

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



THIRD COMMITTEE
49th meeting
held on
Friday, 13 November 1981
at 3 p.m.
New York

SUMMARY RECORD OF THE 49th MEETING

Chairman: Mr. O'DONOVAN (Ireland)

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
- (b) NATIONAL INSTITUTIONS FOR THE PROMOTION AND PROTECTION OF HUMAN RIGHTS: REPORT OF THE SECRETARY-GENERAL

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.49
1 December 1981
ENGLISH
ORIGINAL: SPANISH

The meeting was called to order at 3.45 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)

1. The CHAIRMAN said that, if there were no objections, he would take it that the Committee wished to conclude its consideration of item 73.

2. It was so agreed.

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/C.3/36/L.41 and Rev.1, L.43, L.44 and L.46)

(a) IMPLEMENTATION OF GENERAL ASSEMBLY RESOLUTIONS 34/46 and 35/174: REPORT OF THE SECRETARY-GENERAL

(b) NATIONAL INSTITUTIONS FOR THE PROMOTION AND PROTECTION OF HUMAN RIGHTS: REPORT OF THE SECRETARY-GENERAL

3. The CHAIRMAN suggested suspending the meeting for one half hour in order to give delegations which had requested the suspension to finish their consultations on the two draft resolutions and the various amendments before the Committee.

4. Mrs. WARZAZI (Morocco) said that she had some comments to make on draft resolution A/C.3/36/L.41 before the meeting was suspended.

5. It was not the first but rather the fourth time that the Committee was considering a draft resolution on the item. It was therefore surprising that the substance of the draft resolution under consideration constituted a step backwards in relation to the resolutions on the same subject approved at the thirty-fourth and thirty-fifth sessions. In addition, the text was selective in presenting the various ideas.

6. For example, the ninth preambular paragraph of resolution 35/174 stated that "the right to development is a human right" and was acceptable to the Moroccan delegation, but the tenth preambular paragraph of draft resolution A/C.3/36/L.41 before the Committee stated that "the right to development is an inalienable human right belonging to all peoples and to every individual", which was an unjustifiable extension of the meaning.

7. Furthermore, in operative paragraph 4 of the draft the need was reaffirmed of creating "satisfactory conditions at the national and international levels for the full promotion and protection of the human rights of individuals and peoples", whereas the French text of resolution 34/46 referred to the need to create "les conditions propices au respect absolu et a l'entiere protection des droits de l'homme". Moreover, in draft resolution A/C.3/36/L.41 Governments

(Mrs. Warzazi, Morocco)

were not urged, as they had been in previous years, to promote and protect civil and political rights, whereas in resolution 35/174, adopted at the thirty-fifth session, a whole paragraph, namely operative paragraph 4, was devoted to an appeal to Member States. It should also be noted that, in the resolution adopted by the General Assembly at its thirty-fifth session, paragraph 3 stressed "the necessity of establishing the new international economic order", whereas, in 1981, operative paragraph 3 of draft resolution A/C.3/36/L.41 reiterated something which had not been previously included: that the new international economic order was an "essential element for the effective promotion and the full enjoyment of human rights and fundamental freedoms for all".

8. She asked whether the foregoing implied that, so long as a new international economic order was not established and economic rights were not recognized, civil and political rights were not to be respected. In her delegation's view such an affirmation was unacceptable in the Third Committee which was dealing with human rights, particularly as it had been emphasized that civil and political rights were inseparable from economic, social and cultural rights.

9. Although the sponsors of the draft resolution recognized the existence of an Ad Hoc Working Group of the Commission on Human Rights responsible for studying the scope and contents of the right to development, the Third Committee was being made to anticipate the conclusions of that Working Group and to declare, as in paragraph 10 of draft resolution A/C.3/36/L.41, that "the right to development is an inalienable human right belonging to all peoples and to every individual". Finally, the idea was being put forward that international peace and security were essential elements for the full realization of the right to development.

10. In view of those objections, her delegation would vote against draft resolution A/C.3/36/L.41.

11. Mr. YUSUF (Somalia) proposed to the sponsors of draft resolution A/C.3/36/L.41/Rev.1 that operative paragraphs 8 and 9 should become, respectively, the new first and second paragraphs of the preamble and that the subsequent paragraphs should be renumbered.

12. Mrs. de BARISH (Costa Rica) said that she had prepared some comments on draft resolution A/C.3/36/L.41 and proposed to adapt them to the revised text (A/C.3/36/L.41/Rev.1). Firstly, she pointed out that the reference to the Optional Protocol to the International Covenant on Civil and Political Rights was missing in the preamble. Secondly, a reference to resolution 32/130, which outlined the approach to the future work within the United Nations system with respect to human rights questions, was included but in fact draft resolution A/C.3/36/L.41 was limited only to the concepts set forth in that resolution.

13. There followed a kind of justification of the fact that Governments did not grant their nationals the enjoyment of human rights and fundamental freedoms, because the draft gave the impression that, unless the new international economic order was established, human rights could not be promoted. In her delegation's

/...

(Mrs. de Barish, Costa Rica)

view, States which had signed the Charter, the Universal Declaration of Human Rights, the international covenants and the Optional Protocol, as well as other fundamental instruments for ensuring the enjoyment of human rights or fundamental freedoms, were obliged to guarantee their citizens those rights in any case. Furthermore, in the seventh paragraph of the preamble human rights were mixed with the right to work and the right of workers to participate in management but no mention was made, for example, of the right freely to form trade unions. It was also reaffirmed that, in order fully to guarantee human rights and complete personal dignity, it was necessary to guarantee the right to work and the participation of workers in management; it might be better first to guarantee the right to proper nourishment, health and education.

14. It was necessary to encourage the Second Committee and the plenary Assembly to endeavour to reach positive agreement on economic problems but in the Third Committee it was more logical to call for the implementation and respect of the human rights of people who should benefit directly from the efforts made in that direction.

15. It also seemed inappropriate to give second place to human beings by stating that the right to development was an inalienable human right. As her delegation had repeatedly emphasized, human beings, who had been considered since ancient times as the measure of all things, were paramount.

16. The meeting was suspended at 4.05 p.m. and was resumed at 4.55 p.m.

17. The CHAIRMAN informed the Committee that there was a revised text of the draft resolution referred to by the delegations of Morocco and Costa Rica; it had been distributed under the symbol A/C.3/36/L.41/Rev.1.

18. Mrs. FLOREZ (Cuba) explained that draft resolution A/C.3/36/L.41/Rev.1 before the Committee was the outcome of the consultations with delegations.

19. In order to take account of the observations of other delegations, four new paragraphs had been added, namely, the sixth and seventh paragraphs of the preamble and operative paragraphs 2 and 5. In addition, the words "in conformity with the Universal Declaration of Human Rights and the International Covenants on Human Rights" had been added at the end of the fourth preambular paragraph; the words "bearing in mind also other relevant texts" had been added at the end of operative paragraph 1; and the words "paying also due attention to other situations of violations of human rights" had been added in operative paragraph 3.

20. Since the submission of the revised draft resolution further consultations had been held to make the text as favourable as possible to developing countries. The amendments to draft resolution A/3/36/L.41/Rev.1 to make it acceptable to most delegations had been the following: in the fourth preambular paragraph the words "through the existing structures of the United Nations system", had been deleted. In the ninth preambular paragraph the words "belonging to all peoples and to every individual" had been deleted. Paragraph 6 had been replaced

(The Chairman)

by the following text "Reiterates the need to ensure economic and political stability at the national and international levels for the full enjoyment, promotion and observance of human rights of peoples and individuals." In paragraph 7 the word "guarantee" had been replaced by "promote" and "Further reaffirms" had been replaced by "Reaffirms also". Moreover, that paragraph should be corrected by adding an expression equivalent to the Spanish word "cabalmente" to the English text. In paragraph 8 the words "belonging to all peoples and to every individual" had been deleted. The text of paragraph 10 had become the tenth preambular paragraph. With those changes the text of the draft resolution could be put to the vote immediately.

21. Mrs. WARZAZI (Morocco) commented that people were educated before they began to work and it would be accordingly more logical to have paragraph 7 refer to "the right to education and the right to work", in other words, to invert the order of those rights.

22. Miss NAGA (Egypt) said that her delegation was among those that had requested that the right to development should be considered by the Commission on Human Rights. She wished to discuss some aspects of the draft resolution under discussion. Her delegation would have preferred the ninth preambular paragraph, which emphasized that "the right to development was an inalienable human right", to use more explicit and more categorical wording with regard to the developing countries right to development. The same applied to paragraph 8, since its wording was virtually the same as that of the ninth preambular paragraph.

23. With regard to the tenth preambular paragraph, which had formerly been in the operative part, she said that the concept of international peace and security included economic and political stability, since without the latter the right to development could never be realized. It would be desirable for that idea to be expressly included in the tenth preambular paragraph just as it had been incorporated into paragraph 6.

24. The CHAIRMAN reminded the sponsors of the draft resolution that the Moroccan delegation had proposed that in paragraph 7 the right to education should be mentioned before the right to work and not after, as was the case in the text before the Committee.

25. Mrs. FLOREZ (Cuba) observed that the draft resolution was sponsored by 20 delegations. If any of them had anything to say about the amendment proposed by the Moroccan delegation, it should do so immediately so that the draft resolution could be put to the vote.

26. Mr. DERESSA (Ethiopia) said that the amendment proposed by the Moroccan delegation was a minor one that the other sponsors could very well accept.

27. Mr. MATELJAK (Yugoslavia) said that the right to work was more important than the right to education. Although one might have had no education, one did have the right to work. Accordingly, the existing wording of paragraph 7 should

/...

(Mr. Mateljak, Yugoslavia)

be adhered to. However, in view of the prevailing spirit of co-operation, his delegation would accept the amendment proposed by the Moroccan delegation on, the understanding that the other sponsors did likewise.

28. The CHAIRMAN said that if he heard no objection he would take it that the sponsors of the draft resolution accepted the amendment proposed by the delegation of Morocco.

29. It was so decided.

30. Mr. NORDENFELT (Sweden) proposed that the words "of individuals and peoples" in paragraph 6 should be voted on separately. His delegation wanted those words deleted.

31. The CHAIRMAN invited the Committee to vote on the deletion of the words "of individuals and peoples" from paragraph 6.

32. The proposal was rejected by 104 votes to 4, with 24 abstentions.

33. At the request of the representative of the United States of America the draft resolution as a whole, as amended was put to the vote.

34. At the request of the representative of Yugoslavia a recorded vote was taken.

In favour: Afghanistan, Algeria, Angola, Argentina, Australia, Bahamas, Bangladesh, Benin, Bhutan, Bolivia, Botswana, Brazil, Bulgaria, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Comoros, Congo, Costa Rica, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Fiji, Finland, France, Gabon, German Democratic Republic, Greece, Guinea, Guinea-Bissau, Guyana, Honduras, Hungary, Iceland, India, Indonesia, Iraq, Ireland, Ivory Coast, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malaysia, Maldives, Mali, Mauritania, Mexico, Mongolia, Morocco, Mozambique, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Qatar, Romania, Rwanda, Samoa, Sao Tome and Principe, Senegal, Sierra Leone, Singapore, Somalia, Sri Lanka, Sudan, Surinam, Sweden, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Cameroon, Upper Volta, Uruguay, Vanuatu, Venezuela, Viet Nam, Yugoslavia, Zaire, Zambia, Zimbabwe.

Against: United States of America.

Abstaining: Austria, Bahrain, Belgium, Canada, Germany, Federal Republic of, Guatemala, Israel, Italy, Jamaica, Japan, Luxembourg, Malawi, Portugal, Saudi Arabia, Spain, United Republic of Cameroon.

35. Draft resolution A/C.3/36/L.41/Rev.1 was adopted by 118 votes to 1 with 16 abstentions.

36. The CHAIRMAN invited the Committee to vote on draft resolution A/C.3/36/L.43, taking into account the amendments in document A/C.3/36/L.44 and the subamendments in document A/C.3/36/L.46.

37. Mr. DANOVI (Italy) said that Samoa and the Solomon Islands had become sponsors of the draft resolution as it stood. His delegation wished to propose some changes in that document on the understanding that those changes would enable the amendments and subamendments proposed in, respectively, documents A/C.3/36/L.44 and L.46 to be withdrawn and thereby make it possible for the draft resolution to be adopted without a vote. His delegation apologized to its co-sponsors for not having had time to have full consultations with them on the revisions and it hoped that they would agree to them.

38. The changes were as follows: in the third preambular paragraph to delete the words "with regret"; to change the wording of the fourth preambular paragraph to read "Also noting that the Commission on Human Rights has been seized of this question since its thirty-fourth session under the agenda item on alternative approaches"; to replace the part of paragraph 1 from the words "of the highest priority" to the end of the paragraph by the words "deserving its attention, among those to be considered under the relevant item on the Commission's agenda" to revise paragraph 2 to read "Also requests the Commission on Human Rights to submit through the Economic and Social Council to the General Assembly at its thirty-seventh session the conclusions and recommendations agreed upon at its thirty-eighth session". He suggested that in paragraph 3 the words "resume consideration and to take action on" should be replaced by "resume consideration of", that the words "the substantive recommendations to be submitted by" should be replaced by "the report of"; that the words "and the views expressed by Member States at the thirty-sixth session of the General Assembly" should be added after the words "Commission on Human Rights"; and that the words "with a view to reaching a decision on this question" in the last line should be replaced by "and to consider measures that might be adopted in this respect". Paragraph 3 would accordingly read "Decides to resume consideration of the question of the establishment of a United Nations High Commissioner for Human Rights, also taking into account the report of the Commission on Human Rights and the views expressed by Member States at the thirty-sixth session of the General Assembly under the item "Alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms, and to consider measures that might be adopted in this respect".

39. Mrs. WARZAZI (Morocco) expressed surprise at the proposals made by the Italian delegation, especially the one relating to paragraph 2. In her view, it would be unfortunate if that proposal were adopted, since that would mean that the entire study of the item would have been useless.

(Mrs. Warzazi, Morocco)

40. In the Third Committee there had always been clear opposition to the repeated attempts to force the Committee to accept the principle of taking decisions by what was now commonly called "consensus". She asked for an explanation of the meaning of the word "agreed". Did it mean that the recommendation referred to must be adopted by common agreement, that is to say by consensus? It was necessary to call things by their right names, and if in this case the consensus procedure was to be applied, her delegation would vote against it, since it believed that in matters of human rights, decisions could not be adopted by consensus.

41. Mr. GONZÁLES de LEÓN (Mexico) asked for an explanation of the status of the Italian proposals, since the representative of Italy had said that he had not held consultations on the revisions in the text with the co-sponsors of draft resolution A/C.3/36/L.43. It was his delegation's understanding that draft resolution A/C.3/36/L.43 was intended to exert pressure, in the best sense of that word, in favour of the establishment of a post of United Nations High Commissioner for Human Rights, however, the proposals in the draft resolution now seemed to have the opposite aim. It would be interesting to ascertain whether the other sponsors of the draft resolution were in agreement.

42. Mr. MATELJAK (Yugoslavia) asked the Italian delegation to clarify what the complete text of paragraph 1 would be according to its proposal.

43. Mr. DANOVI (Italy), replying to the question asked by the Moroccan delegation, said that in his view, the word "agreed" did not presuppose an application of the principle of consensus but rather included any method that an intergovernmental organ might use in order to reach agreement.

44. In reply to the Yugoslav delegation, he said that the proposed text of paragraph 1 would be the following: "Requests the Commission on Human Rights to consider this question at its thirty-eighth session as one of the matters which deserve its attention among those to be examined under the relevant item of the Committee's agenda".

45. Mrs. LORANGER (Canada) said that since the amendments proposed by the Italian delegation substantially modified the sense of the resolution originally supported, she must, as a sponsor of draft resolution A/C.3/36/L.43, request a brief suspension of the meeting in order to discuss the matter with the other sponsors.

46. The CHAIRMAN explained that in view of the lack of time and the fact that one of the sponsors clearly did not agree with the revisions presented by Italy, it would seem desirable to postpone consideration of the item until the meeting of Monday, 16 November. He invited the Committee to hear the explanations of vote concerning draft resolution A/C.3/36/L.41.

47. Mr. GIUSTETTI (France) said that his delegation attached great importance to the right of development, since it believed that human rights were indivisible and interdependent and that economic, social and cultural rights should be realized under the same conditions as civil and political rights. In considering draft resolution A/C.3/36/L.41, his delegation had been guided by two fundamental truths.

(Mr. Giustetti, France)

The first was that human rights were inherent in the dignity of the human person, and therefore every individual should enjoy those rights, irrespective of the conditions prevailing in the society to which the individual belonged. Consequently it was a duty of all States to recognize that right expressly, embodying it in appropriate legal ordinances. Secondly, it must be borne in mind that respect for human rights was the foundation and cause of an order of freedom, justice and peace within nations and among them, as stated in the first paragraph of the Universal Declaration of Human Rights. It was a fact that the establishment of a social order worthy of the name also presupposed the adoption of measures favourable to society in general, as was clear from the fifth preambular paragraph of the Universal Declaration and from article 28 of the Declaration. It was precisely those principles that had given rise, at the international level, to such concepts as the right to development, the new international economic order, and peace and security. But those measures would have no solid foundation unless they were based on respect for individual civil, political, economic, social and cultural rights.

48. A balance must be established between those two fundamental concepts and the reaffirmation of the need to establish a right of solidarity. Extensive and conscientious efforts had been undertaken to achieve that balance, and his delegation wished to express its gratitude to all those who had promoted it. However, those efforts had not yet been crowned by total success, and the reservations expressed by some delegations with regard to the text seemed justified in various aspects. It would be desirable for the future to prepare an improved text, in order that some delegations which had not supported the text now before the Committee should join the countries which had favoured it. In order to achieve that end, it would no doubt be necessary that all parties concerned should associate themselves with the preparation of the draft. His delegation had voted in favour of it.

49. Miss RASI (Finland), speaking on behalf of the five Nordic countries, said that the group had voted in favour of draft resolution A/C.3/36/L.41. Four years earlier the General Assembly had adopted resolution 32/130, which had represented a conceptual advance, since it specified that all human rights and fundamental freedoms were indivisible and interdependent and that equal attention and urgent consideration should be given to the implementation, promotion and protection of both civil and political rights and economic, social and cultural rights. To the Nordic countries, that important resolution, which had marked the beginning of an integral process for the study of alternative approaches and ways and means within the Commission on Human Rights, continued to be the main operational framework for other measures that had been adopted in that sphere. Draft resolution A/C.3/36/L.41 had been analysed in that context.

50. The Nordic countries did not agree with the concept that human rights and fundamental freedoms could be promoted only in particular circumstances. Concepts such as that of the right to peace, and especially the right to development, could not be easily related to human beings and individuals. In recent discussions, the definition of human rights had been expanded more and more, to include those

(Miss Rasi, Finland)

collective rights, whose beneficiaries were not individuals but States or nations. In the view of the Nordic countries, the right to development was the right of the individual to participate fully in the development process and to enjoy its benefits. The right of nations and peoples to development had been enshrined in the Charter of Economic Rights and Duties of States, a document that dealt with collective rights, which were different from human rights.

51. There was no universally accepted definition of the concept of the right to development. The Commission on Human Rights was examining the question at present, and the Nordic countries believed that it would be premature for the General Assembly to prejudge the results of that study.

52. The Nordic countries would give a more detailed statement of their views concerning the definition of that concept at the proper time. Obviously the Commission on Human Rights could not concern itself with all aspects of international development, but it was essential that the Commission should define more clearly and emphasize the importance and pertinence of the individual human factor in the development process.

53. Mr. MASSOT (Brazil) said that his delegation had voted in favour of draft resolution A/C.3/36/L.41/Rev.1, with the understanding that the provisions of paragraph 2 did not imply interference in sovereign countries free process of decision with regard to the ratification of or accession to international instruments.

54. Mr. AGUILAR HECHT (Guatemala) explained that his delegation had abstained in the vote on draft resolution A/C.3/36/L.41/Rev.1 because it believed that the wording conflicted with some Guatemalan legal precepts. In addition, he expressed his delegation's reservations concerning paragraphs 2, 3, and 7 of the draft resolution.

55. Mr. VERKERCKE (Belgium) said that his delegation had abstained because the revised texts, including those revised orally, still lacked balance, attaching exclusive importance to a certain type of rights and placing excessive emphasis on international responsibility for promoting human rights in comparison with the responsibility for the promotion of those rights on the national level.

56. His delegation had also found some difficulty with a number of paragraphs, especially paragraphs 3, 6, 7, and 9.

57. Mr. FURLAND (United Kingdom) observed that his delegation had taken a positive approach to the debate on alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms.

58. His delegation had voted in favour of Economic and Social Council decision 1981/149, in which the Council had approved the decision of the Commission on Human

(Mr. Fursland, United Kingdom)

Rights to establish a working group of 15 governmental experts appointed by the Chairman of the Commission and to study the scope and content of the right to development.

59. He had followed with keen interest the consultations with regard to the draft resolution originally contained in document A/C.3/36/L.41; unfortunately, he had been unable to support that draft resolution because it confronted him with two general problems. First, with regard to the question of balance, he said that development was not an exclusively economic concept; moreover, in its present form, the draft resolution did not give due attention to civil and political rights.

60. The other general problem related to timing. Mention had already been made of the Working Group of 15 government experts established by the Commission on Human Rights to study the scope and contents of the right to development. It would be premature and prejudicial to the work of that working group to refer to the right to development, as though agreement had already been reached on a definition of its scope and contents, before the working group submitted its report on the subject.

61. His delegation also had substantial reservations concerning the link that was established in that draft resolution and in others between the establishment of the new international economic order and the effective promotion and the full enjoyment of human rights and between international peace and security and the full realization of the right to development. Nevertheless, it attached great importance to the subject and hoped that future debates on the item would enable the Third Committee and the Commission on Human Rights to reach broader agreement on resolutions on the subject.

62. Mr. WALKATE (Netherlands) explained that, although he had voted for draft resolution A/C.3/36/L.41/Rev.1, his delegation had reservations concerning the form in which the concept of the right to development was being debated in the Third Committee; furthermore, the original draft resolution had been submitted to the Committee without prior debate on the substance of the issue.

63. Having noted that the Netherlands took an interest in the concept of the right to development, he pointed out that negotiations had been held with the sponsors of the draft resolution and that it was hoped that the dialogue would continue, not only in the Third Committee but also in the Working Group of 15 government experts. It was to be hoped that the results of the Working Group's efforts would be positive but its work must not be prejudged. Adopting a draft resolution which referred to the contents of the right to development - as did operative paragraph 8 - would be prejudging that work.

64. His delegation did not feel obligated to comment on the resolution in so far as the contents and scope of the right to development were concerned.

65. Miss SLATTER (Ireland) expressed reservations concerning the draft resolution. Her delegation felt that there should not be any economic or political prerequisites

(Miss Slatter, Ireland)

for the protection and promotion of human rights. Furthermore, the resolution paid scant attention to individual human rights. Her delegation did not agree that priority should be accorded to the search for solutions to violations of certain rights over others as was stated in operative paragraph 3.

66. Since the results of the Working Group established to study the scope and contents of the right to development were not yet known, it would be inappropriate and premature for the General Assembly to take a decision on the subject at the present time.

67. Miss WELLS (Australia) said that her delegation had voted in favour of draft resolution A/C.3/36/L.41/Rev.1 and recalled that Australia was determined to seek a means of consolidating and expanding the capacity of the United Nations to undertake effective activities in respect of the promotion of human rights.

68. There was no need to say that, in so far as the draft resolution referred to matters such as the new international economic order which properly were matters that concerned other organs, including the Second Committee, the references to those issues did not in the least affect the opinions expressed by her delegation in those other bodies. On the other hand, her delegation attached particular importance to those elements in the draft resolution which stressed that all human rights were indivisible and interdependent, for it was not possible to give priority to one special group of human rights over the others. In particular, her delegation rejected any idea that States might be exempted from the obligation of fully protecting the rights of the individual on the basis that it was necessary to change international economic relations.

69. Mr. GERSHAM (United States of America) pointed out that his delegation had voted against draft resolution A/C.3/36/L.41/Rev.1 for reasons relating to substance and procedure.

70. Concerning the substance, he said that the draft resolution was unacceptable because it sought to divert the attention of the Third Committee and of the Commission on Human Rights from individual human rights to collective human rights. According to the Universal Declaration of Human Rights and the International Covenants on Human Rights, the right to development was an individual right to personal development. Moreover, it was debatable whether the right to development - which had yet to be defined - was inalienable, as was stipulated in the draft resolution.

71. He also rejected the attempt to establish prerequisites for the respect or enjoyment of human rights and fundamental freedoms. There was no need to wait for the establishment of a new international economic order, the achievement of international peace and security or the achievement of the right to development by peoples and States in order to respect human rights and fundamental freedoms; nor did respect for those rights and freedoms depend upon the promotion of the right to work or the right of workers to participate in management for that, in practice, implied the negation of fundamental freedoms.

/...

(Mr. Gersham, United States)

72. The draft resolution also was inadequate from the procedural point of view. Pursuant to resolution 36 (XXXVII) of the Commission on Human Rights, a working group of 15 government experts had been set up to study the issue concerning the right to development and the group had already begun its work. It would be premature to adopt the draft resolution. To do so would be tantamount to trying to influence and prejudge the work of the working group since the latter's work might jeopardize efforts to have the General Assembly approve a controversial draft resolution concerning the substance of the right to development such as that contained in document A/C.3/36/L.41/Rev.1.

ORGANIZATION OF WORK

73. The CHAIRMAN announced that the sponsors of draft resolution A/C.3/36/L.43 had informed him that they were not in a position to make a joint proposal to the Committee. Accordingly, the draft resolution would be taken up again on Monday, 16 November. He reminded the Committee that the deadline for submitting draft resolutions under item 83 was 6 p.m. on Tuesday, 17 November.

74. He asked representatives to inscribe their names on the list of speakers on items 12, 129 and 138 since those items would be discussed on Thursday, 19 November. If he heard no objection, he would take it that the Committee agreed that the list of speakers on item 12, 129 and 138 should be closed at 6 p.m. on Friday, 20 November.

75. It was so decided.

76. The CHAIRMAN announced that he had received a letter from the President of the General Assembly informing him that the Assembly had decided to permit the Third Committee to deal with some matters relating to agenda item 30, such as the preparation of recommendations and draft resolutions and their submission to the General Assembly. If he heard no objection, he would group item 30 with items 12, 129 and 138.

77. It was so decided.

78. The CHAIRMAN said that the question of the introduction of the report on El Salvador by the Special Representative of the Commission on Human Rights would be discussed the following week.

79. Mr. GONZÁLEZ DE LEÓN (Mexico) said that Press release GA/SHC/2466, dated 12 November, referred to the debate held on 12 November in the Third Committee in connexion with the forthcoming appearance of the Special Representative of the Commission on Human Rights concerning El Salvador.

80. The release stated, in English, that the representative of Mexico had said that the Committee had asked the Special Representative to submit a preliminary report to the General Assembly but that it had not allocated the necessary funds. Although El Salvador had objected to the manner in which the matter had been

(Mr. Gonzalez de Leon, Mexico)

dealt with the representative of Mexico had seen no reason to object to the appearance of the Special Representative. Up to that point he had no comment although the summary in the release was somewhat brief.

81. However, his delegation wished to point out to the press, and for the record, that after that the account was incorrect. According to the press release the representative of Mexico had expressed regret at the lack of respect shown by the Special Representative for the organs and actions of the United Nations. In fact, his delegation had expressed regret at the lack of respect shown by the representative of El Salvador.

82. The CHAIRMAN said that he, too, had found an error in the account of his statement in the press release.

83. Mr. DERESSA (Ethiopia) endorsed the comments made by the Chairman and by the representative of Mexico and asked the Chairman to use his good offices to contact the relevant services.

The meeting rose at 6.30 p.m.