



SUMMARY RECORD OF THE 26th MEETING

Chairman: Mr. SOBHY (Egypt)

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AGENDA ITEM 87: ALTERNATIVE APPROACHES AND WAYS AND MEANS WITHIN THE UNITED NATIONS SYSTEM FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS (continued)

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

AGENDA ITEM 85: 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) (E/1979/36)

AGENDA ITEM 87: ALTERNATIVE APPROACHES AND WAYS AND MEANS WITHIN THE UNITED NATIONS SYSTEM FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS (continued) (A/34/398 and Corr.1, A/34/196, A/34/357, A/34/389 and Corr.1, A/34/542; A/C.3/34/L.15)

1. The CHAIRMAN said that he wished to draw the Committee's attention to the draft resolution in document A/C.3/34/L.15 in connexion with item 87.

2. Mr. GOMEZ (Uruguay) said that the ultimate purpose of society was mankind itself. The individual had certain rights and duties which represented a compromise between himself and the community. Harmonious existence in a collective society was conditional on the existence of an exact balance between the two extremes of tyranny and anarchy. The emergence of forms of totalitarianism which used anarchy as a means of establishing total tyranny represented a serious threat to free societies which lacked appropriate means to defend themselves. Threatened societies had to resort to extraordinary means in order to defend the freedom of their citizens from the attacks on human rights made by fanatical and totalitarian terrorists. The concept of freedom did not imply the legitimacy and inevitability of suicide. One form of freedom was unacceptable, namely, freedom to destroy freedom. Those who denied freedom to others had no moral or logical right to claim freedom for themselves. The situation in Uruguay was a case in point: there a small group had attempted to impose a way of life far removed from the traditions of the country. Neither the Constitution nor any other instrument had contemplated such a situation, and means had therefore had to be found, within the framework of respect for individual rights and the right to security, to combat that situation. Confronted by such a violation of their right to security, the people of Uruguay had called upon the armed forces. In the absence of security, the administration of freedom had fallen into the hands of a small group who had attempted to destroy the purest democracy in the Americas. It was only natural that the people of Uruguay should have demanded immediate action by the Government in defense of freedom. Such action was continuing by means of a careful institutional restructuring, with every effort being made to maintain a careful balance between excessive and insufficient power. It should not be forgotten that a weak government was the first violator of human rights in so far as it did not comply with its principal duty, which was to safeguard security and control the excesses of the few who threatened the freedom of the people.

3. His Government had defended the security of its citizens in order to ensure enjoyment of freedom and human rights. Against that background, there had arisen an obsessive demand for the protection of human rights, propagated through the demagogic posturing of certain groups who had made use of the concept for their own political purposes. At the same time, a number of institutions, many of them private, had made their appearance - some well intentioned and others not - and had set themselves up as censors and advisers in the matter of the rights and

(Mr. Gomez, Uruguay)

duties of States which were only trying to defend their own people. In so doing they had not been impartial but had applied different criteria to the various situations to which they had addressed themselves, attempting to turn the Uruguayan system into an instrument for subverting public order. Unfortunately, there was a tendency to attach importance to individual denunciations and to dismiss out of hand the replies of the accused Government. His delegation had read dozens of reports and only on the rarest occasions had they questioned the truth of a denunciation or reflected concern for the duty of a Government to safeguard the security of its people, protect freedom and prevent suffering and death and the destruction of society. In Uruguay, in May 1972, four simple soldiers had been murdered in a jeep without being given an opportunity to defend themselves, without even seeing the faces of their murderers. No committee had spoken up for their rights, even though they had been protecting the human rights of their own people. They were only some of the many innocent people in the world who had suffered and died with no committees inquiring into the circumstances of their deaths or even seeking to ascertain their identities.

4. Before plans were made to establish still more organs dealing with human rights, the existing organs should be studied with a view to ascertaining what was the scope of their activities and to ensuring that every individual in every country was free to exercise his human rights. The effectiveness of the existing machinery, the safeguards which it provided and the impartiality and objectivity with which it functioned should be appraised. Only then would it be possible to judge whether new machinery was needed or whether the mandates of certain existing organs should be amended or terminated. His Government would make a constructive contribution to such a reappraisal.

5. Mr. vanden HEUVEL (United States of America) said that his Government had long supported the development of effective national, regional and international machinery to address in a meaningful way the human rights problems of peoples in all regions and under all political systems. A central characteristic of the twentieth century, in contrast to previous centuries, had been the recognition that Governments were obliged to protect the fundamental human rights of their citizens so that, so far as basic human rights were concerned, all Governments were accountable not only to their own citizens but to the entire community of nations.

6. His delegation welcomed the fact that the Economic and Social Council had adopted the recommendations of the Commission on Human Rights on ways and means to enhance the capacity of United Nations organs to deal more effectively with human rights questions, and hoped that the General Assembly would endorse them.

7. Under the Charter and subsequent international agreements, Governments were committed, not only to protect the rights of their citizens to liberty and security of person, to freedom from torture and arbitrary arrest or imprisonment, to freedom of expression and to freedom from racial or religious discrimination, but also to provide for basic human needs, including food, shelter, education, health care and employment. The programme of work of the United Nations in the field of human rights should therefore represent a balance between civil and political rights on the one hand and economic, social and cultural rights on the other.

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(Mr. vanden Heuvel, United States)

8. His delegation hoped the Commission on Human Rights would complete a draft convention on torture and a draft declaration on the elimination of all forms of intolerance and of discrimination based on religion or belief as well as consider the formulation of a draft instrument on the rights of minorities and endorse effective United Nations action on the tragic subject of disappearances. It supported the proposed study of the regional and national dimensions of the right to development, as well as the Commission's actions to encourage development of national institutions for the protection of human rights. It hoped that the Commission would devote more of its time to the significant work done by the body of independent experts on the Sub-Commission on Prevention of Discrimination and Protection of Minorities, which had not only made a major contribution to promoting United Nations action on many complaints received from individuals and groups throughout the world but had also produced excellent studies and recommendations on important subjects such as genocide, slavery, indigenous peoples, the right to leave a country and the rights of detainees imprisoned in psychiatric hospitals. His delegation would urge the Commission to consider holding special sessions and to convene inter-sessional meetings of its Bureau in order to deal with flagrant abuses of human rights on which action could not be taken during regular sessions. It was incumbent upon the Commission to study as a matter of high priority, how to respond to situations where the life and well-being of individuals and peoples were in serious danger. In that connexion, the Ugandan tragedy, as the President of that country had observed in his address to the General Assembly at its 14th plenary meeting, was only one example of a very serious global problem represented by extensive violations of human rights. Non-governmental organizations had done valuable work in speaking out on the subject of such violations. The Commission on Human Rights must also, however, comply with its responsibility. It had assumed that responsibility in a number of cases but had not done so on a sufficiently universal scale. The Commission had taken no action on the mass human rights violations which had taken place in Kampuchea and it had remained silent on Uganda. The confidential procedures laid down by the Economic and Social Council should not be used to prevent discussion and action on gross violations of human rights in open meetings of the Commission when lives were in danger.

9. The creation of a post of High Commissioner for Human Rights would enable the international community to deal more effectively with violations of human rights. The proposal to establish an Under-Secretary General For Human rights did not contain all the elements of the proposal for a High Commissioner but was nevertheless a constructive step forward. A High Commissioner could draw attention to serious human rights problems and help to promote amicable settlements and compliance by Member States with their commitment under the Charter. Such an office would not interfere in domestic affairs: the High Commissioner would serve as an impartial, expert source of assistance to Member States, helping them to find solutions to problems besetting them.

10. An encouraging development had been the increased recognition accorded to the good offices role of the Secretary-General and the increased utilization of that role by United Nations bodies and by Member States. That promising trend underlined the growing international acceptance of the view that human rights problems were the legitimate subject of international concern.

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(Mr. vanden Heuvel, United States)

11. Under the International Covenants on Human Rights and the International Convention on the Elimination of All Forms of Racial Discrimination machinery existed to monitor compliance with a broad range of rights. The President of the United States had submitted both instruments to the Senate for ratification and hearings were scheduled for November 1979. Other United Nations actions had included the establishment of investigative bodies to inquire into human rights conditions in particular countries and regions, such as southern Africa. At the regional level, machinery had been developed to promote and protect human rights. In both Western Europe and the Americas, regional human rights commissions and courts had come into existence, and Africa was moving toward the establishment of regional human rights machinery. In Eastern Europe, Western Europe and North America, States had affirmed their commitment to respect human rights and fundamental freedoms by signing the Final Act of the Helsinki Conference on Security and Co-operation in Europe. His delegation hoped that countries about which substantial allegations had been raised would co-operate with the United Nations and other international and regional bodies so that greater respect for human dignity could be achieved. In that connexion, the strengthening of the United Nations Division of Human Rights was a priority objective of his delegation which would welcome an increased allocation for human rights activities in the United Nations budget, in particular for strengthening the advisory services programme, public information activities and the liaison office in New York as well as action designed to maximize the impact of the Division's work in a regional context, including the appointment of regional human rights officers. In his address to the General Assembly in 1977, President Carter had urged the relocation of the Division of Human Rights to United Nations Headquarters in New York. Everyone was aware of how difficult it had become to obtain documentation and meet other needs since the Division had been transferred to Geneva. Also, its relocation at Headquarters would result in important financial savings, leaving the Division more funds for its substantive activities. His delegation believed that the Division should be in the centre of United Nations activity and should be able to make the maximum use of United Nations resources.

12. His delegation welcomed the undertaking given by the Commission on Human Rights to review its programmes and activities in the field of human rights, including possible means of co-ordination. Much valuable and constructive work on human rights had been accomplished in the specialized agencies, regional bodies and other United Nations organs, and greater knowledge about such activities would benefit the General Assembly. Furthermore, a review of the human rights programmes and activities of the international system might well stimulate greater co-operation, communication and co-ordination among the many agencies whose mandates involved human rights. His delegation, together with others, would introduce a draft resolution welcoming action by the Commission to accomplish such objectives. His delegation hoped that the Commission on Human Rights would consider development of a procedure for periodic review of United Nations programmes and activities in the field of human rights in order to ensure that it was able to evaluate efforts under way to promote civil, political, economic, social and cultural rights and thereby identify needs and the most effective methods to further both categories of rights. The promotion and protection of human rights was at the very basis of international co-operation and peace.

13. Mr. de PINIÉS (Spain) said that there continued to be a gap between theoretical statements on the importance of human rights and the realization of those rights in practice. It was therefore necessary to take advantage of every opportunity to ensure more effective and universal enjoyment of those rights. Noting the disagreement as to whether economic rights were more important than political ones or vice versa, he said that all human rights were indivisible and interdependent, and were based on the same requirement, namely recognition of the dignity of the human person. Furthermore, his delegation held that flagrant violations of human rights were not exclusively an internal matter of States and constituted a threat to peace, wherever they occurred. His delegation therefore favoured measures aimed at improving the human rights monitoring system of the United Nations and at broadening the scope of bodies dealing with specific cases of violation of human rights; any tendency to deal selectively with certain cases and not others should be eliminated. In that connexion, his delegation supported the establishment of a post of United Nations High Commissioner for Human Rights, an idea which should be explored carefully and perhaps improved in the light of the legitimate suggestions and concerns of some Member States. Similarly, his delegation welcomed the Canadian proposal to establish a Special Representative of the Secretary-General for Human Rights at the level of Under Secretary-General, who would assist the Secretary-General in his good offices functions in the human rights field, without assuming the Secretary-General's ultimate responsibility and decision-making power in such matters. The new post would not involve the establishment of a new decision-making authority in the field but would strengthen United Nations activities, without increasing interference in the sovereignty of States. Furthermore, the Division of Human Rights should be strengthened by providing it with sufficient resources to enable it to accomplish its tasks.

14. His delegation noted with interest Economic and Social Council resolution 1979/36 requesting that the specialized agencies concerned with the protection and promotion of human rights should provide the Secretary-General with a short survey of their human rights activities and programmes and noting that the Commission might wish to set up a sessional working group to study the material compiled and make proposals for the co-ordination of specific human rights activities and programmes within the United Nations system. His delegation also noted with satisfaction the over-all analysis being prepared by the Commission on Human Rights in accordance with General Assembly resolution 32/130 and welcomed the increase in the size of the Commission.

15. His delegation felt that the United Nations had made valuable progress in 1979 in the human rights field, through such activities as consideration of specific situations, the preparation of international legal instruments and the convening of conferences on situations affecting specific regions.

16. Mr. LAEMMERZAH (German Democratic Republic) said that his delegation had carefully studied the report of the Commission on Human Rights on its thirty-fifth session (E/1979/36) and felt that the Commission was moving in the right direction with regard to the over-all analysis called for in the historic General Assembly resolution on human rights, resolution 32/130. His delegation appreciated, in particular, Commission resolution 22 (XXXV) on further promotion and encouragement



(Mr. Laemmerzahl, German  
Democratic Republic)

of human rights and fundamental freedoms, which could have a positive bearing both on the Commission's further work and on international co-operation among States in promoting human rights. In that connexion, it was his delegation's view that the terms of reference of the Commission, laid down in 1946, needed updating, and serious consideration should be given to proposals aimed at revising those terms of reference in the light of General Assembly resolution 32/130. He also drew attention to the Final Declaration of the Sixth Summit Conference of Non-Aligned Countries recently held in Havana, which rightly stressed the need to work vigorously for the implementation of General Assembly resolution 32/130 along the two main lines: the indivisibility and interdependence of political, economic, social and cultural rights, and the need to combat mass and flagrant violations of the rights of peoples and persons. Resolution 32/130 also established the close interrelationship between co-operation in the field of human rights and the duty of States to maintain international peace and to respect the fundamental principles of international law. The Commission on Human Rights should therefore pay special attention to measures aimed at securing man's basic right to live in conditions of peace and security. Many delegations had rightly pointed out the consequences for the implementation of human rights of the arms race and war propaganda, hegemonism and aggression, occupation, colonialism, racism, apartheid, fascism and neo-fascism. His delegation attached great importance to the proposal submitted by the Soviet Union to work out a convention on the development of international co-operation aimed at using the results of scientific and technical advances in the interests of peace and security and of national liberation and social progress.

17. Another important means of improving the effective enjoyment of human rights would be to ensure the universal application of the two International Covenants on Human Rights and the other human rights instruments of the United Nations. His delegation had followed with special attention statements by delegations calling for the establishment of a new international economic order, which had a direct bearing on the promotion of human rights, in particular the right to development. In that connexion, the Commission on Human Rights should continue its co-operation with the Commission on Transnational Corporations.

18. The United Nations Charter had established that the promotion of human rights should form part of international co-operation based on the principle of respect for sovereign equality and should not be used as a means of interfering in the internal affairs of sovereign States. However, General Assembly resolution 32/130 clearly distinguished between human rights questions within the jurisdiction of a State and violations of human rights which took on an international dimension because of their mass character and gravity. The tenth preambular paragraph of the resolution clearly recognized that those mass and systematic violations of human rights that constituted a threat to peace had an international character and therefore necessitated action by the United Nations. It was the task of all States to participate in the struggle against those violations of human rights, and various United Nations bodies and procedures laid down in the human rights instruments were available for that purpose, such as the Special Committee against Apartheid and the Convention on the Suppression and Punishment of the Crime of Apartheid, which specified that not only the United Nations but all States had

(Mr. Laemmerzahl, German  
Democratic Republic)

the right to take appropriate measures, including the opening of criminal proceedings, against offenders. However, as long as the international character of such violations of human rights was not recognized everywhere, the effectiveness of the relevant bodies and instruments would be limited, a short-coming which the establishment of further so-called human rights enforcement machinery, such as a High Commissioner for Human Rights, could not eliminate.

19. The position of States with regard to the promotion and protection of human rights should be judged according to their participation in the struggle to eradicate racism and apartheid. The lofty goals of General Assembly resolution 32/130 could be attained only by the resolute action of all States, not by merely submitting one proposal after another aimed at the establishment of additional institutions which would not be under the direct control of sovereign States and would lead to direct interference in the internal affairs of all States. Furthermore, it was doubtful that the activities of such proposed institutions would be directed toward combating the adverse consequences for the implementation of human rights which resulted from the arms race and war-mongering, from hegemonism and aggression, from occupation, colonialism, racism, apartheid, fascism and neo-fascism.

20. In conclusion, he said that within the framework of existing United Nations bodies and the International Covenants on Human Rights all Member States had sufficient possibilities for activities to promote and protect human rights.

21. Mrs. OLSEN-HAGEN (Norway) said that despite undeniable progress in promoting and protecting human rights and fundamental freedoms, actual performance, i.e. giving effect to human rights declarations and instruments which the international community had pledged to uphold, by no means matched aspirations. Much remained to be done in order to strengthen United Nations implementation and protection machinery and make it fully effective. In that connexion, she observed that there were great responsibilities to be met at the national and regional levels. Governments must respond to the challenges and opportunities confronting them in terms of national and regional institutions. The most complex and difficult challenge, however, was still the challenge at the international level, primarily within the framework of the United Nations. The statement by the Director of the Division of Human Rights was not altogether encouraging; the Division was obviously working very hard, under circumstances that were extremely trying and difficult because of the disparity between its resources and the tasks assigned to it. Her delegation agreed with the representative of Ireland that the needs of the Division were exceptional and should be given high priority within the United Nations system. The Division must be strengthened and its capacity expanded, in terms of both staff and financial resources, so that it could properly and effectively fulfil the ever-increasing demands and requirements placed upon it, in particular by newly established organs, such as the Human Rights Committee. Furthermore, it would be justifiable to enhance the status of the Division and its Director, and her delegation therefore supported the idea of transforming the Division into a Centre for Human Rights.



(Mrs. Olsen-Hagen, Norway)

22. Her delegation was disappointed that no agreement had so far been reached on the idea of creating a post of United Nations High Commissioner for Human Rights. In the circumstances, the alternative proposal, submitted by the representative of Canada, to establish a Special Representative of the Secretary-General for Human Rights had great merit. The establishment of such a position would enhance the ability of the international community to deal more expeditiously and effectively with human rights matters.

23. Mr. RODRIGO (Sri Lanka) said that the United Nations was the ideal forum in which international co-operation to promote and protect human rights could be developed, as had been reaffirmed by the recently concluded Sixth Summit Conference of Non-Aligned Countries in Havana. Considering the differing points of view on human rights and on their exercise and the conditions under which the United Nations should take action in the field, his delegation hoped that the human rights issue would not become a polemical instrument in confrontations between power groups and systems, which could shatter the unity of the concept of human rights and lead to its distortion. Moreover, human rights could not be removed from their economic, political, social and cultural context, and human rights could not be considered without reference to the many aspects of the complex human personality.

24. While individual nations had the duty to promote the enjoyment of human rights by their peoples, genuine progress in the observance of human rights on a global scale would be possible only if international relations were based on freedom, justice and equity. No amount of action on the part of the United Nations in the human rights field would have any real impact unless those conditions were met. Viewed from an economic point of view, the full enjoyment of human rights by the millions suffering from the debilitating consequences of under-development, economic exploitation and injustice could be assured only to the extent to which efforts aimed at establishing the new international economic order were successful. From a political point of view, human rights on a global scale could be guaranteed only in direct proportion to the consolidation of international peace and security, justice and freedom. In that connexion he cited the gross injustices and mass violations of human rights of individuals and entire peoples which were shockingly manifest in situations caused and perpetuated by the system of apartheid, and by all forms of racial discrimination, by colonialism, by all forms of foreign domination and occupation, and by aggression and threats against national sovereignty, national independence and territorial integrity.

25. His delegation would support proposals to provide the Division of Human Rights with the means and resources to enable it to work with greater effectiveness, including the elevation of the Division to a Centre for Human Rights. It reserved the right to comment on the Canadian proposal to appoint a Special Representative of the Secretary-General for Human Rights and Humanitarian Affairs at the level of Under-Secretary-General when the proposal was submitted in the form of a draft resolution.

26. His delegation would be happy to co-sponsor when it was submitted the draft resolution on national institutions for the promotion and protection of human

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(Mr. Rodrigo, Sri Lanka)

rights which was being discussed informally, and wished to place on record the fact that it had already established such an institution, the Centre of Human Rights in Colombo.

27. Mr. VALTASAARI (Finland) said that some of the individual rights enumerated in the Universal Declaration of Human Rights, such as the right to life and the right to personal freedom, were of particular importance because their enjoyment was a pre-condition for the enjoyment of all other human rights. Finland's approach to the question of human rights in international relations was based on Nordic traditions of freedom, solidarity and justice. In ratifying the International Covenants on Human Rights and numerous other human-rights instruments, his country had expressed its conviction that there was an interrelationship between peace, security and prosperity in the world, on the one hand, and the promotion of human rights, on the other.

28. The United Nations, whose record in the field of human rights was impressive, should continue to play a central role in the struggle to win world-wide respect for human rights and fundamental freedoms. Further codification and standard-setting work was already under way in certain fields in which the need to complement and strengthen existing instruments had been widely acknowledged. In that connexion, his delegation believed that the draft convention on the elimination of discrimination against women would, once it had been adopted and widely ratified, be instrumental in promoting equality between men and women. However, although the United Nations had been successful in setting standards, in future the international community must devote more attention to the effective implementation of those standards.

29. In tackling the question of refugees and displaced persons in South-East Asia in July 1979, the United Nations had demonstrated that it could deal successfully with international issues pertaining to human rights. However, Africa, the Middle East and Latin America were equally in need of assistance from the international community in solving refugee problems.

30. One important measure for promoting the effective implementation of human-rights instruments was ratification by all States of the International Covenants on Human Rights and the Optional Protocol, since only States were in a position to take the necessary measures to guarantee the enjoyment of human rights within their jurisdiction.

31. The Commission on Human Rights had accomplished substantial results in many fields during its thirty-fifth session, particularly with regard to the over-all analysis that it had undertaken under General Assembly resolution 32/130. Finland fully understood the reasons that had prompted the Commission to recommend that that analysis should be continued, and it endorsed all endeavours to win the broad international support that was essential for effective United Nations action in the field of human rights. However, since it believed that the main emphasis should now be placed on the implementation of those rights, his delegation

(Mr. Valtasaari, Finland)

welcomed the support expressed by the international community for the improvement of United Nations implementation machinery at various levels and for the proposals aimed at strengthening the Commission's methods of work.

32. Mr. OBADI (Democratic Yemen) said that, although United Nations action to promote human rights and fundamental freedoms had contributed to the elimination of imperialism and colonialism, many of the international instruments in the field of human rights drawn up under the auspices of the United Nations had yet to be implemented by a number of Member States. Those States appeared to be implying that protection of human rights was the responsibility of the United Nations alone. While evading their responsibility in that regard, those States were continuing to strengthen racist and imperialist régimes.

33. The enjoyment of human rights depended primarily on a country's social system. The protection of human rights improved concurrently with the development of national legislation on human rights when a country clearly defined its policies with a view to eliminating violations of human rights resulting from aggression and imperialism, racism, racial discrimination and zionism and from the oppression of national liberation movements.

34. The Member States that were refusing to recognize their responsibilities in the field of human rights were the very same ones that had made an unsuccessful attempt in 1978 to bring about the establishment of a post of High Commissioner for Human Rights. In addition to proposing the establishment of a Centre on Human Rights, they were now making another attempt to establish a post of High Commissioner for Human Rights, disguised in the form of a proposed post of Under-Secretary-General for Human Rights or Special Representative of the Secretary-General for Human Rights.

35. The establishment of such a post would diminish the role of the existing institutions concerned with the protection and promotion of human rights, particularly the role of the Commission on Human Rights; it would, moreover, result in duplication of the work carried out by those existing bodies. Most important, however, attempts to create such a post could have far-reaching negative effects because they violated the Charter. The activities of a High Commissioner for Human Rights would constitute interference in the internal affairs of Member States, and such a post would be exploited by some countries in order to achieve their own ends.

36. It was strange that the countries which were so intent on bringing about the establishment of a post of High Commissioner for Human Rights, and which claimed to be champions of human rights, refused to live up to their commitments and submit information to the Commission on Human Rights with regard to flagrant violations of human rights within their territories. Those same countries also refused to support the United Nations resolutions, instruments and documents that condemned violations of human rights in a number of areas of the world. Important documents in that field were the report of the Commission on Human Rights (E/1979/36) and the report of the Special Committee to Investigate Israeli Practices Affecting

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(Mr. Obadi, Democratic Yemen)

the Human Rights of the Population in the Occupied Territories (A/33/356). Moreover, he wondered what the position of those countries was, for example, with regard to the rights of the Palestinian people and of the population of southern Lebanon. It would appear that their attitudes formed an integral part of the flagrant violations of human rights committed by the Zionist entity.

37. The countries in question had a moral duty to support the human-rights instruments of the United Nations, particularly General Assembly resolutions 32/130, 1514 (XV) and 3379 (XXX), as well as the Declaration and Programme of Action adopted by the World Conference to Combat Racism and Racial Discrimination.

38. Mr. SENE (Senegal), after summarizing the background of agenda item 85 (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) and agenda item 87 (Alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms), observed that a number of delegations had expressed an unfavourable view concerning the establishment of a post of United Nations High Commissioner for Human Rights. It was, however, difficult to see what grounds there were for the fears voiced by those delegations that such a High Commissioner would interfere in the internal affairs of States. It must be borne in mind that great competence and objectivity would be required of such a High Commissioner, who would also be expected to comply strictly with the provisions of the Charter.

39. Other delegations, including his own, were in favour of the establishment of a post of High Commissioner for Human Rights for reasons relating to structure, efficiency, legal principles and the potential international impact of the High Commissioner's office. His delegation found the proposal put forward by Canada in that connexion particularly interesting.

40. In his introductory statement, the Director of the Division of Human Rights had stressed the importance of the 1980-1983 medium-term plan for the promotion of human rights in the context of the interrelationship between human rights and the maintenance of peace. It was therefore desirable to set up machinery and develop a strategy to eliminate injustice and the causes of massive violations of human rights such as those being committed in southern Africa and in the occupied Arab territories, including Palestine.

41. More generally, his delegation supported the specific programme of the United Nations for human rights, which was concentrated in four fields of activity: (1) implementation of international instruments and procedures developed by the United Nations with a view to implementing international norms relating to human rights; (2) development of studies and research on norms or concepts, with a view to preventing racial discrimination and identifying human-rights problems, by means of national or international action to improve co-ordination of the programmes and methods of work of bodies concerned with human rights; (3) strengthening of

advisory and informational services, with a view to the wide dissemination of information concerning universal norms relating to human rights, through seminars, training courses and the use of the mass media and through action to educate and inform the public in co-operation with the specialized agencies and non-governmental organizations; and (4) implementation of the Programme for the Decade for Action to Combat Racism and Racial Discrimination.

42. Referring to resolution 24 (XXXV) of the Commission of Human Rights, in which the Commission endorsed the guidelines on the structure and functioning of national institutions for the promotion and protection of human rights that had been suggested by the Seminar on National and Local Institutions for the Promotion and Protection of Human Rights, he said that in principle his delegation supported the inclusion of the subitem "National institutions for the promotion and protection of human rights" in the agenda of the General Assembly at its thirty-sixth session.

43. Furthermore, a seminar convened at Monrovia at his delegation's initiative by the Secretary-General of the Organization of African Unity, in co-operation with the United Nations advisory services programme, to consider the possibility of establishing an African Commission on Human Rights had produced documents that would enable African experts to draw up an African charter on human rights.

44. The Declaration and Programme of Action adopted by the World Conference to Combat Racism and Racial Discrimination were documents of unquestionable political importance; he reviewed briefly the main features of those two documents.

45. His delegation supported the activities planned for the second half of the Decade for Action to Combat Racism and Racial Discrimination, including, in particular: regional seminars; a study by the Ad Hoc Working Group of Experts on Southern Africa on ways and means for the application of international instruments, such as the International Convention on the Suppression and Punishment of the Crime of Apartheid; a multidisciplinary study to be carried out in 1981 in co-operation with the World Health Organization and UNESCO on the relationship between racial discrimination and social and cultural inequalities; and a colloquium to be organized in 1980 by the United Nations Institute for Training and Research on the prohibition of apartheid, racism and racial discrimination and the achievement of self-determination in the realm of international law.

46. Although the activities of the United Nations in the field of human rights were expanding constantly, many tasks, such as those relating to the protection of women, children, migrant workers and minorities, still remained. Moreover, the right to development was taking on greater importance in view of the forthcoming 1980 special session of the General Assembly, which would concentrate on the question of the establishment of a new international economic order.

(Mr. Sene, Senegal)

47. Since the responsibilities of the United Nations in the field of human rights continued to increase, the international community must provide the necessary resources and personnel. Accordingly, a post of High Commissioner for Human Rights should be established. There was already a High Commissioner for Refugees, who performed his duties to the satisfaction of all, without interfering in the internal affairs of Member States even in the most difficult circumstances. His delegation therefore hoped that an effective way of solving that structural problem would be found.

48. In conclusion, he commended the Director of the Division of Human Rights for his outstanding work and his devotion to the cause of human rights.

49. Mr. CHALAMILA (United Republic of Tanzania) said that the right to self-determination was one of the most fundamental of all human rights, for it was impossible for enslaved, colonized, oppressed and exploited people to enjoy their social, economic and cultural rights under colonial domination and exploitation. The realization of the right to self-determination and independence in accordance with General Assembly resolution 1514 (XV) was a prerequisite for the enjoyment of all other human rights. It included, firstly, the right of peoples to struggle by every means available for their national liberation and, secondly, their absolute right freely to determine their socio-economic development. International peace, security and justice were impossible when parts of the world were living under colonialism, foreign domination, oppression, racism and apartheid. The United Nations must continue to seek ways and means for the full implementation of General Assembly resolution 1514 (XV) and take concrete action to eliminate colonialism, foreign and racist domination and exploitation.

50. In South Africa, the apartheid régime was continuing to pursue its obnoxious policy in violation of basic human rights, and through various forms of co-operation with certain countries, it had developed its military power and its racial apparatus of subjugation. But the African people of South Africa was determined to fight against the system of apartheid by all available means for the realization of its social, political, economic and cultural rights. There was little doubt that the military and nuclear support South Africa received from certain countries had enabled it to build up its machinery of oppression and maintain an attitude of implacable arrogance. Economic co-operation between South Africa and some Member States had been essential for the economic transformation of the country, and international capital, foreign technology and managerial skills were playing a crucial role in its economic development. The United Republic of Tanzania rejected the view that foreign economic co-operation with South Africa was in the interest of the black majority and would improve the socio-economic position of the blacks; it firmly believed that such collaboration was an impediment to the struggle of the African people against apartheid. It commended the exemplary steps taken by Sweden and Iran to stop the further flow of investment and sales of oil to South Africa, and it hoped that other countries would follow their example. In Namibia, where South Africa was continuing its illegal occupation in defiance of all United Nations resolutions, the indigenous people was still denied its fundamental right to self-determination and independence, and South Africa and some Western countries controlled the commercial and mining sectors of the Namibian economy. Nevertheless, the pressure of the armed struggle waged by SWAPO, the authentic representative of the people of Namibia, and international support to the people would put an end to the illegal occupation of the country. There could be



(Mr. Chalamila, United Republic of Tanzania)

no enjoyment of human rights in Southern Rhodesia in a situation of colonialism and racist domination. His delegation welcomed the convening of the Zimbabwe Constitutional Conference in London and hoped that it would produce an agreed political formula acceptable to the majority of the people of Zimbabwe. If efforts to achieve a negotiated solution failed, the only alternative would continue to be war. The restoration to the Palestinian people of its inalienable right to self-determination and independence, including the right to establish an independent State, was essential for the full enjoyment of human rights. Colonialism, foreign domination and racism constituted a negation of human rights, and the international community must support those who were struggling against such indignities, particularly in southern Africa, Palestine, Western Sahara and other areas under foreign domination.

51. Questions relating to human rights must be viewed in a broad perspective, since selective and discriminatory interpretations of human-rights questions had made the entire issue a political football in the competition between two rival socio-economic systems. By and large, such narrow interpretations of human rights were a misrepresentation of the current global reality. The Havana Declaration of the Sixth Conference of Heads of State or Government of Non-Aligned Countries had stated that the right to development was a human right. Indeed, the full enjoyment of human rights could not be achieved under conditions of under-development with affluence in developed countries while there was abject poverty in the third world. The situation in the third world in respect of literacy, sanitation and nutrition was appalling, while developed countries channelled their resources into the manufacture of arms. There was a need for a radical change in the old global economic system so as to produce symmetry in international economic relations and help the developing countries emerge from their position of dependence.

52. There had been flagrant violations of human rights in some countries, including third-world countries, and his country's position on that matter was well known. The United Republic of Tanzania had condemned régimes that subjugated their peoples, both in Africa and elsewhere. It believed that human-rights questions should be seen in their totality, in contrast to the selective view taken by some countries for reasons of political advantage. Human rights must be viewed as an integral part of the entire edifice of the rights of people to self-determination and independence and to freedom from hunger, disease and exploitation. The freedoms of speech, press and association were irrelevant to an empty stomach. The international community must step up its efforts to remove the causes of various indignities and inequalities and to eradicate the forces which sought domination for the sake of profit regardless of human rights. Developing countries should be assisted in using their independence for the socio-economic and cultural development of their peoples, so as to attain the freedoms he had mentioned. That was the best guarantee for the promotion and full enjoyment of human rights and for continued international co-operation in the field of human rights within the context of General Assembly resolution 32/130.

53. Mr. VOICU (Romania) said that any discussion on human rights required a clearly defined concept of human rights and fundamental freedoms. His delegation believed that that concept must be based on economic, political and social realities and the

(Mr. Voicu, Romania)

close correlation between civil and political rights and economic, social and cultural rights. At the same time, human rights must be viewed in the light of the needs, aspirations and fundamental interests of the developing countries; the division of the world into rich and poor countries and the inequality, exploitation and oppression in the relations both between nations and between individuals must be taken into account in the common effort to identify new ways of better protecting the fundamental rights and freedoms of the individual and of the community. It was clear that the promotion and protection of human rights and fundamental freedoms could succeed only in the context of the establishment of a new international order which would free the world from the burden of under-development and the arms race and ensure the sacred right of each individual to a decent standard of living.

54. His delegation was concerned at the growing tendency to divert the General Assembly's attention from substantive questions and the real problems of human rights and of economic and social development to discussions of an institutional nature and marginal or formal aspects of the protection of human rights and fundamental freedoms. There must be a constructive approach to human rights in the context of the establishment of a new international order solidly based on norms of law, justice and equality. He recalled that resolution 3 (XXXV) of the Commission on Human Rights had been approved by consensus and thereafter endorsed, also by consensus, by the Economic and Social Council. The relevance of that consensus to the Committee's discussions could be seen from paragraph 15 of Economic and Social Council resolution 1979/36, referring to the failure of the Commission on Human Rights to reach agreement on the establishment of a post of United Nations High Commissioner for Human Rights, and paragraph 16, requesting the Commission to continue its work in considering ways and means for improving the effective enjoyment of human rights and fundamental freedoms. In those circumstances, his delegation questioned the legal basis and value of submitting a further proposal regarding the establishment of a post of special assistant to the Secretary-General for human rights and humanitarian affairs. The Third Committee must respect its own resolutions and take into account the views communicated to it by the Commission on Human Rights and the Economic and Social Council. The mandate entrusted to the Commission on Human Rights under General Assembly resolution 32/130 was broad and complex, and since the Commission had not been able to fulfil the task of preparing an over-all analysis within the period envisaged, it was natural that it should be invited to continue and complete its work before further discussions were initiated on the subject in the Third Committee.

55. In the Economic and Social Council, his delegation had supported the recommendation of the Commission on Human Rights regarding the broadening of its membership, with due regard for the principle of equitable geographical distribution; it believed that that recommendation was in keeping with the spirit of General Assembly resolution 32/130 and with views expressed by many Member States regarding the need to improve existing institutional structures in the area of international co-operation for the protection of human rights. It agreed with the Commission that the Secretary-General should consider questions relating to the personnel of the Division of Human Rights in relation to its increased workload. His delegation would have appreciated a detailed report on the Division's current and long-term tasks; without such a report, it was impossible to support the proposals made by

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(Mr. Voicu, Romania)

certain States for a considerable increase in the personnel of the Division and an upgrading of its status. At a time when States had an increasingly critical attitude towards any increase in the United Nations budget, only judiciously considered expenditures could be accepted, and the proposals seemed to run counter to the guidelines which had emerged from the work of the Ad Hoc Committee on the Restructuring of the Economic and Social Sectors of the United Nations System and the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization. Moreover, in the view of many delegations, the Division of Human Rights was able to meet the requirements of its work with its existing status. His delegation hoped that the discussions in the Committee would result in a responsible approach to the problems, duly respecting the positions of all States. It could not support the proposals to make broad changes in the institutional structures for the protection of human rights; however, it supported draft resolution A/C.3/34/L.15, which was legally well founded and would contribute to the implementation of General Assembly resolutions 32/130 and 33/104.

56. Mr. HOLLWAY (Australia) said that the ability of the United Nations to protect and advance human rights, no less than its role in helping to preserve peace and promote economic growth and development, would determine how it was regarded throughout the world. The Committee's discussions provided an important opportunity to take stock of the work that was being done in the human-rights field and to consider possibilities for improvement and directions for the future. Progress had clearly been made; there was a very sensible and coherent human-rights programme being administered by the Secretariat in response to policy decisions taken by the General Assembly, and its continuing vitality must be ensured. It was necessary to go beyond the clarification of human-rights concepts and consider the organizational arrangements needed to achieve, on a continuing and expanded basis, demonstrable progress in alleviating human-rights problems and creating a climate in which human rights throughout the world could flourish.

57. One of the most important resolutions adopted in recent years on the subject of human rights had been General Assembly resolution 32/130, and Australia strongly supported the principles contained in that resolution. It believed that continuing priority must be given to the need to promote and protect all forms of human rights: just as full realization of civil and political rights could not be guaranteed without the enjoyment of economic, social and cultural rights, so the realization of economic, social and cultural rights would be meaningless without the concomitant enjoyment of civil and political rights. The consensus reached in the Commission on Human Rights on the concept of the interdependence and indivisibility of human rights must be maintained in future work on alternative approaches and ways and means for improving the effective enjoyment of human rights and fundamental freedoms.

58. There were some specific aspects of the over-all analysis called for in General Assembly resolution 32/130 which required further consideration in the Commission on Human Rights. His delegation agreed with the proposal in paragraph 5 of Economic and Social Council resolution 1979/36 for special sessions of the Commission, since there was clearly a need for more expeditious progress in giving

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final form to certain human-rights instruments, including the convention on the rights of the child and the convention against torture. The area of human rights was not one in which events would always neatly conform to a pre-planned schedule of meetings, and that fact underlined the importance of paragraph 6 of the resolution, relating to meetings of the officials of the Commission in intersessional periods. It had long been Australia's view that the Commission on Human Rights should be maintained as a body with high status and prestige within the United Nations system. The Commission had demonstrated its important policy-making functions, and the work on the over-all analysis had revealed the Commission's value in considering the co-ordination of human-rights activities within the United Nations system. His delegation hoped that the specialized agencies and other relevant bodies would respond fully to the request made to them in paragraph 7 of the resolution to provide the Secretary-General with information on human-rights activities and programmes; the material they provided should include the work they were doing towards the implementation of General Assembly resolution 32/130. The Commission on Human Rights would then be in a good position to evaluate the action being taken throughout the United Nations and to monitor the implementation of General Assembly resolution 32/130.

59. Australia was concerned about the workload of the Division of Human Rights and hoped that the Secretary-General would take steps to enable the Division to discharge its responsibilities fully and efficiently. It recognized the advantages that might stem from upgrading the status of the Division. His delegation agreed with the assessment of the Director of the Division of Human Rights that, given the workload of the Division, it was continuing to operate on a very tight basis, and it shared his concern regarding the need to provide the Division with adequate resources. It would be reluctant to accept any decline in real terms in the funds available to the Division; even in circumstances of budgetary stringency, areas of proven effectiveness might deserve some increase in resources.

60. His delegation fully supported paragraph 11 of Economic and Social Council resolution 1979/36, relating to the question of advisory services, and believed that urgent action by the Secretary-General and the Commission on Human Rights was needed to revitalize the advisory services programme. It was the very essence of human rights that individuals should be aware of their rights and of the remedies available to them if their rights were violated, and more attention should therefore be given to informational and educational activities. As a means to that end, greater resources should be allocated within the United Nations for the translation and dissemination of material, and in particular of the basic international instruments on human rights. His delegation looked forward to the report to be submitted to the Commission on Human Rights at its thirty-sixth session on the development of public-information activities in the field of human rights. The proposed programme budget for the biennium 1980-1981 included (A/34/6, p.169) a brief description of the sort of advisory services that should be available; the provision of the services of experts on human rights to Governments, at their request, had great potential significance. A Seminar on National and Local Institutions for the Promotion and Protection of Human Rights had been held in 1978 within the programme of advisory services; it was an important part of the work done at the international level in the field of human

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rights to create a climate in which national institutions could protect and enhance human rights at the domestic level. On 25 September 1979 the Australian Attorney-General had introduced legislation in the Federal Parliament to establish a Human Rights Commission which would provide machinery for the protection and promotion of human rights in Australia; would have the power to deal with complaints of violations and would work to secure outcomes which were consistent with the International Covenant on Civil and Political Rights.

61. The United Nations must be able to react promptly and effectively to specific cases of violations of human rights. Australia strongly favoured the continuation and expansion of the role of the Secretary-General and others in using their good offices in such circumstances. The importance of that function had already been stressed in Economic and Social Council resolution 1979/36, and it was to be hoped that a consensus in favour of its further development would emerge in the Committee.

62. <sup>V</sup>Miss MELCICKA (Czechoslovakia), speaking in exercise of the right of reply, recalled that the representative of the United States had mentioned Czechoslovakia in connexion with an alleged violation of the human rights of some so-called dissidents. The penal proceedings which were a matter of so much concern to that representative involved persons who had committed acts that were punishable under Czechoslovak law and were damaging to the interests of the overwhelming majority of Czechoslovak society. It was not their political views that had brought those persons to trial but concrete criminal offences that were explicitly described as such in the Czechoslovak Penal Code. Thus, the matter could in no way be described as being in contravention of the international commitments undertaken by the Czechoslovak Socialist Republic in matters of human rights. On the contrary, the entire procedure had been in full conformity with the relevant international documents and with international law. However, the "concern" expressed by the representative of the United States about a matter that fell within the exclusive competence of Czechoslovakia did not conform so well to international law. It could be characterized as interference in the internal affairs of the Czechoslovak Socialist Republic, and thus as a violation of a basic principle of international law that was of extraordinary importance for mutual relations among States, namely, the principle of non-interference in the internal affairs of another State. Czechoslovakia, for its part, scrupulously observed in its foreign policy and upheld in practice all of the 10 principles contained in the Final Act of the Helsinki Conference on Security and Co-operation in Europe.

The meeting rose at 6.10 p.m.