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Chairman: Mr. CALERO RODRIGUES (Brazil)

CONTENTS

AGENDA ITEM 94: ALTERNATIVE APPROACHES AND WAYS AND MEANS WITHIN THE UNITED NATIONS
SYSTEM FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

ORGANIZATION OF WORK

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The meeting was called to order at 10.45 a.m.

AGENDA ITEM 94: ALTERNATIVE APPROACHES AND WAYS AND MEANS WITHIN THE UNITED NATIONS SYSTEM FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

1. Mr. RAMCHARAN (Special Assistant to the Director, Centre for Human Rights), introducing agenda item 94, said that for several years the General Assembly and the Commission on Human Rights had been examining United Nations programmes and structures in the field of human rights with a view to making them responsive to current needs and enhancing their effectiveness. As part of that process, the General Assembly had adopted resolution 32/130, which indicated policy considerations to serve as guidelines for United Nations human-rights activities. Similarly, in 1977, the Economic and Social Council had approved an increase in the number of members of the Commission on Human Rights and had given the Commission certain responsibilities for co-ordination.
2. At its thirty-sixth session, the General Assembly had adopted three resolutions pertaining to that item. In resolution 36/133, it had requested the Commission on Human Rights to continue its analysis with a view to further enhancing human rights and fundamental freedoms and had reaffirmed the paramount importance for those rights and freedoms of Member States' accession to or ratification of international human-rights instruments. The resolution re-emphasized the need to accord priority to the search for solutions to the problem of human-rights violations and to establish a new international economic order as a prerequisite for the effective promotion and full enjoyment of human rights and fundamental freedoms for all. It also affirmed that the United Nations and the Member States should continue to promote and protect civil, political, economic, social and cultural rights and declared that the right to development was an inalienable human right. Resolution 36/135 had requested the Commission on Human Rights to give consideration to the establishment of a post of United Nations High Commissioner for Human Rights and submit a report on its deliberations to the General Assembly at its present session through the Economic and Social Council. Resolution 36/134 invited Member States to take steps to establish or strengthen national institutions for the promotion and protection of human rights.
3. At its thirty-eighth session, the Commission on Human Rights had established a working group to discuss that topic and, in its resolution 1982/40, had decided to continue consideration of the item at its thirty-ninth session, in 1983. The Commission had also considered measures to increase the effectiveness of its work. In response to General Assembly resolution 36/135, it had decided to give continued consideration to the proposed creation of a post of United Nations High Commissioner for Human Rights, taking into account the deliberations of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, which had been asked to conduct a study on the terms of reference for that post. The Sub-Commission had submitted proposals on the subject to the Commission on Human Rights.

(Mr. Ramcharan)

4. In its resolution 1982/42, the Commission on Human Rights had requested all Governments to give continued consideration to the means of publicizing United Nations human-rights activities and had invited the Secretary-General to give increased attention to the matter particularly in the light of the commemoration of the thirty-fifth anniversary of the Universal Declaration of Human Rights, which would occur in 1983. The Commission had also requested the Secretary-General to consider establishing small reference libraries containing materials on human rights in United Nations offices, preferably in developing countries.

5. Mr. FERGUSON (Australia) said that his delegation considered agenda item 94 to be one of the most important items before the Third Committee, since the active promotion and protection of human rights was one of the General Assembly's principal tasks. Moreover, the promotion and protection of human rights constituted one of the successes of the United Nations thus far, despite the difficulties inherent in the issues involved. The international community today must seek ways to implement the standards, on which international human-rights instruments were based, proceeding cautiously and with a view to maintaining a consensus.

6. One issue previously pursued in that connection was the enhancement of United Nations human-rights machinery. The Secretary-General's upgrading of the Division of Human Rights, making it the Centre for Human Rights, was particularly welcome to his delegation, in view of the importance of the Centre's work. With respect to other human-rights structures within the United Nations system, his delegation favoured providing the Bureau of the Commission on Human Rights with an active role between sessions and urged that greater use should be made of the good offices of the Secretary-General. The Secretariat, through the Centre for Human Rights, might produce at regular intervals a general report on human rights that would deal with emerging trends and provide information on such matters as the development of national institutions or suggestions for furthering knowledge of human rights developments.

7. His delegation had been pleased to note that the question of the terms of reference for the post of United Nations High Commissioner for Human Rights had been referred to the Sub-Commission on Prevention of Discrimination and Protection of Minorities; it believed that the establishment of such an office would provide a focal point for United Nations human-rights activities while affording a significant degree of flexibility in carrying them out.

8. Australia viewed the individual as the source of fundamental human rights and believed that collective rights should be considered from that perspective. It was therefore important to take account of the social and economic environment in which human rights might flourish. His delegation supported the principle that all communities should be able to develop their socio-economic systems as was most appropriate to their situations, and without the interference of external influences. His delegation had been gratified that a resolution on the right to development, adopted at the most recent meeting of the Human Rights Commission, had emphasized that the promotion of respect for the enjoyment of certain human rights and fundamental freedoms could not justify the denial of other human rights.

/...

(Mr. Ferguson, Australia)

9. Australia felt strongly that the right to development must apply principally to the rights of individuals to develop their full human potential in harmony with the organization of their societies. In that connection, he welcomed the work of the Working Group of Governmental Experts on the definition of the right to development and expressed the hope that their definition would allow for the differences which existed between national political and social systems, so that it might be adopted by consensus.

10. With regard to the establishment of national human-rights institutions, he said that his country had enacted legislation in 1981 to establish the Commonwealth Human Rights Commission. The establishment of such independent institutions and the development of national legislation to deal with human-rights violations were among the best ways of protecting individual rights. However, promotion of human rights was as necessary as their protection, since the rights of individuals could be protected only if people were fully aware of them. Such awareness could be achieved only by education on the broadest scale, through activities such as the dissemination in local languages of the major human-rights instruments. The United Nations had an important role to play in encouraging governments to take action in that direction. He looked forward to the Secretary-General's report on that subject, which would be submitted to the General Assembly at its thirty-eighth session, and fully supported the action taken by the Commission on Human Rights at its thirty-eighth session pertaining to United Nations activities in that area.

11. He urged that more thought should be given to the development of effective human-rights institutions at the regional level and expressed support for the holding of regional seminars on human rights under the auspices of the United Nations, such as the one held for the Asian region at Colombo in the summer of 1982. That seminar had been very productive, and he hoped that its report would be widely distributed. Since some countries were understandably anxious about discussing human rights in the somewhat heated and unpredictable atmosphere of the General Assembly, the development of regional forums might be more useful.

12. Mr. BOUFFANDEAU (France) said that the subject under discussion was one of the most important and complex issues faced by the Third Committee. A dichotomy between individual and collective rights had often been introduced by attempts to place human rights systematically in one of those two categories. However, many rights, including the right to development, were both individual and collective.

13. The individual and human nature of the right to development was essential. Considering the right to development to be a human right meant recalling that development, which was often burdensome for man, must be made more human. Consequently, man must be not a mere object but the major participant and beneficiary in the development process. In that way, development could be viewed as a process that enabled man to develop his potential in harmony with his society.

14. The achievements of the Working Group in its efforts to define the right to development had thus far been satisfactory, and he hoped that the Working Group would continue its deliberations in the spirit of progress, so that it might agree upon a text acceptable to all its members.

(Mr. Bouffandeau, France)

15. In addition to the right to development, however, Committee members should also focus their attention on the promotion of all the human rights specified in the Universal Declaration on Human Rights. In that regard, certain ideas for draft resolutions which were beginning to circulate appeared to him to be too limited in their scope. He hoped that the delegations concerned would rectify that flaw, in the spirit of compromise and understanding which had marked the Committee's deliberations thus far. It was particularly important to avoid wordings which, by imposing conditions for the recognition and guarantee of human rights and establishing orders of priority for those rights, went against the fundamental principle of the indivisibility and interdependence of human rights set forth in resolution 32/130.

16. At the most recent session of the Commission on Human Rights, his delegation had stressed the irreplaceable contribution which the Commission and the Sub-Commission continued to make to the cause of human rights. As a deliberative and advisory body, the Sub-Commission might efficiently complement the work of the Commission on Human Rights between Commission sessions, since there were currently no provisions for dealing with flagrant violations of human rights during such times. He believed that the Sub-Committee was eminently suited to that task.

17. With regard to the Commission itself, he said it was unfortunate that during more than 10 months of the year that body was unable to take any decision. To correct that deficiency and provide more continuous protection of human rights by the Commission, the notion of permanence should take precedence over the notion of urgency. Not only was it difficult to arrive at objective criteria for determining when an emergency meeting of the Commission should be held, but, in most cases, human-rights violations did not occur suddenly, and the means for redress which the Commission had at its disposal could not be put into effect immediately. Suggestions to change the dates of the Commission's meetings would only sidestep the problem. One possible solution would be to divide the Commission's single long annual session into two sessions, a measure which did not preclude assigning a role to either the Bureau of the Commission or the Working Group between sessions. For example, the Chairman of the Commission might report on the implementation of resolutions dealing with human-rights violations and inform Member States of action he himself had taken with regard to human-rights violations, such as communicating the Commission's concern to the offending Governments. The Secretary-General might also report periodically on the situation with respect to human-rights violations in the world.

18. He drew attention to the confidential examination of human-rights violations conducted by the Commission and the Sub-Commission in accordance with Economic and Social Council resolution 1503 (XLVIII), which had come under criticism recently more than ever. While some might feel that confidentiality limited the scope of discussions, it was useful and necessary, since it made possible the consideration of individual cases which, for the most part, could not have been discussed publicly by the Commission. Furthermore, confidentiality in the discussion of certain situations improved the chances of co-operation from the Governments

(Mr. Bouffandeau, France)

concerned, thereby improving those situations. He reminded Committee members that resolution 1503 (XLVIII) specified the conditions under which consideration of a particular situation might become public.

19. He expressed his delegation's satisfaction at the elevation of the Division of Human Rights to the status of Centre for Human Rights. His delegation hoped that a post of United Nations High Commissioner for Human Rights would soon be established and had noted with interest the proposals of the Sub-Commission with respect to the terms of reference of that post. The Commission's recommendation to limit the length of interventions during its sessions was commendable and would facilitate its work.

20. Mr. FURLAND (United Kingdom) said that the continuation and intensification of flagrant violations of human rights throughout the world obliged the members of the Third Committee to work together in finding ways and means to protect the victims. His delegation therefore welcomed the Secretary-General's decision to raise the Division of Human Rights to the status of a Centre.

21. One obvious deficiency in the human-rights machinery of the United Nations was the lack of specific procedures for inter-sessional action in the case of flagrant violations. The suggestions made by the representative of France in that respect were all worth pursuing; his own delegation believed that the appointment of a United Nations High Commissioner for Human Rights would help fill the gap and complement the role of the Secretary-General in that area. His delegation welcomed the resolution and proposals of the Sub-Commission on the subject and hoped that the Commission would give urgent and positive consideration to the establishment of such a post at its next session.

22. In view of its high esteem for the work of the Sub-Commission, his delegation had been deeply disturbed to note a progressive erosion of its special qualities, particularly in the increasing use of governmental representatives as alternate representatives to the Sub-Commission. It was also regrettable that voting in the Sub-Commission continued to be conducted in public; secret balloting might better enhance and protect the independence of its members. He hoped that the Commission on Human Rights would consider those and other issues relating to the Sub-Commission's work at its next session and take action on them.

23. Particular attention had been given in recent years to the concept of the right to development. As his delegation's views on that subject had been expressed at length during the thirty-sixth session of the General Assembly, he wished merely to express his delegation's satisfaction that the Commission had been able to adopt a resolution on that difficult subject without any negative votes. The efforts made in the Commission by delegations from the Group of 77, in particular, had been impressive, and he hoped that a similarly constructive spirit might develop in the Third Committee.

ORGANIZATION OF WORK

24. The CHAIRMAN said that if there was no objection, the deadline for submitting draft resolutions on agenda item 94 would be Tuesday, 16 November at 6 p.m.

25. It was so decided.

The meeting rose at 11.35 a.m.