



SUMMARY RECORD OF THE 28th MEETING

Chairman: Mr. SOBHY (Egypt)

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ORGANIZATION OF WORK

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The meeting was called to order at 10.40 a.m.

AGENDA ITEM 82: IMPORTANCE OF THE UNIVERSAL REALIZATION OF THE RIGHT OF PEOPLES TO SELF-DETERMINATION AND OF THE SPEEDY GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES FOR THE EFFECTIVE GUARANTEE AND OBSERVANCE OF HUMAN RIGHTS (continued) (A/34/367 and Add.1, A/34/499, A/34/357, A/34/389 and Corr.1, A/34/542)

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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) (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, L.16, L.18, L.19, L.20)

1. Ms. PAWTHORPE (New Zealand) said that international co-operation in promoting human rights and fundamental freedoms for all was one of the main objectives of the Charter. Member States' interest in human rights matters continued to grow, as evidenced by the action taken by agencies in the United Nations system.

2. New Zealand, which had co-sponsored General Assembly resolution 32/130, took a keen interest in the work of the Human Rights Committee, in particular its draft resolution III on the further promotion and encouragement of human rights and fundamental freedoms (E/1979/36, pp. 2-4), which was all the more valuable for having been reached by consensus.

3. Her delegation also wished to record its satisfaction at the decision by the Commission on Human Rights to keep the matter of over-all analysis on its agenda. In its view, General Assembly 32/130 had been a watershed in the debate on human rights, and the implementation of its provision on over-all analysis would, in the long run, consolidate the bases for the unified efforts which were being carried out.

4. Her delegation's support for General Assembly resolutions 32/130 and 33/134 was based on its conviction that little real progress could be made in the effective implementation of the various international instruments in force unless a balance could be struck between the attention given to civil and political rights, and that to economic, social and cultural rights. The consensus achieved the previous year on the follow-up to those resolutions had been a major step towards international co-operation in dealing with human rights problems.

5. There was a need to achieve a balance between traditional human rights and means of dealing with gross violations of human rights. A balance must similarly be achieved between traditional human rights and the rightful concern of third world countries at the link between human rights and the new international economic order. It was in that light that her delegation viewed with interest the draft resolution contained in document A/C.3/34/L.15 and would participate in the consultations held to amend it.

(Ms. Pawthorpe, New Zealand)

6. The degree of commitment to finding alternative approaches and ways and means for the effective enjoyment of human rights was great enough to allow numerous ideas to be considered concurrently. Accordingly, her delegation viewed with interest the other proposals made, in particular the proposal outlined by the representative of Canada (A/C.3/34/L.18). In its view, Member States from all regions must give careful consideration to the idea that a high-level officer should be appointed to exercise the good offices of the Secretary-General.

7. Her delegation was also in favour of increasing the budget allocation to the Division of Human Rights. The Division could hardly be expected to maintain its current high standard of work in areas of vital importance on a budget amounting to only a fraction of 1 per cent of the United Nations total budget.

8. Miss MELČICKÁ (Czechoslovakia) emphasized the importance of international co-operation in promoting respect for human rights. Experience had shown that such co-operation was possible, in a climate of peace, among States with different economic and social systems.

9. The effectiveness of the United Nations efforts also depended on how far Member States contributed to its work and implemented the provisions of the various international instruments in force. Some Western States were acting in a way which undermined the effectiveness of major international instruments such as the International Convention on the Suppression and Punishment of the Crime of Apartheid, the Convention on the Prevention and Punishment of the Crime of Genocide, the International Convention on the Elimination of All Forms of Racial Discrimination, the International Covenants on Human Rights, etc. The accession of all States to the instruments in force, and their strict implementation, were vital to the struggle against gross violations of human rights.

10. Czechoslovakia was striving to improve the effectiveness of the United Nations in that area. The rules in force must be supplemented by the instruments on the rights of the child, the elimination of discrimination against women and the prohibition of torture, which had still to be finally adopted. Her country was a party to all the main international instruments in force and ensured that they were effectively implemented. The Socialist concept of human rights was based on the relationship between economic and social rights and civil and political rights. All those rights were protected by the Constitution and laws of Czechoslovakia and the necessary conditions had been created for their effective enjoyment and for men and women to live a worth-while existence, free from exploitation. Socialism was not opposed to the interests of the individual and the latter did not conflict with the interests of society.

11. Each Member State was responsible for ensuring that its citizens enjoyed their human rights, and that responsibility was built into countries' domestic legislation. Some delegations were proposing to create systems whereby States could interfere in the internal affairs of other States by means of supranational bodies. Proposals to create a post of High Commissioner for Human Rights, and

(Miss Melčická, Czechoslovakia)

other similar proposals, were designed to undermine national sovereignty, in violation of the principles of the Charter and of international law. Nor would the creation of supranational bodies help the cause of human rights, for what was important was that all States should, by their actions, respect the decisions of the United Nations. International co-operation among States was fundamental to enhancing the role of the United Nations in that area.

12. General Assembly resolution 32/130 reflected the positive experience gained in the area of human rights. The recommendations adopted by the Commission on Human Rights and endorsed by the Economic and Social Council suggested effective measures to help achieve the objectives pursued, and she hoped that the Commission on Human Rights would continue to approach the fulfilment of its mandate from that angle.

13. Mrs. NAVCHA (Mongolia) said that her delegation's position on the items under consideration remained unchanged. The United Nations should assist in creating the necessary conditions for effective and universal respect for human rights. The Organization's activities in that field should deal first and foremost with mass and flagrant violations of rights, which resulted from colonialism, fascism, racism, apartheid, genocide, aggression, expansionism, hegemonism and foreign occupation and domination. Manifestations of such violations could be found in southern Africa, in the Arab territories occupied by Israel and in Chile. With regard to mass violations of human rights, mention should also be made of the situation in South Korea and the genocide being committed by the Pol Pot régime against the people of Kampuchea.

14. Human rights were an indivisible entity, within which economic, social and cultural rights were as important as civil and political rights. The adoption of measures to ensure respect for all those rights was more important than making changes in the structure of the existing machinery. Equality and social justice could not be achieved by mere legal and administrative means, unless the necessary economic and social progress was made. Accordingly, her delegation was pleased that the Commission on Human Rights had given due attention to the question of the right to development.

15. The guaranteeing of human rights was the responsibility of each individual State. Her country's legislation not only proclaimed the rights and freedoms of citizens but also guaranteed the exercise of those rights through the socialist structure of the society. Similarly, at the international level, Mongolia was working to contribute to the creation of the necessary conditions in which all peoples would be able to fully enjoy all their rights.

16. Economic and Social Council resolution 1979/36, which had been adopted on the recommendation of the Commission on Human Rights, provided for a number of important measures aimed at enhancing the effectiveness of United Nations activities in the field of human rights. Her delegation supported draft resolution A/C.3/34/L.15, which contained a request to the Commission on Human Rights to continue its work on the over-all analysis with a view to promoting and improving human rights and fundamental freedoms.

(Mrs. Navcha, Mongolia)

17. On the other hand, Mongolia, could not support the proposal to appoint a Special Representative of the Secretary-General for Human Rights and Humanitarian Affairs, the proposal to upgrade the Division of Human Rights to a Centre for Human Rights or draft resolution A/C.3/34/L.19 on the creation of a post of United Nations High Commissioner for Human Rights. What was needed for the promotion of human rights was not the establishment of new bodies and posts but ensurance of better and more effective functioning of existing machinery and further universalization of international instruments in force, through their strict implementation by Member States. That applied, in particular, to the two International Covenants on Human Rights, the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention on the Suppression and Punishment of the Crime of Apartheid.

18. Mr. DESKER (Singapore) said that, ever since the creation of the United Nations, Member States had debated the practical meaning and intent of Articles 55 and 56 of the Charter. Many Western countries had interpreted those provisions as allowing a broad range of activities by States, regional organizations and the United Nations for the investigation, condemnation or penalizing of violations of human rights in the civil and political spheres. On the other hand, the States of Eastern Europe had favoured a more restrictive view regarding possible action in the civil and political spheres and had emphasized economic rights and obligations. That difference reflected different philosophical approaches to the question of the relationship between the individual and the State. In Western societies, the rights of the individual were emphasized and his rights and freedoms were accorded the greatest importance. In communist societies, the emphasis was placed on the well-being of society as a whole and the civil and political rights of the individual were regarded as being less important than those of the society, the revolution or the party.

19. Any impartial examination would reveal that civil, political and socio-economic liberties were interrelated and that individual liberties must be measured against the capabilities of States. At the onset of independence, the task of third-world Governments had been to ensure that basic human needs were satisfied. In order to achieve that goal, Governments had had to make agonizing choices between social and economic rights, on the one hand, and civil and political rights on the other. In developing countries, questions of ethnicity, language and religion were invested with great emotion, and the convulsions those questions could cause could destroy the very fabric of the State. In such situations, it might be necessary to proscribe certain rights of the individual, because total civil and political liberties would lead to the destruction of the fragile State.

20. During the past 30 years, the United Nations had adopted the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and a host of other declarations and conventions, which represented an impressive corpus of international values, standards and principles. However, States Members of the United Nations did not always adapt their behaviour to those values, standards and

(Mr. Desker, Singapore)

principles. Some Member States pretended to subscribe to them but flagrantly violated them at home; many developing countries regarded them merely as ideals or long-term goals, while others believed that those values, standards and principles might be applicable to other States, especially to their adversaries, but not to themselves.

21. The representatives of some Western countries argued that the violation of human rights was not a matter falling exclusively within the domestic jurisdiction of a State but was a proper concern for the entire international community. It might well be asked how those States would react if they themselves were the subject of an investigation in that field. The second approach stressed that how a State treated its citizens was a matter which fell within the domestic jurisdiction of that State. However, if there was a pattern of gross violations of human rights, then the situation was no longer protected by Article 2, paragraph 7, of the United Nations Charter and became a matter of international concern. The third approach regarded human rights as a political weapon to be used against one's adversaries. Those who took that approach would never question the violation of human rights by a friendly State but would censure the violation of human rights by their political adversaries.

22. The ineffectiveness of the United Nations in ensuring compliance by its Member States was due to the fact that in a world of sovereign States no international organ could impose its perception of developments on the majority of Member States. Even if the institutions of the world Organization were upgraded, selective criticism of countries was likely to continue, because there was no clear, uniform application of the rules to everyone. Some States were condemned, while other States were literally getting away with murder. Forming new institutions at the international level would not overcome that fundamental defect of the system.

23. The Singapore delegation sought the reassertion of human rights as an important aspect of the activities of the United Nations. It was essential that the conventions and declarations adopted thus far be implemented by the international community, with care being taken to ensure that human rights were seen to be interrelated: political freedoms, civil liberties, economic rights and social justice. None of those aspects should be considered in isolation.

24. He referred to the massive violation of human rights in Kampuchea, the outflow of persons displaced by war and to the hundreds of thousands of people of South-East Asia forced to flee across the seas in small boats as a result of policies which showed no respect for either civil liberties, political freedoms or the economic rights of nationals. It was a reminder to humanity that the end of the colonial era and the establishment of a more just international order would not mean the end of blatant violations of human rights.

25. Mrs. COYE (Jamaica) said that the Economic and Social Council, in its resolution 1979/36, had requested the Secretary-General, in the light of the increases in the workload of the Division of Human Rights, to examine the question of the staffing and other resources of the human rights sector of the Secretariat, bearing in mind that the sector should be maintained at a level allowing it to discharge its duties effectively. United Nations programmes and activities in the field of human rights had increased. The Organization had progressed from a concept of human rights encompassing only individual civil and political rights to a recognition of the indivisibility and interdependence of all rights - civil and political and economic, social and cultural. It had further recognized the necessity of establishing the new international economic order for the effective promotion of human rights and fundamental freedoms.

26. The result had been an increased workload for the Commission on Human Rights and, in turn, for the Division of Human Rights. It was evident that the General Assembly could not continue to demand more from the Division without increasing its capacity to cope with those demands. In the proposed programme budget, the effect of increasing the staff of the Division had been minimized by the reduction in the funds for temporary assistance and consultancy posts. That action was not in keeping with the request of the Commission on Human Rights, which had been endorsed by the Economic and Social Council in resolution 1979/36. She wanted to know whether the study called for in that resolution had been made and if so, with what effect. It would be useful if a detailed report on the study were submitted to delegations to assist them in their deliberations.

27. Although Jamaica was focusing on the economic, social and cultural components of human rights at the current session, it was no less committed to civil and political rights. Wherever there was a pattern of gross and consistent violations of human rights, Jamaica would support United Nations efforts to bring relief to the victims of those violations. Nevertheless, the time had come for the United Nations to consider seriously the effect on human rights of the present unjust world economic system. In that regard, it looked forward with interest to the results of the study by the Sub-Commission on Prevention of Discrimination and Protection of Minorities on the new international economic order and the promotion of human rights. For developing countries, the establishment of a national socio-economic structure which would permit the full enjoyment of human rights was dependent on the establishment of a just and equitable economic system at the international level. Jamaica was therefore pleased to be a sponsor of draft resolution A/C.3/34/L.15.

28. The States represented on the Committee shared the objective of improving the capacity of the United Nations to promote and protect human rights in accordance with its Charter. Although they might not agree on ways and means of attaining that objective, it was useful that they consulted and negotiated and did not use the issues as a point for confrontation. In that connexion, her delegation appreciated the efforts of a number of delegations to hold consultations which might lead to positive results and was prepared to participate in such efforts with a view to achieving consensus wherever possible.

29. Mr. WAPENYI (Uganda) said that human rights and violations of those rights were subjects to which the United Nations and its principal organ in that field, the Commission on Human Rights, had devoted and should continue to devote increasing attention. Uganda, which was just emerging from eight years of the most atrocious era of its 17 years as an independent State, appreciated the efforts made by the Commission on Human Rights, the International Commission of Jurists and Amnesty International to try to investigate the flagrant violations of human rights by the fascist régime of Idi Amin.

30. The idea of creating national institutions for the protection of human rights could only work when the countries or States and leaders concerned accorded them the freedom and respect necessary to make them effective. Such institutions could be rendered ineffective and could easily be abolished if a dictator like Amin should seize power and institute a reign of terror. For them to be of any use, their creation and operation should not preclude the possibility of supplementing their authority with an international commission under the over-all responsibility of a United Nations High Commissioner with the rank of Under-Secretary-General. His delegation favoured the creation of such a post.

31. One of the main drawbacks of the existing Commission on Human Rights was the tendency of States charged with human rights violations to become members of the Commission for the purpose of obstructing its work, a tactic used by the Government of Idi Amin when it was being investigated by the Commission. Nothing could be done in eight years of terror to stop the killings and other violations of human rights in Uganda despite the appeals of the Ugandan people.

32. The President of Uganda had said that the United Nations could not remain silent when Governments represented in the Organization continued to perpetrate atrocities against their own peoples. The United Nations must become a more effective force for the promotion of human rights throughout the world. The provisions of the Charter could not be implemented if the international organ established to promote universal respect for human rights was not permitted to develop the means of enforcing those provisions. His delegation was increasingly sceptical about the phrase "interference in the internal affairs of States" because it was the phrase used by Idi Amin to cover up his atrocities.

33. In 1977, when Norway tried to bring the problem of Uganda before the United Nations, the members of the Organization of African Unity, through Ambassador Harriman of Nigeria, had argued that questions affecting African nations should be left to OAU; but, OAU did nothing about it. His delegation believed it was essential for the United Nations to investigate the situation in Uganda during the eight years of the Idi Amin régime and to expose the atrocities he committed. The shame and horror of what a proper investigation would reveal would induce other Governments to allow their citizens to enjoy their fundamental freedoms. Nobody knew the magnitude of the killings in Uganda. A population census being prepared under the auspices of the United Nations would yield a clearer picture of the atrocities committed.



34. Mr. ALAKWAA (Yemen) believed it was necessary to expand the conceptual framework of the promotion of human rights and fundamental freedoms in order to be able to cope with all the distressing problems confronting mankind. Attention should be focused on the right of peoples to freedom, independence and self-determination and on an end to foreign occupation, racism and racial discrimination in southern Africa, Palestine and the occupied Arab territories.

35. Human rights should also encompass the right of developing peoples to social and economic advancement, which would only be achieved by establishing a new just and equitable economic order for all countries and friendly relations among all economic and social systems. In that context, his delegation supported the implementation of General Assembly resolution 32/130 and hoped that the recommendations of the Commission on Human Rights and the relevant resolutions of the Economic and Social Council would be carried out.

36. No doubt there was a need to increase the effectiveness of the United Nations by strengthening its organs and agencies and creating an international climate conducive to fruitful collaboration between the United Nations and the local and regional institutions concerned with the promotion of human rights within the framework of the Charter, the Universal Declaration of Human Rights and the relevant international conventions.

37. Mr. OZADOVSKY (Ukrainian Soviet Socialist Republic) observed that the entry into force of the International Covenants on Human Rights had resulted in an increase in United Nations activities and encouraged useful co-operation among States. In that connexion, it was important to consider the reports of Member States on the implementation of the Covenant on Economic, Social and Cultural Rights. They should be considered on the basis of resolution 32/130, which had established very clear guidelines for a general analysis of criteria for the effective promotion of human rights.

38. With regard to the general analysis of the various criteria for the promotion of human rights, international co-operation for the exercise of those rights should be, as provided in the Charter, in the interest of all individuals without distinction as to race, sex, language or religion. It should be borne in mind that human rights and fundamental freedoms were interrelated and determined the material basis of life in any society. The source of human rights and fundamental freedoms in every State was the legislation of the country. Full enjoyment of those rights and freedoms depended on measures within the domestic competence of States. Consequently, international co-operation for the observance of human rights should be based on equality among States and non-interference in internal affairs.

39. International co-operation should be clearly related to the principal purpose of the United Nations, namely the maintenance of international peace and security. Implementation of that objective would depend largely on the measures taken for the relaxation of international tension and international disarmament. It was essential to give priority to situations involving flagrant violations of human rights which constituted a threat to international peace and security and

(Mr. Ozadovsky, Ukrainian SSR)

were the result of policies of aggression, apartheid, racial discrimination, racism, neo-fascism and foreign domination and occupation. An important factor in that effort was the need to establish the new international economic order. In addition, States should assume their obligations under the international human rights covenants and conventions.

40. Some of the draft resolutions submitted by Western countries proposed the creation of administrative units or posts to deal with human rights. That was wholly unacceptable to his delegation. For example, the Canadian delegation had proposed the appointment of a Special Representative of the Secretary-General for human rights and humanitarian affairs, with the rank of Under-Secretary-General (A/C.3/34/L.18). The description of the post gave the impression that it was an administrative post higher than the intergovernmental organs of the United Nations system, as evidenced by the indefinite nature of its functions, its isolation from the Secretariat and the fact that it would have its own funding.

41. The Ukrainian delegation believed that the proposal to create that new post could lead to interference in the internal affairs of States. It was high time to put an end to the establishment of new supranational human rights bodies. Proposals of that kind undermined the principle of international co-operation, which was one of the purposes of the United Nations, by arousing suspicion and mistrust among Member States. A number of delegations had proposed that the Division of Human Rights should be made into a Centre headed by an Assistant Secretary-General, and Italy had even submitted a draft resolution to that effect. That kind of proposal contravened the United Nations Charter, which provided for international co-operation among all States in developing and encouraging human rights and not in protecting those rights, an activity exclusively within the competence of each State.

42. International co-operation was channelled through the representatives of Member States in the United Nations and could not be replaced by the Secretariat, whose duty was to serve those States. His delegation shared the views expressed by the delegations of India, Democratic Yemen, Bulgaria, Brazil and others which had pointed out that the creation of new human rights bodies would not simplify the task of the existing international organs, which were sufficient for performance of their specific functions. That majority view had also been reflected in the general declaration of the Sixth Summit Conference of Non-Aligned Countries, whose participants had expressed the will to work actively for the implementation of the measures outlined in General Assembly resolution 32/130 with a view to achieving international co-operation through the existing structure of the United Nations system.

43. Mrs. AKAMATSU (Japan) said that the principles of individual liberty and fundamental human rights were recognized as eternal and inviolable values in the basic provisions of her country's Constitution. The people and Government of Japan ardently hoped that fundamental freedoms and human rights would be respected all over the world.

(Mrs. Akamatsu, Japan)

44. On 21 June 1979, the Government of Japan completed all the procedures required for the ratification of the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights. The implementation of those Covenants was a positive step towards the enjoyment of human rights and fundamental freedoms. Nevertheless, those rights continued to be violated in today's world and made it imperative to ensure the general and universal respect for human rights throughout the international community. Her delegation felt that the various measures taken by the United Nations were valuable and, in the conviction that the United Nations would continue to play an important role in the human rights field, it pledged itself to co-operate actively in any international effort to achieve that end.

45. A number of proposals aimed at strengthening the role of the United Nations in the human rights field by co-ordinating and expanding the functions of the various human rights bodies had been heard and discussed. In that connexion, her delegation in principle supported a strengthening of that role and thought that the Organization should try to find viable means to that end, making sure that the work of the existing bodies in the human rights field was not duplicated and bearing in mind other requirements, such as those related to financing.

46. Mr. GIUSTETTI (France) observed that Economic and Social Council resolution 1979/36, by giving to General Assembly resolution 32/130 an interpretation acceptable to all, had restored consensus to the international community and had enriched the area of human rights with necessary concepts, in accordance with such basic texts as the Charter and the Universal Declaration of Human Rights. It was now a matter of considering practical steps to make existing bodies more efficacious. Respect for and promotion of human rights could not be achieved through new texts or new institutions; they had to come about through progress in the moral conscience of individuals and States.

47. The time to change structural foundations had not yet arrived. It was preferable to adopt a measure that won the sincere and unreserved approval of all Member States rather than an ambitious reform that would be rejected by a substantial minority of States or accepted with mental reservations by others. The necessity of consensus was particularly apparent in the area of human rights. His delegation was prepared to accept initiatives by other delegations, including those designed to augment the moral authority of Secretariat units concerned with human rights, provided that such initiatives commanded the most widespread possible acceptance. His delegation expected the Secretary-General to comply with paragraph 10 of resolution 1979/36 and to submit to the General Assembly a report on the question of the staffing and other resources of the human rights sector of the Secretariat, which should consist of a full evaluation of the means the Secretariat required to discharge its duties efficiently.

48. The reforms that gave rise to the current opposition would be better understood once mistrust among States had been dissipated and a greater awareness of the need to observe basic rights was created. Even so, such reforms should be borne in mind, especially in the context of paragraph 16 of Economic and Social Council resolution 1979/36, which requested the Commission on Human Rights to

(Mr. Giustetti, France)

continue its work on the further promotion and encouragement of human rights and fundamental freedoms, including the examination of the alternative approaches and ways and means for improving the effective enjoyment of human rights and fundamental freedoms. Among such approaches and means, mention should be made of the co-ordination of the relevant activities of United Nations bodies, since it was important that they should not deal simultaneously or successively with the same communications but should endeavour to determine by common agreement their spheres of competence, so that every communication reached the proper forum.

49. Every standard-setting instrument should have its own supervisory body; there were 20 or so United Nations conventions whose implementation by States parties and incorporation into national legislation were not adequately regulated. In that respect, it might be necessary to prepare periodic reports, and even to draw up a new general procedure.

50. He recalled that the Economic and Social Council had added to the terms of reference of the Commission on Human Rights the task of assisting the Council in co-ordinating activities concerning human rights in the United Nations system. Another useful form of co-operation might be the exchange of information between the United Nations and the relevant regional intergovernmental bodies.

51. Regional organizations were in a position to make a greater contribution to the encouragement of and respect for human rights in their spheres of competence. Accordingly, his delegation welcomed the resolution adopted by the Seminar held in September 1979 at Monrovia concerning the possibility of establishing an African commission on human rights, in counterpart to the Inter-American Commission and the European Commission.

52. With respect to the development of public information activities in the field of human rights, his delegation endorsed the view expressed by the Commission on Human Rights in its resolution 23 (XXXV) concerning the role to be played by a favourable world public opinion in the promotion of respect for and protection of human rights.

53. Mr. PEREIRA (Portugal) said that the recent decisions of the Commission on Human Rights, as confirmed by the Economic and Social Council, were the outcome of an extensive activity undertaken with the purpose of exploring ways and means to improve the promotion and protection of human rights. The measures in question affected the terms of reference of the Commission on Human Rights and of the Sub-Commission on Prevention of Discrimination and Protection of Minorities; they would, in the view of his delegation, enable those bodies to discharge their tasks more efficaciously.

54. Until recently, the work of those two organs had been mainly that of setting standards, drafting international instruments for the protection of human rights and preparing studies. Now that the International Covenants were in force, their correct implementation must be monitored, a task which was the particular responsibility of the Human Rights Committee.

(Mr. Pereira, Portugal)

55. The essential role of the United Nations in promoting human rights consisted in providing an opportunity for dialogue among Member States on issues that divided them and created misunderstandings and suspicions among them. Full international co-operation seemed a difficult and distant goal; yet through the discussion of divergent views and the exchange of opinions it should be possible to attain common standards and to share with others what had already been achieved and won.

56. His delegation deeply appreciated the work done by the Division of Human Rights and was aware of the difficulties the Division was encountering for lack of material means. The Secretary-General should give consideration to the possibility of supplying the Division with the additional means it would require to maintain the quality of its services.

57. He disagreed with the view that the international community, in promoting respect for human rights in any part of the world, was interfering in the internal affairs of States. Governments had an even stronger responsibility than individuals to defend basic rights, especially when lack of respect for such rights was shown by the very authorities which should be protecting them. Moreover, human rights were the subject of agreements among States, which had committed themselves to the implementation of the provisions therein.

58. Portugal was in favour of initiatives that encouraged the dissemination of human rights principles throughout the world, a task which the United Nations could undertake through its advisory and public information services. In that perspective, he considered resolution 23 (XXXV) of the Commission on Human Rights, concerning the development of public information activities in the field of human rights, to be a very positive development.

59. The question of the right to development, as a human right, was of great significance; particularly as far as the work of the United Nations was concerned. He commended the report of the Secretary-General on that subject to the Commission on Human Rights (E/CN.4/1334). The interrelationship between human rights and economic questions was reflected in articles 25 and 28 of the Universal Declaration of Human Rights, the International Covenants on Human Rights and General Assembly resolution 32/130. Pope John Paul II, in his recent address to the General Assembly, had also stressed it. Real progress for humanity called for a balance - which was sometimes difficult to achieve - between the spiritual and the material components of development.

60. Mrs. FLORES (Cuba) emphasized the importance of General Assembly resolution 32/130, which went beyond certain concepts inherent in bourgeois law and more closely reflected contemporary progressive ideas. Cuba endorsed all the concepts embodied in that resolution. According to that text, the United Nations should concentrate on the search for solutions to the mass and flagrant violations of human rights of peoples and persons affected by situations such as those resulting from apartheid, racial discrimination, colonialism and neo-colonialism, foreign domination and occupation, aggression and threats against national sovereignty, national unity and territorial integrity, as well as from the refusal

(Mrs. Flores, Cuba)

to recognize the right of peoples to self-determination and the right of every nation to the exercise of full sovereignty over its wealth and resources. It was noteworthy that paragraph 1, subparagraphs (a) and (f), of resolution 32/130 recognized the indivisibility and interdependence of all human rights and fundamental freedoms, the need to devote the same attention to civil and political rights as to economic, social and cultural rights, and the urgency of achieving the new international economic order in order to ensure the effective promotion of human rights.

61. Cuba attached particular importance to the recommendations made by the Commission on Human Rights as part of its over-all analysis of the alternative approaches and ways and means for improving the effective enjoyment of human and rights and fundamental freedoms. In particular, her delegation welcomed the approval of the recommendations to the effect that the Commission should help the Economic and Social Council to co-ordinate human rights activities within the United Nations system, as well as the increase in the membership of the Commission on Human Rights and the lengthening of its sessions.

62. In the current year, the Commission on Human Rights, acting on the initiative of a group of non-aligned countries, including Cuba, had adopted resolution 5 (XXXV), in which it reiterated that "the right to development is a human right and that equality of opportunity for development is as much a prerogative of nations as of individuals within nations". The Commission had also reaffirmed the inalienable right of all nations to pursue freely their economic and social development and to exercise full and complete sovereignty over all their natural resources, recognizing at the same time that it was indispensable to establish a more equitable and just international economic order which would permit the achievement of balanced development levels in all countries. With that aim, the Commission had recommended to the Economic and Social Council that a seminar should be held in 1980 on the effects of the existing unjust international economic order on the economies of the developing countries. The Council had endorsed that proposal by adopting decision 1979/30, requesting the Secretary-General to organize the seminar in 1980, within the framework of the advisory services programme.

63. Proposals had been made in the Commission on Human Rights and in the Third Committee for the establishment of new human rights organs. Her delegation could not countenance attempts to alter the existing structures of the Organization and functions of the Secretariat, which were clearly defined, as set out in the Charter of the United Nations. The establishment of new human rights organs, and the creation of the post of High Commissioner, would be neither feasible nor advisable, in view of the manipulative powers still exercised by the countries that were supporting the régimes most guilty of suppressing and violating human rights. On the other hand, it would be appropriate to improve and strengthen the existing organs of the United Nations system dealing with human rights questions, such as the Commission on Human Rights, thus avoiding duplication and helping to enhance the role of the United Nations. For all those reasons, Cuba was co-sponsoring draft resolution A/C.3/34/L.15.

(Mrs. Flores, Cuba)

64. At the Sixth Summit Conference, held in Havana in September, the Heads of State or Government of the Non-Aligned Countries had reaffirmed their "willingness to work actively for the implementation of the steps outlined in the United Nations resolution 32/130 in the form which it prescribes, through the existing structures of the United Nations system", with a view to "ensuring human rights in a comprehensive manner to ensure the dignity of human beings".

65. The part of the Final Declaration of the Summit Conference which dealt with "Human Rights and the rights of peoples" (paras. 260 to 267) stated that, in order fully to ensure human rights and complete personal dignity, it was necessary to guarantee the right to work, education, health, proper nourishment and the satisfaction in general of basic needs.

66. The Conference had also emphasized the need to create conditions, at the national and international levels, for the full development and protection of the human rights of persons and peoples, as well as the inalienability, indivisibility and interdependence of all human rights, the right to development and to equal opportunity to obtain it, the absolute necessity to eliminate massive and flagrant violations of human rights and of the rights of peoples and individuals, the establishment of the new international economic order for effective promotion of human rights and fundamental freedoms and the need to consider human rights questions as a whole, keeping in mind the general context of various societies in which they existed and the need to promote the full dignity of human beings and the development and well-being of society.

67. She announced that the delegations of Bolivia, Nicaragua and Mauritius had become sponsors of draft resolution A/C.3/34/L.15.

68. Mr. VANDEN HEUVEL (United States of America), speaking in exercise of the right of reply, recalled that at the meeting held on 24 October the representative of Czechoslovakia had asserted that the United States had, by expressing concern about the trial of dissidents in Czechoslovakia, interfered in the internal affairs of her country and thus violated international law.

69. He recalled that, like the United States, Czechoslovakia was among the States which had signed the Final Act of the Conference on Security and Co-operation in Europe in 1975. In accordance with the Final Act, citizen groups had been formed in many signatory countries to monitor the actions of their Governments relating to the rights affirmed in that instrument. The crime of which Vaclav Havel and others were accused had consisted in speaking out, as authorized by the Final Act, and asking questions about the implementation of its provisions by the Government of Czechoslovakia. Signatory Governments had the right, and even the duty, to ask whether nations which were parties to international instruments allegedly being violated intended to honour them. The imprisonment of persons who had only exercised rights protected by international agreements compelled a protest from those who wanted such agreements to be really meaningful.

(Mr. Vanden Heuvel, United States)

70. His comments were not motivated by differences in political systems, since the measures taken by the Czechoslovak Government had been criticized by Communist Party spokesmen in various countries. It was significant that the official newspaper of the Communist Party in France had drawn attention to its story on the case by giving it the headline "Iniquitous verdict in Prague" and had called for the release of the dissidents.

71. Miss MELČIČKÁ (Czechoslovakia) said that, although she rejected the accusations of the United States representative, in view of the lateness of the hour she reserved the right to reply at the Committee's next meeting.

#### ORGANIZATION OF WORK

72. THE CHAIRMAN summed up the situation with regard to the Committee's work on the items under consideration and outlined the programme of activities for the following week. He suggested that, at the meeting on Monday, 29 October, the draft resolutions on the items under consideration should be introduced and discussed, so that a vote on them could be taken at the morning meeting on Tuesday, 30 October.

73. After a discussion in which Miss FLORES (Cuba), Mrs. MORRISON (Lesotho) and Mr. O'DONOVAN (Ireland) took part, the CHAIRMAN explained that the programme of work which he had suggested was merely indicative. He stressed the need for the Committee to make maximum use of the time available, in view of the fact that it had fallen far behind its original time-table. He suggested that the deadline for the submission of draft resolutions on item 82 should be 6 p.m. on Monday, 29 October 1979.

74. It was so decided.

The meeting rose at 1.20 p.m.