DER HEIJDEN (Netherlands), speaking on behalf of the 12 States members of the European Community, said that the Twelve firmly supported the right to self-determination but, as in previous years, had been unable to support the draft resolution under consideration. While there had been a relative improvement in certain parts of it, several remaining elements raised substantial difficulties. Although some new paragraphs dealt with the significant changes that had taken place over the past year in southern Africa, the text did not take into full account the events in South Africa, which included the adoption of important measures contributing to the goal of establishing a democratic, non-racial and united South Africa.
52. Although paragraph 2 had been changed as compared with the previous year's text, the reference in that paragraph to the "struggle in all its forms" still raised problems. The United Nations should above all encourage peaceful solutions to international problems. Moreover, the Twelve did not accept the assertion that the maintenance of relations with a State necessarily implied encouragement or approval of that State's policies.
53. As regarded the Middle East, the European Community and its member States had repeatedly deplored Israel's repressive measures in the occupied territories. Lasting peace could only be achieved if the rights of all States in the area, including Israel, to exist within secure, recognized and guaranteed borders was confirmed and if the right of Palestinian people to self-determination, with all that implied, was also fully recognized. The Peace Conference, leading to negotiations between the parties, offered real prospects for peace in the region.
54. The Twelve had, at an early stage, contacted the sponsors in an effort to bring the text, as well as other relevant draft resolutions, into greater conformity with recent developments, inter alia, in South Africa, as reflected in the Secretary-General's report on the implementation of the Declaration on Apartheid and its Destructive Consequences in Southern Africa. That Declaration, as well as the Harare Commonwealth Declaration of 20 October 1991, constituted a sound basis for reaching common ground on the assessment of political developments in the region. Unfortunately, the efforts of the Twelve had not been successful. They hoped that in the future the dialogue with the authors of those draft resolutions would be deepened so that consensus could be reached, and would make every effort to that end.

55. Ms. LISSIDINI (Uruguay) said that her delegation had abstained in the vote because, while it supported the spirit of the draft resolution as far as self-determination was concerned, the text was not well-balanced and did not adequately reflect the current Middle East negotiations. A more moderate tone would have helped to improve conditions for dialogue and negotiation, thus contributing to peace in the region.

56. Mr. LINDGREN (Brazil) said that his delegation had voted in favour of draft resolution A/C.3/46/L.10/Rev.1 in accordance with its strong support for efforts to eradicate apartheid and ensure universal respect for the right of peoples to self-determination. Nevertheless, his delegation believed that in certain parts of the text a more focused and better-balanced wording could have been used without weakening the draft resolution. Furthermore, the text did not cover all aspects of the situation in South Africa, including some recent positive developments.

57. Brazil strongly supported all efforts being undertaken to achieve a comprehensive solution to the situation in the Middle East and resolve the question of Palestine. His Government had welcomed the holding of the Madrid Conference as an important step in that direction and believed that all parties should display a spirit of understanding and goodwill to ensure success.

58. Mr. TROTTIER (Canada) said that his delegation had voted with some regret against draft resolution A/C.3/46/L.10/Rev.1 because the text still retained certain historical baggage. Nevertheless, for the first time there had been a willingness on the part of the sponsors to update the text, particularly with regard to South Africa. He hoped that that augured well for the upcoming debate on apartheid, in which Canada intended to participate actively, and that that would promote further progress towards self-determination. The consensus reached on draft resolution A/C.3/46/L.12 demonstrated that agreement could and should be achieved on that important question.

59. Mrs. Da SILVA (Venezuela) said that her delegation had voted in favour of the draft resolution because Venezuela always acted in accordance with General Assembly resolution 1514 (XV) and fully endorsed all initiatives favouring dialogue and the peaceful settlement of disputes. Nevertheless, in some paragraphs her delegation would have preferred language that more objectively reflected the positive developments taking place in the Middle East. Efforts to resolve complex conflicts should not be complicated through inappropriate language.

60. Mr. SZELEI (Hungary) said that, while he recognized the efforts of the main sponsors of the draft resolution to reformulate certain elements of the text which had given rise to useless confrontation, his delegation felt that the draft resolution was seriously impaired by language inherited from the past. It was regrettable that consultations had failed to yield tangible results. Hungary hoped that a willingness to judge certain developments on their merits would prevail in the Committee, particularly with regard to the

(Mr. Szelei, Hungary)

positive political processes under way in South Africa and to the historic Middle East Peace Conference. Accordingly, his delegation had been unable to support the draft resolution.

61. Mr. STREJCZEK (Poland), speaking also on behalf of Czechoslovakia, said that they firmly supported the right of peoples to self-determination and strongly opposed racial discrimination and apartheid. It was therefore a matter of regret that the two delegations had been forced to vote against draft resolution A/C.3/46/L.10/Rev.1 because of both its substance and its wording. The draft resolution failed to take genuine account of the recent positive developments in South Africa and in the Middle East, especially the Madrid Conference. The wording of some paragraphs hearkened back to the cold-war era and should be changed.

62. Ms. TERANISHI (Japan) said that she had abstained in the vote in accordance with her country's position on the resolution on the same item adopted in 1990. Japan supported the right to self-determination and respect for human rights. Nevertheless, it was concerned about several paragraphs in the draft resolution which did not reflect recent positive changes in the Middle East and South Africa. She hoped that the adoption of the draft resolution would not impede the efforts by the parties concerned to achieve peace in the Middle East and eliminate apartheid in South Africa.

63. The international community should encourage such efforts at that crucial stage in the post-cold-war era rather than level harsh accusations that could only increase confrontation. There was a need to send a strong signal that the international community supported all attempts to bring about constructive solutions. Her delegation therefore hoped that in future the draft resolution on that item would be worded in a more balanced manner and take account of positive elements.

64. Mr. MAQUIEIRA (Chile) said that his delegation had voted in favour of the draft resolution in accordance with its support for the right to self-determination. Nevertheless, Chile would have preferred a positive reference to the process begun at the recent Madrid Conference, to which all parties concerned had contributed. He hoped that the Conference would be the first step towards peace and stability in the Middle East.

65. Mr. MARKS (United States of America) said that he had voted against the draft resolution because it did not reflect the reality of the changing situations in South Africa and the Middle East. His delegation was profoundly disappointed that the sponsors had failed to take account of most of the constructive suggestions submitted by concerned delegations during the drafting of the text. In view of the large number of abstentions and votes against the draft resolution, many other delegations obviously shared that view. He urged the sponsors to approach negotiations at the next session of the General Assembly with a commitment to work towards a truly fair and balanced text that could contribute to the peace process rather than obstruct

(Mr. Marks, United States)

it and he hoped that conditions in South Africa and the Middle East would continue to justify major improvements in the text.

66. The human rights situation in South Africa was of continuing concern to his country, which emphatically opposed apartheid. The language of draft resolution A/C.3/46/L.10/Rev.1 failed to advance the debate on the issue and the references to the South African regime were not acceptable. Qualifying apartheid as a crime against humanity was ill-advised because that did not meet the precedents laid down by the Nürnberg Tribunal. In view of the progress recently made by the South African Government and other parties, his delegation continued to oppose calls for comprehensive and mandatory sanctions against that country.

67. With regard to the situation in the Middle East, important negotiations were taking place among interested parties in the region. His delegation noted that the representative of Egypt, speaking on behalf of the Group of Arab States, had made specific and favourable references to the Madrid Conference and its import. The United States was profoundly disappointed that the sponsors of the draft resolution had not seen fit to mention that historic development in the text. He would have preferred to see positive references to that process with an exhortation to all parties to negotiate in good faith. Lastly, he urged all delegations to work towards the adoption at the next session of a balanced text acceptable to all countries.

68. Mrs. BAIARDI (Paraguay) said that her delegation had abstained in the vote on draft resolution A/C.3/46/L.10/Rev.1 because, although her country supported the substance of the text, it had serious reservations concerning wording which did not promote a favourable atmosphere for bringing about a lasting solution.

69. Mr. ALFARO-PINEDA (El Salvador) said that the fact that his delegation had abstained in the vote did not in any way imply opposition on its part to the right of peoples to self-determination. His country could not support the use of certain controversial references which did not contribute to the search for peace in the Middle East. In future, the draft resolution on that item should take account of developments resulting from efforts by the international community to arrive at a satisfactory agreement among those directly concerned.

70. Mr. STUART (Australia) said that his delegation had abstained in the vote on draft resolution A/C.3/46/L.10/Rev.1. Although Australia firmly supported the principle of self-determination, it could not vote in favour of the draft resolution, because the text contained formulations that were unconstructive and outdated. The language relating to the situation in the Middle East was one-sided and would not be helpful in the context of the peace process under way. The wording of some of the preambular and operative paragraphs, including paragraphs 5 and 6, was not consistent with his country's policy on the Middle East, which was based on its total commitment to the right of Israel to exist within secure and recognized boundaries and the right of the Palestine people to self-determination. Furthermore, some of the references

(Mr. Stuart, Australia)

to South Africa retained from earlier resolutions did not encourage change in that country.

71. It was regrettable that the draft resolution did not fully take into account the important changes that had occurred in South Africa, changes which had vindicated the long-standing and implacable opposition to apartheid by the democratic opposition forces. Moreover, the wording of paragraph 15 was ambiguous. Australia's policy on maintaining international pressure for the elimination of apartheid was in full support of the position taken by the Commonwealth countries at the meeting in Harare in October 1991.

72. Mr. SUAZO (Honduras) said that he had voted in favour of the draft resolution in accordance with his country's basic position in support of the right of peoples to self-determination. Nevertheless, Honduras would have welcomed language that was more constructive and more accurately reflected the changes that had occurred in the Middle East and efforts to bring about a negotiated solution in the region. If the Committee had voted on the draft resolution paragraph by paragraph, he would have abstained or voted against certain of them. His Government fully recognized the principle of self-determination and believed that principle should not be applied in a selective manner to certain regions or countries. He reaffirmed his delegation's full support for the peaceful settlement of international and regional disputes and conflicts and hoped that the Madrid Conference would lead to complete and lasting peace in the Middle East.

73. Ms. KOVALJSKA (Ukraine) said that her country consistently supported the right of peoples to self-determination and the speedy granting of independence to colonial countries and peoples. Nevertheless, she had abstained in the vote because the draft resolution did not take due account of the changes that had occurred in the international climate, which had enhanced the importance of peaceful means for the settlement of conflicts, particularly in the Middle East and South Africa.

74. Ms. COOMBS (New Zealand) said that her delegation had abstained in the vote on the draft resolution because the text did not reflect the positive changes that had occurred in South Africa over the past year and failed to take a more forward-looking and responsive approach, especially in paragraph 15. New Zealand supported the Commonwealth's phased approach to the relaxation of sanctions against South Africa agreed upon by the Commonwealth countries in Harare in October 1991. Under that approach, the easing of pressure was carefully measured against real and practical steps to eliminate apartheid. In that way, the Commonwealth countries would be in a good position to exert influence on South Africa in order to bring about a non-racial, democratic State. In order to be successful, United Nations efforts must take account of positive developments in that country. With regard to the Middle East, her country supported a peaceful settlement embodying the principles laid down in Security Council resolution 242 (1967). The references in the draft resolution to the Middle East did not reflect the steps recently taken in the search for lasting peace in the region.

75. Mr. PARSHIKOV (Union of Soviet Socialist Republics) said that, although his delegation had been unable to support the draft resolution, that did not mean that it was calling into question the universal right of peoples to self-determination. It was regrettable that, in spite of the considerable efforts made by a number of delegations to find generally acceptable formulations, the sponsors nevertheless had included provisions which did not reflect the radical changes that had come about in the world and in specific regions. In particular, the draft resolution failed to take due account of the positive changes in South Africa and did not even refer to the holding of the Madrid Conference.

76. Mrs. MBELLA NGOMBA (Cameroon) said that, if her delegation had been present for the vote on draft resolution A/C.3/46/L.10/Rev.1, it would have voted in favour of it. She regretted that it had not been possible to reach a consensus during the negotiations. Nevertheless, her delegation was aware of the difficulties of reaching agreement with regard to wording.

77. Mr. HABIJAKARE (Rwanda) said that, if his delegation had been present, it would have voted in favour of the draft resolution.

78. Mr. CALAFETEANU (Romania) said that his country had always condemned all forms of racial discrimination, particularly apartheid. Romania had firmly supported efforts to resolve the conflict between Israel and its Arab neighbours on the basis of full respect for the legitimate rights of all parties concerned. The recent changes in South Africa and the Middle East were of the utmost importance. In South Africa, the legislative basis for apartheid had been eliminated and there was a possibility to bring about the complete abolition of the apartheid regime by peaceful means through negotiations and establish a non-racial, democratic State where all South Africans enjoyed equal rights. The Madrid Conference, which for the first time had brought together Israel and Arab countries, provided grounds for optimism. None of those fundamental changes had been adequately reflected in the draft resolution.

79. Furthermore, a fundamental purpose of the United Nations was to promote peace, dialogue and understanding among Member States. The draft resolution was not in keeping with those lofty goals. His delegation noted with deep regret certain paragraphs in the text which impeded efforts to bring about a peaceful and lasting solution for all concerned. At the same time, Romania understood most of the concerns expressed in the draft resolution and fully recognized the importance of the universal realization of the right of peoples to self-determination and of the speedy granting of independence to colonial countries and peoples.

80. Mrs. OUEDRAOGO (Burkina Faso) said that, if her delegation had been present for the vote, it would have voted in favour of draft resolution A/C.3/46/L.10/Rev.1.

81. Mr. Al-KIDWA (Observer for Palestine) expressed appreciation to all the delegations which had supported the right of the Palestinian people to self-determination and the struggle of the people of South Africa for the elimination of apartheid and the establishment of a democratic government in that country. He hoped that the international community's support for the legitimate right of the Palestinian people to self-determination would increase because that was the true guarantee for bringing about lasting peace in the Middle East and that in future, it would be possible to reach a consensus in support of the right of all peoples to self-determination, particularly in Palestine and South Africa, in order to establish a new world order and guarantee the universal rights of all peoples.

82. The Palestine Liberation Organization had welcomed the holding of the Madrid Conference. He agreed with all those who had referred to the need to promote the success of the Conference and the peace process that had begun. The Conference had been an important event and should be given its due place in a draft resolution dealing with the question of peace. Efforts to promote peace should be in accordance with the positions taken by the General Assembly.

83. The United Nations should give a clear signal to the heroic Palestinians who had participated in the Madrid Conference indicating that they were right and the international community still supported the Palestine cause. The Israeli occupier must change its position and recognize the rights of the Palestinian people, particularly its right to self-determination. The Madrid Conference should not be used to legitimize Israel's occupation or its rejection of the inalienable rights of the Palestine people. He hoped that it would be possible to reach a consensus on the draft resolution on that item in future.

84. Miss DIOP (Senegal) and Mrs. SIMON (Vanuatu) said that, if their delegations had been present for the vote, they would have voted in favour of draft resolution A/C.3/46/L.10/Rev.1.

85. Mr. FISSENKO (Belarus) said that, although his country supported the right of peoples to self-determination, it had been unable to vote in favour of the draft resolution because the text failed to take due account of the changes that had occurred in the world and did not contain balanced formulations. Accordingly, his delegation had abstained.

Draft resolution A/C.3/46/L.12

86. The CHAIRMAN noted that Guatemala, Kuwait and Cape Verde had joined the list of sponsors of the draft resolution.

87. Draft resolution A/C.3/46/L.12 was adopted without a vote.

88. Miss MEHTA (India), explained that her delegation had not opposed the adoption of the draft resolution, but wished to make clear that it maintained its position regarding article 1 of the International Covenant on Economic, Social and Cultural Rights, in which, in its view, the words "the right to self-determination" applied only to peoples under foreign domination and did not apply to sovereign national States or to a section of a people or nation.

Draft resolution A/C.3/46/L.13/Rev.1

89. The CHAIRMAN reminded the Committee that paragraph 10 of the draft resolution had been orally amended by the representative of Nigeria to read:

"Requests the Special Rapporteur of the Commission on Human Rights to report to the General Assembly at its forty-seventh session on the use of mercenaries, especially in view of the additional elements highlighted in his report."

90. Mr. VAN DER HEIJDEN (Netherlands), speaking in explanation of vote on behalf of the States members of the European Community, noted that the Special Rapporteur in his preliminary report had adopted a much broader subject range than the agenda item called for. The Twelve condemned unequivocally the recruitment, use or financing of mercenaries and understood the concerns which had led to the submission of the draft resolution. They were nevertheless unable to support it, for reasons of both substance and principle. Although the draft welcomed the adoption of the Convention, the sponsors had again introduced into the text controversial political considerations extraneous to the Convention itself.

91. The Twelve noted with regret that endeavours to change the text had not been successful. At the most recent sessions of the Commission on Human Rights and the Economic and Social Council, a pattern of change in the resolutions on the issue had been established. The Twelve had hoped that that pattern could be continued at the current session of the General Assembly. They wished also to reiterate their long-standing objections to the framework in which the question of mercenaries was being discussed. As far as they were concerned, that was a matter concerning relations between States rather than a human rights issue.

92. Ms. DINH THI MINH HUYEN (Viet Nam) said her delegation had for several years co-sponsored the draft resolutions corresponding to the one currently under discussion, but had withdrawn its sponsorship because of the unsubstantiated statement made in the Special Rapporteur's report on the role of Vietnamese volunteers in Cambodia. Its withdrawal of sponsorship in no way altered her delegation's continued opposition to the use of mercenaries.

93. A recorded vote was taken on draft resolution A/C.3/46/L.13/Rev.1.

In favour: Afghanistan, Algeria, Angola, Bahamas, Bahrain, Bangladesh, Barbados, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cameroon, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Democratic People's Republic of Korea, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, Ethiopia, Fiji, Gabon, Ghana, Guatemala, Guinea, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mexico, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Peru, Philippines, Qatar, Republic of Korea, Rwanda, Saint Kitts and Nevis, Saudi Arabia, Senegal, Sierra Leone, Singapore, Solomon Islands, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Uganda, Ukraine, United Arab Emirates, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Yugoslavia, Zambia, Zimbabwe.

Against: Belgium, France, Germany, Israel, Italy, Japan, Luxembourg, Netherlands, Portugal, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Albania, Argentina, Australia, Austria, Belarus, Bulgaria, Canada, Czechoslovakia, Denmark, El Salvador, Estonia, Finland, Greece, Hungary, Iceland, Ireland, Latvia, Liechtenstein, Lithuania, Malta, New Zealand, Norway, Paraguay, Poland, Romania, Spain, Sweden, Turkey, Union of Soviet Socialist Republics.

94. Draft resolution A/C.3/46/L.13/Rev.1 was adopted by 106 votes to 11, with 29 abstentions.

95. Mr. LINDGREN (Brazil) said that his delegation had voted in favour of the draft resolution because it supported its main thrust but wished to state that the fifth preambular paragraph was too sweeping and might be misleading. The conditions under which any dispute could be deemed to constitute a threat to international peace and security were clearly stated in the Charter.

96. Mr. TROTTIER (Canada) said that his delegation had abstained in the vote because it felt that the issue could have been dealt with by consensus. It regretted that the sponsors had chosen not to build on the consensus already established in the corresponding resolution adopted by the Commission on Human Rights.

97. Mr. BURCVOGLU (Turkey) said that his delegation had abstained in the vote on the draft resolution, the wording of which was not conducive to consensus.

98. Mr. MARKS (United States of America) said that his delegation had voted against the draft resolution. Although it opposed the use of mercenaries, it considered that, as compared with other serious problems facing the Third Committee, the scale of the problem was diminishing. Moreover, his delegation strongly opposed any attempt to stretch the definition of the term "mercenary" in order to achieve extraneous political ends. The term had been clearly defined in Additional Protocol I to the Geneva Conventions of 1949. It noted also that the Convention on Mercenaries had been adopted and was open for signature.

99. Mr. STUART (Australia) said that his delegation had abstained in the vote. It regretted that the sponsors had retained language from General Assembly resolution 45/132 which his delegation was unable to support, instead of adopting the language of the more recent resolution of the Commission on Human Rights.

100. Mr. PARSHIKOV (Union of Soviet Socialist Republics) said that his delegation had abstained in the vote but reserved its right to speak on the subject during the vote in the plenary Assembly.

101. Mr. ALFARO-PIÑEDA (El Salvador) said that his delegation had abstained in the vote although it opposed the use of mercenaries because the term "national liberation movement" was often used by terrorist movements which tried to overthrow democratically elected Governments by violent means.

102. The CHAIRMAN said that the Committee had thus concluded its consideration of item 93.

AGENDA ITEM 94: SOCIAL DEVELOPMENT (continued)

- (a) QUESTIONS RELATING TO THE WORLD SOCIAL SITUATION AND TO YOUTH, AGEING, DISABLED PERSONS AND THE FAMILY (continued) (A/C.3/46/L.18)

Draft resolution A/C.3/46/L.18

103. Draft resolution A/C.3/46/L.18 was adopted without a vote.

The meeting rose at 12.35 p.m.