

**GENERAL
ASSEMBLY**
THIRTY-SIXTH SESSION
*Official Records**



THIRD COMMITTEE
40th meeting
held on
Wednesday, 4 November 1981
at 3 p.m.
New York

SUMMARY RECORD OF THE 40th MEETING

Chairman: Mr. O'DONOVAN (Ireland)

later: Mrs. MASMOUDI (Tunisia)

CONTENTS

AGENDA ITEM 73: REVIEW AND CO-ORDINATION OF HUMAN RIGHTS PROGRAMMES OF ORGANIZATIONS IN THE UNITED NATIONS SYSTEM AND CO-OPERATION WITH OTHER INTERNATIONAL PROGRAMMES IN THE FIELD OF HUMAN RIGHTS (continued)

AGENDA ITEM 79: ALTERNATIVE APPROACHES AND WAYS AND MEANS WITHIN THE UNITED NATIONS SYSTEM FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS (continued)

- (a) IMPLEMENTATION OF GENERAL ASSEMBLY RESOLUTIONS 34/46 AND 35/174: REPORT OF THE SECRETARY-GENERAL (continued)
- (b) NATIONAL INSTITUTIONS FOR THE PROMOTION AND PROTECTION OF HUMAN RIGHTS: REPORT OF THE SECRETARY-GENERAL (continued)

ORGANIZATION OF WORK

* This record is subject to correction. Corrections should be sent under the signature of a member of the delegation concerned *within one week of the date of publication* to the Chief of the Official Records Editing Section, room A-3550, 866 United Nations Plaza (Alcoa Building), and incorporated in a copy of the record.

Corrections will be issued after the end of the session, in a separate fascicle for each Committee.

Distr. GENERAL
A/C.3/36/SR.40
18 November 1981
ENGLISH
ORIGINAL: SPANISH

The meeting was called to order at 3.10 p.m.

AGENDA ITEM 73: REVIEW AND CO-ORDINATION OF HUMAN RIGHTS PROGRAMMES OF ORGANIZATIONS IN THE UNITED NATIONS SYSTEM AND CO-OPERATION WITH OTHER INTERNATIONAL PROGRAMMES IN THE FIELD OF HUMAN RIGHTS (continued) (A/36/3/Add.23 (Part I), A/36/116 and Corr.1; A/C.3/36/2)

AGENDA ITEM 79: ALTERNATIVE APPROACHES AND WAYS AND MEANS WITHIN THE UNITED NATIONS SYSTEM FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS (continued) (A/36/3/Add.23 (Part I), A/36/116 and Corr.1, A/36/482, A/36/584; A/C.3/3/36/L.41)

(a) IMPLEMENTATION OF GENERAL ASSEMBLY RESOLUTIONS 34/46 AND 35/174: REPORT OF THE SECRETARY-GENERAL (continued) (A/36/462)

(b) NATIONAL INSTITUTIONS FOR THE PROMOTION AND PROTECTION OF HUMAN RIGHTS: REPORT OF THE SECRETARY-GENERAL (continued) (A/36/44)

1. Miss KHAPARDE (India) said that the Indian Government's approach to human rights issues was guided by its belief that human rights were indivisible and all rights, whether civil, political, economic, social, cultural or other, should be treated in an integrated manner. The Indian Government did not believe in any artificial division of different sets of human rights. As stated in General Assembly resolution 32/130, "All human rights and fundamental freedoms are indivisible and interdependent". Bread and freedom were equally important. Freedom without bread was as much an affront to human dignity as bread without freedom. The endeavour of the international community should therefore be to ensure both bread and freedom for all instead of getting involved in a sterile debate on which of the two should come first.

2. An important development had been the decision adopted by the Commission on Human Rights at its thirty-seventh session, on the initiative of the non-aligned countries, regarding the right to development. The Working Group set up by the Commission was entrusted with the task of defining the scope and content of the right to development and providing to the Commission concrete proposals for the implementation of that right and for a draft international instrument on the subject. She might recall that the Commission's resolution 36 (XXXVII) stated that the right to development was a human right and that equality of opportunity for development was as much a prerogative of nations as of individuals.

3. The Indian Government was trying to ensure fullest possible development of the individual and of the society as a whole, and it did not believe in placing the individual and the society in contradiction to each other. The Prime Minister of India, Mrs. Indira Gandhi, had observed in the foreword to the sixth five-year plan for 1980-1985:

"Progress in a country of India's size and diversity depends on the participation and full involvement of all sections of the people. This is possible only in democracy. But for democracy to have meaning in our

/...

(Miss Khaparde, India)

circumstances, it must be supported by socialism which promises economic justice and secularism which gives social equality. This is the frame for our planning."

4. Given the interdependence of the world today, development at the national level also required an appropriate international environment. In that context, one could not fail to note the present inequitable international economic relations. The efforts of the international community to achieve the establishment of a new international economic order was an essential element in achieving development. Those efforts would be further strengthened by universal acceptance of the right to development.

5. In order to be able to view human rights in an integrated manner, it was necessary to take into account the developmental dimension of human rights and the human rights dimension of the development process. Concern had been expressed in the Commission and elsewhere at the continuing violation of human rights in different parts of the world. While the international community had made advances in the promotion and protection of human rights, it must be recognized that the human rights situation was far from satisfactory. The number of communications regarding violations of human rights and the number of countries where violations were alleged had increased sharply, 33 years after the proclamation of the Universal Declaration of Human Rights and despite the adoption of numerous international conventions and declarations, hundreds of resolutions and decisions and all the institutional structures that had been created in the last three decades. There was a tendency to advocate the creation of additional institutional mechanisms whenever human rights violations were discussed, as if such violations were taking place because there were no adequate institutional safeguards. The problem was not lack of institutional mechanisms or resources. The resources devoted by the United Nations to human rights sectors during 1980-1981 had increased by 72 per cent as compared with 1978-1979. At the same time, resources for various social and economic sectors had declined by 6.33 per cent. The answer therefore lay not in seeking more resources or additional structures but in making better use of the existing arrangements and procedures. As noted by the Secretary-General in paragraph 93 of his report (A/36/462), "A fundamental question pertains to the political will of Member States" and mass and flagrant violations of human rights take place "either as a result of conditions perpetuated by Member States, or as a result of policies and practices engaged in by Member States, or with their acquiescence".

6. Turning to the question of national institutions for the promotion and protection of human rights, she said that in India an informed public opinion, free press, independent judiciary and, most of all, representative parliamentary democracy were effective guarantees for ensuring the promotion and protection of human rights for all citizens. The Government was doing its utmost to educate the people about their rights, through educational institutions, mass communication media, civil liberty organizations, community organizations, labour organizations, and so on. The Government had also established a number of bodies to ensure the protection of the rights of specific population groups and, when necessary, had established national commissions to deal with specific issues.

/...

(Miss Khaparde, India)

7. Although the United Nations provided an appropriate forum for discussion on human rights around the world, it must be recognized that a forum of that kind had certain limitations inherent in its functioning. It was necessary to be sensitive always to the concept of sovereignty of nations and to strike a delicate balance between that concept, the common law of civilized nations and the inalienable rights of human beings.

8. Mr. RICHARDSON (Jamaica) said it was many years since the proposal to create a post of United Nations High Commissioner for Human Rights had first been put forward, but no decision had yet been taken on it. He understood that similar concerns and similar reservations had been expressed when the establishment of the post of United Nations High Commissioner for Refugees had been proposed, and practice had shown that they had been unwarranted and unnecessary.

9. Although the General Assembly was entirely competent to take up the proposal for the establishment of the post and to make the decision in the matter, he would not advocate its taking that unusual step, for that would be to deprive the Commission on Human Rights of its prerogative. The Commission had substantial expertise and had subsidiary bodies also composed of experts.

10. The report of the Secretary-General on national institutions for the promotion and protection of human rights (A/36/440) reflected the wealth and complexity of the institutions which countries had devised for the protection of human rights on a national basis. If those institutions were functioning as they had been intended to do, there would be no need for further action in the matter on the national or the international level. However, over the years there had been massive and flagrant violations of human rights in all regions; despite that, the international community had allowed the one proposal which could be used in that situation to become the victim of the classifical parliamentary manoeuvres of delay and obfuscation. There was no official in the international community who was engaged full-time in that task and who could respond immediately to urgent calls from countries for assistance in dealing with humanitarian problems and violations of human rights.

11. Over the years, the history of the proposal to establish the post of High Commissioner had been affected by politics. Member States had come to see the proposal as an additional means of attack. He invited the Committee to consider the proposal on its merits and not to regard it as something which must be warded off because it would be used for interference in the internal affairs of countries. The proposed official would exercise his functions in accordance with the Charter of the United Nations and the Universal Declaration of Human Rights, and he could not trespass without being called to account.

12. He therefore supported the proposal that the Commission on Human Rights should be invited to consider the proposal and reach conclusions during 1982, that the General Assembly should inform the Commission that it expected to receive its conclusions in time for consideration at its thirty-seventh regular session, and that the Assembly should make a definitive decision in the matter during its thirty-seventh session.

13. Mrs. KHAN (Bangladesh) said that as the Committee took up item 79, it was conscious of the immense complexity of the promotion of human rights, which embraced not only civil and political liberties but the rights of all people.

14. There was also an awareness of the apparent contradiction in the international community's approach to such matters. That limitation was inherent in the Charter itself, which prohibited intervention in matters which were essentially within the domestic jurisdiction of any State, while at the same time requiring all Members to take joint action to ensure the universal observance of human rights and fundamental freedoms for all.

15. Despite those contradictions and limitations, the work of the United Nations in the field of human rights, though painfully slow, had been positive. Over the years the question of human rights in its varied guises had received increasing recognition and grown in importance as an issue in bilateral relations and in multilateral discussions.

16. The progress made in the field of human rights must be viewed in that context. As the United Nations approached its goal of universality and as scientific and technological innovations advanced at a rapid pace, the members of the Committee were conscious, more than ever before, of the growing sense of community that bound all mankind together. In contemporary society, any weak link anywhere impinged directly on the security and well-being of all nations.

17. The debate had brought out new proposals which deserved attention. One of them was the proposal to create a post of United Nations High Commissioner for Human Rights. His delegation believed that before creating controversial new organs whose viability was threatened from the outset, the United Nations should take measures to ensure the effectiveness of existing machinery and institutions.

18. In conclusion, he said that the question of human rights must be viewed in its totality. So long as oppression, injustice, exploitation and discrimination existed, the approach to human-rights problems would remain distorted and inadequate.

19. Mr. VOICU (Romania) said that the consideration of problems relating to human rights provided the Committee with an opportunity to hold an in-depth dialogue on practical steps for strengthening international co-operation in a sphere which was a cause of great concern to all States Members of the United Nations.

20. His delegation had stated on various occasions that today's world had to face a series of negative phenomena which had a direct effect on the human condition, namely, the existence of colonialism and neo-colonialism, policies of force and imposition, foreign occupation and domination, the arms race, underdevelopment, economic crisis, unemployment and migration of manpower. His delegation now wished to discuss the arms race in more detail, proceeding from the general idea that disarmament was of crucial importance for the realization of the right to development, the attainment of the right to peace, the establishment of a new international economic order and the promotion of respect for all human rights.

/...

(Mr. Voicu, Romania)

21. Not long ago Romania's Front for Democracy and Socialist Unity had appealed to all the peoples of the world to take new and more vigorous action for peace and disarmament. At the same time, it had placed emphasis on the attainment by all peoples of the fundamental right to life, peace and freedom, through a broad unified movement of all peace-loving forces.

22. The in-depth study conducted by the Commission on Human Rights concerning the fundamental right of persons and nations to life, peace and a free and independent existence was part of that body's future programme of activities. Other current problems could also be examined in the same context, such as the utilization of advances in science and technology to consolidate international peace and security and to promote respect for human rights and fundamental freedoms. It might also be well to continue the analysis of other problems of great importance, particularly the international dimensions of the right to development, the rights of young people, and the guaranteeing of the right to work, education and health.

23. With regard to the proposed creation of a post of United Nations High Commission for Human Rights, it was evident that attention should be centred on the global review and evaluation that was to be carried out by the Commission of Human Rights before the item was considered in the General Assembly.

24. His delegation believed, like others, that it seemed premature for the present to debate or take a decision on the creation of such a post. What was needed, in the context of improving the institutional structures of the United Nations with a view to expanding international co-operation in the sphere of human rights, was to devote more attention to the improvement of the functioning of existing United Nations bodies in the sphere of human rights. To that end, it would be desirable to redefine more precisely, in the light of present needs, the mandate of the Commission on human rights and the functions of the Economic and Social Council in the human-rights sphere. Other substantive institutional aspects which deserved careful attention were: how to make better use of the composition of the Commission on Human Rights; how to formulate its programme better, in conformity with the needs of the General Assembly; and how to ensure that the Economic and Social Council guided the functioning of the Commission more effectively and systematically. It would also be desirable to improve the organization of work of the Division of Human Rights as currently structured, in order to deal with the additional tasks assigned to it in the future in the promotion and protection of human rights. Actual needs did not justify any change in the functions of the Division.

25. Lastly, as had also become evident during the current session of the General Assembly, there were wide divergences with regard to the creation of new institutional machinery in the context of human rights. Since the viability of any institutional structure, present or future, depended ultimately on the positions of States and groups of States concerning the matter, the viability of the creation of new institutional structures could not be appreciated until general agreement had been reached.

26. Mr. MATELJAK (Yugoslavia) said that he was particularly interested in a more complete elaboration of the concept of human rights, especially with regard to the right to development, with the active participation of individuals and peoples, which implied complete respect for human rights. At the international level, the full application of the right to development involved, above all, the attainment of the right to self-determination, respect for the political and economic independence and sovereignty of countries and peoples, the existence of genuine international peace and peaceful international co-operation, respect for the sovereign equality of all countries, and respect for the principles of peaceful coexistence defined in United Nations documents and in documents adopted at meetings of the non-aligned countries.

27. It was also necessary to create conditions at the national level which would enable individuals to participate actively in the development process. Every country should have the right, in keeping with its specific internal conditions, to determine without foreign interference the specific means for achieving its development. The imposition of foreign development models on a country constituted a violation of the human rights of that country and its people.

28. In Yugoslavia the right to development was applied through the system of socialist self-management, which enabled every worker to participate actively in making decisions of personal interest, common interest and social interest in general. That right was exercised in the context of various institutional forms of the system of self-management, that is to say, in the sphere of production, in communities of interest and at all levels of administrative and territorial units, ranging from local communities to the national federation.

29. In political life, the traditional system of parties had been abandoned in Yugoslavia. Consequently the pluralism of existing social interests was expressed in the pluralism of self-management interests, which permitted in so far as possible the authentic application of various forms of human rights. That meant that individuals or groups in vulnerable situations (women, older persons, handicapped persons and the like) had the right to have their protection ensured by the adoption of special measures, which gave them true equality.

30. The self-management system gave new opportunities for speedy social and economic development, particularly of the least developed republics and regions, which currently constituted 40 per cent of the territory, and almost the same percentage of the population, of Yugoslavia.

31. It was therefore logical that great importance should be attached to further elaboration of the concept of the right to development as a human right. Yugoslavia supported resolution 36 (XXXVII) of the Commission on Human Rights, and actively participated in the working group of experts established under that resolution.

32. Turning to the report in document A/36/462, he said that Yugoslavia had considered that a study would be more comprehensive than a report. Despite its short-comings, however, the report clearly showed that the current unfavourable international situation constituted a serious obstacle to the promotion of human rights in individual countries, and in the world in general. More attention would

(Mr. Mateljak, Yugoslavia)

therefore have to be paid to that problem in the future. It had rightly been pointed out in the report that the political will of Member States to eliminate the major obstacles in the way of achieving that goal was of paramount importance. The main problem was the lack of such political will, and not the so-called deficiency in human rights procedures or inadequacy in the organization of the human rights sector. Neither the establishment of a post of High Commission for Human Rights nor the creation of further human rights bodies would solve the human rights problem. Action should be directed to finding ways and means of inducing Member States to act more effectively in creating better national and international conditions for the respect and promotion of human rights and fundamental freedoms.

33. Miss FAWTHORPE (New Zealand) said that the Secretary-General's report (A/36/462), though not exhaustive, was a useful contribution to the consideration of a question that had been intensively discussed in recent years. The report of the Seminar on Human Rights, Peace and Development provided further insight into situations that could obstruct the full access of people to their rights, at the international and national levels alike.

34. With respect to the proposal for the establishment of a post of High Commissioner for Human Rights, which had been the subject of wide-ranging discussion since its initial introduction in 1965, her delegation, like many others, was disappointed at the lack of positive action and hoped that the recent recommendation of the Sub-Commission on Prevention of Discrimination and Protection of Minorities would give new impetus to the question in the Commission on Human Rights.

35. She drew attention to the general inadequacy of resources for the promotion and protection of human rights, to which reference was made in the Secretary-General's report. That inadequacy had been recognized for some time, and her delegation considered that the situation could be improved, in the United Nations context, by converting the Division of Human Rights into a Centre.

36. One of the most important conclusions in the Secretary-General's report was the one in paragraph 93, which stated, with reference to mass and flagrant violations of human rights, that such violations took place either as a result of conditions perpetuated by Member States or as a result of policies and practices engaged in by Member States, or with their acquiescence, and that the exercise of the political will necessary to change those factors could therefore be seen as highly important. Attention should also be drawn to the long-term importance of education, training and dissemination of information for the realization of human rights.

37. She also stressed the importance of taking human rights factors into account in national development and planning policies, and reiterated that the establishment of the new international economic order would not automatically bring about the full enjoyment by all individuals of fundamental freedoms, particularly in the sphere of civil and political rights. That was why her

/...

(Miss Fawthorpe, New Zealand)

delegation welcomed the conclusion reached by the Seminar on Human Rights, Peace and Development to the effect that the absence of peace, or the achievement of development by a people, could never exempt a State from its obligation to ensure respect for the human rights of its nationals and of the persons residing in its territory, and why it would like to see that conclusion reflected in a resolution on the item at the current session.

38. The Seminar had certainly illustrated the links between aspects of the international situation and basic human rights aspirations. She also drew attention to the Seminar's recommendation that the United Nations, when dealing with development, should give the human rights aspect greater attention. Among the other alternatives proposed by the Seminar was the possibility of placing a new item on the world human rights situation on the agenda of the General Assembly; that idea deserved careful study.

39. Lastly, she expressed the hope that steps to improve the capacity of the United Nations for dealing with violations of human rights and promoting the universal enjoyment of fundamental freedoms could be taken on a consensus basis.

40. Mr. TARASYUK (Ukrainian Soviet Socialist Republic) said that respect for human rights and fundamental freedoms was closely linked with the purposes for which the United Nations had been created, and particularly with the maintenance of the peace and security of peoples, since respect for human rights could only exist when peace prevailed. In Article 55 of the Charter, universal respect for human rights and fundamental freedoms was considered to be one of the areas influencing the conditions of stability and well-being that were necessary for peaceful and friendly relations among nations. There was also an undeniable link between the guarantee of human rights and fundamental freedoms and the principle of self-determination of peoples.

41. During the years that passed since the creation of the United Nations, the foundations of a system for the promotion of and respect for human rights had been laid, and more 50 international instruments on the subject had been adopted. His country, which had always respected those instruments, would like to see an increase in the number of States parties, since that would be one of the most important means of promoting and ensuring respect for human rights and fundamental freedoms.

42. In accordance with the growing needs of the international community, and with the principles of the Charter, a system had been developed in the United Nations in the sphere of human rights. The main components of that system were the General Assembly and the Economic and Social Council, and, above all, the Commission on Human Rights, which was responsible to the Council; there were also various organs, committees and commissions working on specific subjects related to human rights. In the development of that system, it was preferable, in his delegation's view, to improve existing bodies rather than to establish new ones. That was the specific task being performed by a working group of the Commission on Human Rights, which had considered interesting proposals submitted by Bulgaria, Poland and Mongolia for the Commission's long-term general programme.

/...

(Mr. Tarasyuk, Ukrainian SSR)

43. It was important to note that paragraph 1 of General Assembly resolution 32/130 set forth the most important concepts on which the approach to the future work with respect to human rights issues should be based. A number of specific steps had already been taken against mass and flagrant violations of the human rights of the peoples and individuals affected by situations resulting from the apartheid system practised by the South African régime and from Israel's policies in the occupied Arab territories. His delegation unconditionally supported all the concepts set forth in the resolution referred to, and in particular the importance of the establishment of the new international economic order for the effective promotion of human rights and fundamental freedoms and the need to ensure that co-operation among States in human rights matters was carried out only on the basis of the principles of the Charter.

44. It should be pointed out that human rights were a prerogative of Member States, and that any proposals that threatened the sovereignty of States undermined international co-operation in human rights matters. His delegation was therefore opposed to the establishment of a post of High Commissioner for Human Rights.

45. Among the documents before the Committee was the report of the Secretary-General (A/36/462) which stressed that the realization of human rights depended on the international situation and specifically on the extent to which international peace and security prevailed at any given time. That was also one of the main conclusions of the Seminar on the Relations that Exist between Human Rights, Peace and Development, the report on which stated that "the maintenance of international peace and security for all peoples and individuals is vital for social and economic progress and for the full realization of human rights."

46. The success of the work of the United Nations in the field of human rights depended fundamentally on the good will of Member States in co-operation and in combating mass violations of human rights. The Ukrainian SSR hoped that the number of States manifesting good will would increase and that they would join in the international co-operation vital to the realization of human rights and fundamental freedoms.

47. Mr. RAKOTOMALALA (Madagascar) said that his delegation had studied with interest the reports of the Secretary-General (A/36/462 and A/36/440), as well as the submissions from the Geneva and New York Seminars.

48. Although the Universal Declaration of Human Rights and the International Covenants on Human Rights signed in the past few years enunciated binding obligations, in certain parts of the world mass and flagrant violations of human rights continued to occur. No Government, moreover, could affirm that it had secured total respect for human rights. Thus it was clear that the concept of human rights was not static and that a programme of education and information to achieve greater understanding and respect for human rights was needed.

49. The United Nations had fulfilled a highly important role in the process of human liberation, not only from political domination and oppression but also from

/...

(Mr. Rakotomalala, Madagascar)

all forms of political, economic, social or cultural dependence. There were enough organizations within the United Nations system to enable it to accomplish its mandate effectively, and thus continuing violations of human rights must be attributed, inter alia, to the lack of political will of Governments and of the peoples themselves.

50. Since the number of competent human rights bodies was sufficient, there was no need to establish a post of United Nations High Commissioner for Human Rights. It would be preferable to encourage States to accede to the International Covenants on Human Rights, for the greater the number of States that complied with the obligations imposed by those Covenants, the greater would be the number of effective and far-reaching measures adopted to promote and protect human rights.

51. The Government of Madagascar had been applying most of the guidelines that the Seminar on national and local institutions for the promotion and protection of human rights had recommended to Governments. The Malagasy State had set up democratic structures to favour participation by the people in the building of a new society whose objectives were an autonomous and balanced development and the eradication of injustice and exploitation. The following were examples of what Madagascar was doing to achieve those goals: (a) there was a continuous process of mobilization of the masses and heightening of their awareness; (b) all persons over 18 years of age had the right to vote and to stand for election; (c) citizens were informed not only of their rights but also of their duties towards society; (d) the national radio broadcast a daily programme in which prominent jurists clarified questions relating to the law and judicial proceedings; (e) the Ministry of Labour produced broadcasts aimed at making workers aware of their rights; (f) deputies could intervene directly against the Administration on behalf of the interests of the electorate by submitting complaints to the appropriate Ministers; (g) decentralized community organizations had, in addition to their ordinary powers, conciliation and arbitration authority; (h) in penal matters, when a crime was punishable by more than five years' imprisonment, the services of a lawyer were provided free of charge to the accused.

52. In conclusion he observed that as the right to development had been recognized by the General Assembly as a fundamental human right, the rights of the people had priority, but that did not mean that individual rights should be sacrificed.

53. Mrs. IDER (Mongolian People's Republic) recalled that during the debates at the thirty-second session of the General Assembly, in which more than 60 States had participated, the majority had affirmed that economic and social development was basic for the achievement of civil, political and human rights. They had then adopted resolution 32/130, of capital importance for future United Nations work in the sphere of human rights. She stressed the interrelationship between the different kinds of rights and the need to give attention to all of them. Another important concept expressed in that resolution was the need to combat flagrant violations of human rights, which created situations constituting a threat to peace and security. The resolution enumerated flagrant violations such as racial discrimination, racism, apartheid and foreign occupation. It

/...

(Mrs. Ider, Mongolian People's Republic)

also stressed that the realization of the new international economic order was an essential element for the promotion of human rights.

54. The United Nations must bring its human rights activities into line with that resolution so as to give effect to the ideals upheld by the majority of Member States. Her delegation was pleased that the Commission on Human Rights had established a Working Group for that purpose, and considered that its useful work should continue during the Commission's next session. Mongolia had sponsored the document submitted by the Working Group, which reflected the concepts that had been given shape in resolution 32/130.

55. The Commission on Human Rights was the most important human rights body of the Economic and Social Council. Her delegation had welcomed the adoption by the Council of resolution 1979/36, which entrusted the Commission on Human Rights with the co-ordination of the human rights activities of the organizations of the United Nations system and which decided as well to extend the session of the Commission on Human Rights. The Commission on Human Rights and other organizations engaged in human rights activities not yet exploiting their potential to the full.

56. Her delegation did not agree with the proposal to hold meetings of the Bureau of the Commission between sessions. The Bureau of the Commission was not in a position to express the political will of the Commission and any recommendation it might make would have to be adopted by the Commission. Nor was it advisable to transform the Division of Human Rights into a Centre. Mongolia was in favour of improving the efficiency of United Nations human rights activities, but what was needed was to ensure that already existing agreements achieved maximum effectiveness and enjoyed universal acceptance. Similarly, better use should be made of the committees established under the International Convention on the Elimination of All Forms of Racial Discrimination and the International Covenant on Civil and Political Rights.

57. Furthermore, the proposal to establish a post of High Commissioner of Human Rights was not a good one. It had been proposed that such a post should co-ordinate the human rights activities of the organizations of the United Nations system, but according to the Charter of the United Nations that function fell within the purview of the General Assembly and the Economic and Social Council. Not even the Secretary-General had authority to co-ordinate the activities of those organizations. Those who favoured the establishment of the post said that its occupant would not interfere in the affairs of other organizations, but how would it be possible to co-ordinate the functions of other organizations without interfering in them? The post duplicated functions of already existing bodies.

58. The real purpose of the establishment of the post would be that it would offer certain countries the possibility of interfering in the internal affairs of others. Her delegation opposed the establishment of a post of High Commissioner for Human Rights and found it regrettable that the proposal had been repeatedly submitted to the Committee for years.

59. Mrs. MASMOUDI (Tunisia) took the Chair.

/...

60. Mr. LOOD (Philippines) said that the international community was confronted with the problem of discovering ways and means of improving the effective enjoyment of human rights. In that connexion, the reports of the Secretary-General (A/36/440, A/36/462 and A/CN.4/1433) were fundamental, since they dealt with activities undertaken at all levels and emphasized the existence of good international instruments whose implementation would effect a transformation.

61. The Seminar held in August 1981 had concluded that one of the fundamental obstacles to the enjoyment of human rights, particularly in developing countries, was the existence of economic inequalities. Indeed, a large percentage of the world's people lacked basic necessities such as food, shelter and health care, and were living in conditions that were grossly unacceptable. The target set by General Assembly resolution 2626 (XXV) adopted in 1970, in accordance with which developed countries should provide 0.7 per cent of their gross national product to the developing countries in the form of official development assistance, had not yet been reached. The terms of international trade and investment were far from being favourable to the developing countries. The Seminar had emphasized the need to remedy that situation by making changes in the structure and functioning of the world economy and it had stressed again the urgency of establishing a new international economic order.

62. But the world situation was not entirely negative, as the recent Cancún meeting devoted to the North-South dialogue indicated. As the President of his country had pointed out, it was a paradox that one of the results of the Cancún meeting might be the establishment of a precedent for the exercise and application of political will of a moral order that had been in the process of deterioration. Deterioration was not the spirit of the Cancún meeting. What was needed was global negotiation, and that was the spirit which had to be nurtured. Advantage should be taken of that spirit to establish the long awaited new economic order.

63. His delegation wished to join in efforts to promote human rights by drawing the Committee's attention to a subject which, in its opinion, needed to be examined. That subject was freedom of movement and freedom to choose one's residence. Those freedoms should not be restricted except by lawful order of a court or in the interest of national security or public health. Any reasons adduced for limiting those freedoms must be sufficiently justified. No one should be imprisoned or deprived of his freedom or exiled except in accordance with the law. Everyone had the right to return to his own country.

64. Mr. MASSOT (Brazil) said that the collective exercise that the Committee carried out each year in seeking alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms helped to keep alive the creative effort that should inspire the dynamics of a multilateral system. But the exercise should not be interpreted as a search for new approaches necessitated by some inadequacy of the existing ones, nor should it serve to undermine the existing structures; rather, it should have as its aim the perfecting of the existing system, the strengthening of its future potential and the implementation of the decisions already taken.

(Mr. Massot, Brazil)

65. Only when all that had been completed and there still seemed to be a long way to go - should new structures be established. The Commission on Human Rights should receive more support from States, which ought to increase or at least maintain a constructive dialogue within and with the Commission. If the latter was to perform its tasks effectively, it must be recognized that its subsidiary bodies reported to the Commission. Attempts to change that hierarchical order only created chaos in the existing structure.

66. Organic changes should not be effected until the conclusion of the Commission's work concerning alternative approaches and ways and means for improving the enjoyment of human rights. The proposals made to establish a post of High Commissioner for Human Rights and to transform the Division of Human Rights into a Centre before the conclusion of the studies which were under way did not have the approval of his delegation, which was not even convinced of their usefulness. The resolutions adopted by the Commission on Human Rights and the drafts on which it had been working during its thirty-seventh session showed that existing bodies could be effective and that it was possible to find alternative solutions to basic problems.

67. Among the mass and flagrant violations of human rights, apartheid was the most abhorrent. No effort should be spared to eliminate that evil, and all nations should co-operate in working toward that end. The international community should devote more time to the study of that obnoxious practice and, above all, of its origins. Greater knowledge of the causes which had given rise to it would make it possible to determine how to combat and destroy it. Investigating its cultural, ethnic and sociological background would enable delegations to form a better image of the target to be attacked.

68. Miss LORANGER (Canada) observed with satisfaction that the United Nations had achieved specific results in the field of human rights and had been able to heighten the awareness of peoples in that regard. It was necessary to persevere with those efforts and to bear in mind that Governments, by ratifying the Charter, had committed themselves to international co-operation in developing and stimulating respect for human rights. The fundamental problem was to be able to orchestrate all efforts so as to achieve effective co-operation in the human rights field.

69. Agenda item 79 offered one of the means of achieving that aim. The Commission on Human Rights had appointed a working group to study the question but, in her delegation's opinion, it had not achieved the results envisaged; it had restricted itself to discussing the broad subjects to be dealt with and had not managed to formulate precise or systematic recommendations. The working group could play a very important role, but it would be necessary to think seriously about seeking another means of attaining the desired objectives if it did not achieve tangible results during the next session of the Commission.

70. Her delegation attached great importance to the suggested establishment of the post of United Nations High Commissioner for Human Rights, a problem which

/...

(Miss Loranger, Canada)

the Commission must study very attentively. The establishment of a post of High Commissioner would contribute to promoting and protecting human rights throughout the world, since its incumbent would serve as an intermediary in finding specific solutions to the problems which arose in that field.

71. Delegations ought to adopt an open attitude which would allow them to consider seriously new proposals and modifications to the existing system. No one could deny that it was still possible to make improvements in the mechanisms established in the human rights sector. A system must be found which would increasingly be in keeping with the obligations and ideals that had been set forth in the Charter.

72. Although there were differences of opinion, the lack of consensus must not be an excuse for those who were unwilling to consider new ideas. It was worth recalling that the Universal Declaration of Human Rights, which was the keystone of the Commission's work, had not been approved by consensus. Although the Commission on Human Rights and States were dealing with serious situations, the effectiveness of the relevant procedures often left much to be desired. Her country particularly regretted that the United Nations was not able to take urgent steps in cases where it would be justified in doing so. The Committee had not even been able to take a decision on the proposal that the Bureau of the Commission on Human Rights should meet between sessions to deal with urgent situations. Her Government supported that proposal but others could be envisaged, such as having the Commission meet twice a year, which would reduce the volume of work that delegations attending its sessions had to perform.

73. Her Government considered that the Secretariat services which dealt with human rights should have the requisite infrastructure and that the existing Division of Human Rights should be changed into a centre for human rights, a move which would be justified considering the relative importance of that service as compared with other Secretariat services. The Secretary-General should do everything possible to achieve that objective.

74. When contemplating new measures that the Commission could recommend, it was essential not to minimize the important functions incumbent on the General Assembly in connexion with the elaboration of international instruments and consideration of the human rights situation in the world. The functions of the Commission on Human Rights could be broadened but, at the same time, the General Assembly ought to adopt a provision under which a comprehensive study of the human rights situation in the world would be carried out every two years. That procedure would be similar to the one adopted by the Assembly in dealing with the world social situation. Her delegation had not yet taken a position in that respect but considered that it was a new idea which should be examined with the requisite flexibility.

ORGANIZATION OF WORK

75. Miss FRANCO (Portugal) said that the summary record of the 22nd meeting (A/C.3/36/SR.22, para. 72) contained a serious mistake in reporting her delegation's

(Miss Franco, Portugal)

explanation of vote on draft resolution A/C.3/36/L.11 relating to agenda item 81, which distorted the meaning of the statement made on that occasion reiterating the well-known position of her Government. What had been said on that occasion was "We believe that a peaceful outcome of these problems, their seriousness notwithstanding, is still possible and that efforts to that end should continue to be sought. Thus we cannot but clearly condemn, once more, the recent attacks on some of the Front-Line States, particularly Mozambique and Angola, that can only hinder the pursuance of such goal."

76. Mr. O'DONOVAN (Ireland) resumed the Chair.

77. Mr. RANGASHMAR (India) and Mrs. BARISH (Costa Rica) requested that since work was still proceeding on the draft resolutions on national institutions for promoting and protecting human rights and on the establishment of a post of High Commissioner respectively, the time-limit for their submission should be extended from 6 p.m. on that day until 1 p.m. on the following day.

78. The CHAIRMAN said that if there were no objections, he would take it that the Committee agreed to the request of the representatives of India and Costa Rica.

79. It was so decided.

The meeting rose at 5.40 p.m.