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SUMMARY RECORD OF THE 57th MEETING

Chairman: Mr. GARVALOV (Bulgaria)

CONTENTS

AGENDA ITEM 78: OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES:  
REPORT OF THE HIGH COMMISSIONER

AGENDA ITEM 77: ALTERNATIVE APPROACHES AND WAYS AND MEANS WITHIN THE UNITED  
NATIONS SYSTEM FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND  
FUNDAMENTAL FREEDOMS: REPORTS OF THE SECRETARY-GENERAL (continued)

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The meeting was called to order at 4.30 p.m.

AGENDA ITEM 78: OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES: REPORT OF THE HIGH COMMISSIONER (continued) (A/C.3/35/L.47, L.51/Rev.1, L.56)

AGENDA ITEM 77: ALTERNATIVE APPROACHES AND WAYS AND MEANS WITHIN THE UNITED NATIONS SYSTEM FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS: REPORTS OF THE SECRETARY-GENERAL (continued) (A/35/373, 309, 607; A/C.3/35/L.53)

1. The CHAIRMAN suggested that the Committee should first take a decision on draft resolutions A/C.3/35/L.57 and A/C.3/35/L.51/Rev.1, concerning agenda item 78, and then take up agenda item 77.
2. Miss RASI (Finland) said that her delegation had failed to mention at an earlier meeting that Egypt had become a co-sponsor of draft resolution A/C.3/35/L.45. She wished therefore to bring that fact to the attention of the Committee.
3. After extensive consultations among themselves, the sponsors of draft resolution A/C.3/35/L.47 wished to revise the sixth preambular paragraph by adding, in the fourth line, after the words "recommendations on this subject" the words "in the Programme of Action adopted". The rest of the paragraph would remain unchanged.
4. In paragraph 2, the word "welcomes" should be replaced by the words "takes note of"; in the third line, the words "within the framework of comprehensive action and in close contact with the Executive Committee of the Programme of the High Commissioner" should be added after the words "continue these efforts". At the end of the paragraph, the expression "and in accordance with the principles and guidelines of the General Assembly" should be added after the words "High Commissioner".
5. In the penultimate line of paragraph 6, the words "consider increasing" should be deleted and replaced by the words, "substantially increase, subject to the availability of funds"; the rest of the sentence would read: "assistance programmes allocated to Africa". The phrase "in order to respond effectively to the manifest needs" should then be added after the word "Africa".
6. In the second line of paragraph 10, the words "welcomes his readiness" should be deleted and replaced by the words "takes note of his efforts"; the rest of the sentence would remain the same, except for the last line, where the words "in situations of man-made disasters" should be deleted and replaced by the phrase "to refugees and displaced persons of concern to his Office".
7. On behalf of the sponsors of draft resolution A/C.3/35/L.47 and on behalf of her own delegation, she said that it should be possible to adopt the draft resolution, as revised, without a vote.

8. Mrs. de BARISE (Costa Rica) said that, as a co-sponsor of draft resolution A/C.3/35/L.47 and in order to explain her delegation's support of the draft resolution, she wished to point out that a highly important part of the work of the United Nations High Commissioner for Refugees was to safeguard the rights of refugees, rights which needed to be improved at the global, regional, national and individual levels by ensuring that the fundamental principle of asylum and non-refoulement were respected in practice.

9. Her delegation was becoming increasingly convinced of the need to demonstrate a growing degree of co-operation and solidarity in the form of assistance to the Office of the High Commissioner, in view of the steady increase in recent years in the number and gravity of refugee problems. In that connexion, it was gratifying to note the various measures of co-operation agreed upon at the Meeting on refugees and displaced persons in South-East Asia, held in Geneva in July 1979, which reflected the growing sensitivity to the plight of the refugees and the spirit of international solidarity that was growing ever stronger. Even so, it was still necessary for the international legal instruments concerning the provision of protection, asylum and assistance to the refugees, to be accepted and implemented and, in that connexion, Costa Rica, which was the host country for one of the regional offices of the Office of the High Commissioner in Latin America, had co-operated with that office and with ICFM, in efforts to alleviate the many critical situations which had arisen that year in the region by serving as a country of asylum or transit, as the case might be.

10. Humanitarian assistance to refugees must transcend regions and political conditions. Accordingly, her country wished to extend its hand to the Somalian delegation and support its request that ways and means be sought to help it to cope with the demands of being a country of asylum for large numbers of refugees.

11. The CHAIRMAN suggested that, if no other delegation wished to speak on the item, draft resolution A/C.3/35/L.47, as orally revised, should be adopted without a vote.

12. Draft resolution A/C.3/35/L.47 was adopted without a vote.

13. The CHAIRMAN said that the Committee would now take up draft resolution A/C.3/35/L.51/Rev.1.

14. Mrs. DOMING (Secretary of the Committee) said that, in accordance with article 153 of the rules of procedure of the General Assembly, the Secretariat wished to draw the Committee's attention to the statement of financial implications of draft resolution A/C.3/35/L.51/Rev.1 contained in document A/C.3/35/L.56.

15. The CHAIRMAN reminded the Committee that the delegation of Senegal, in introducing the draft resolution under consideration, had expressed the hope that it could be adopted without a vote, and suggested that the Committee should follow that course of action.

16. Draft resolution A/C.3/35/L.51/Rev.1 was adopted without a vote.

17. Mrs. MARZAZI (Morocco) said that, if draft resolution A/C.3/35/L.47 had been put to a vote, her delegation would have abstained on paragraph 2, since the revisions introduced by the Finnish delegation did not improve the text. On the contrary, she had difficulty in understanding what was meant by the request to the High Commissioner that he should continue his efforts within the framework of comprehensive action. Her delegation wished its views on that matter to be reflected in the Committee's report.

18. Mrs. TASHIRKOVA (Union of Soviet Socialist Republics) said that her delegation had concurred in the adoption of draft resolution A/C.3/35/L.51/Rev.1. It considered that the financing of the international conference referred to in the draft resolution should not entail any additional expenditure under the regular budget of the United Nations; instead, the conference should be financed from savings from resources that were already available and from savings made in implementing ongoing programmes.

19. Miss ATKINS (United States of America) said that her Government supported and endorsed the call for the convening of the conference referred to in draft resolution A/C.3/35/L.51/Rev.1, which the Committee had just adopted without a vote. As a symbol of her Government's continued support for assistance to African refugees, it had pledged \$20.3 million for programmes of the Office of the High Commissioner for 1961, which amounted to one third of the estimated figure for the programmes of the Office of the High Commissioner through the end of the United States fiscal year. Though substantial, that contribution could not compare to the sacrifice made by those countries which had opened their hearts to receive their African brothers and sisters.

20. Miss RADIC (Yugoslavia) said that her delegation was deeply concerned over the situation of refugees in various African countries, especially Somalia, Ethiopia, the Sudan and the front-line countries. It was therefore pleased that the Committee had adopted draft resolutions A/C.3/35/L.47 and A/C.3/35/L.51/Rev.1.

21. Mr. RADJI (Senegal) expressed the gratitude of the African group to the United States delegation for the generous contribution it had announced at the Pledging Conference.

22. Miss RASI (Finland), referring to agenda item 77, said that there was an intrinsic relationship between peace, security and prosperity in the world, on the one hand, and respect for and observance of human rights and fundamental freedoms, on the other. As a result of the comprehensive standard-setting work within the United Nations system, there was now a number of international instruments which constituted an internationally binding code of human rights and fundamental freedoms. International law had undergone a radical change and its rules now governed not only States but also individuals. From the point of view of the international protection of human rights, it was therefore important that all States which had not yet done so should become parties to the Covenants on Human Rights. It was important to note, however, that the States which for various reasons did not wish to ratify the Covenants and other conventions in the field of human rights had already, as Members of the United Nations, pledged themselves to promote the enjoyment of human rights and fundamental freedoms as defined in the Universal Declaration of Human Rights.

(Miss Rasi, Finland)

23. While there now existed an ample body of international law on human rights, the international machinery for the realization of those rights and freedoms was inadequate and would have to be strengthened. It was encouraging to note that there had been significant progress in the promotion of respect for human rights at the regional level in recent years. For example, the adoption of the Final Act of the Helsinki Conference on Security and Co-operation in Europe in 1975 had been an important step forward in that field.

24. The plight of refugees was one aspect of the general question of human rights. All States, therefore, especially those States in which large numbers of refugees originated, should be called upon to promote and encourage respect for human rights and fundamental freedoms for all.

25. Lastly, the rights and freedoms recognized in both Covenants on Human Rights were equally important because they were indivisible, interrelated and interdependent. Any attempt to make artificial distinctions and contradictions between the two categories of human rights was therefore inadmissible.

26. Mr. HORDEMFELD (Sweden) said that the provisions of the Charter imposed a legally binding obligation on Member States to respect human rights and fundamental freedoms for all without distinction as to race, sex, language or religion. The adoption of the Charter, the Universal Declaration of Human Rights and a number of other human rights instruments, including the two International Covenants, had conferred upon every individual the status of a subject of international law. The United Nations could not ignore situations involving a breach of Charter obligations relating to human rights or of obligations under various United Nations human rights instruments. Human rights, whether civil and political or economic, social and cultural, were truly indivisible and interdependent. It was also true that they were essentially individual in character, since respect for and protection and promotion of human rights were an obligation and a duty of the State in regard to the individual citizen. The citizen also had the right to protection by the State, whatever its level of economic development, of fundamental civil rights such as the right to life, and freedom from torture, forced labour and detention without trial or sentence.

27. When discussing ways and means of improving the enjoyment of human rights, it was important to remember the distinction between human rights, whether civil and political or economic, social and cultural, on the one hand, and collective rights, such as the right of nations to their natural resources, on the other. Collective rights were rights which could be claimed by the State against individuals or against other States. Although his delegation was certainly in favour of such collective rights as a nation's right to development or to its own natural resources, it was concerned because efforts to equate those rights with human rights tended to confuse the two separate concepts in such a manner as to undermine the safeguards of the individual against oppression and abuse of power by State authorities.

28. The obligations of States to protect civil and political rights and economic, social and cultural rights were laid down in the Universal Declaration of Human

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(Mr. Nordenfeld, Sweden)

Rights and in the two Covenants on Human Rights. Those norms were inadequate unless backed up by rules stipulating that international agencies should supervise their observance. It was of particular importance that individuals whose human rights had been violated should be able to complain of such violations to an international body. Unfortunately, the means available were often less than effective. No means of enforcement existed and the only pressure possible was political and psychological in nature.

29. The reporting system laid down in the Covenants and also in the Conventions on the Elimination of All Forms of Racial Discrimination and on the Elimination of All Forms of Discrimination against Women might be of some use but was certainly inadequate. His delegation hoped that greater use would be made of the optional implementation system provided for in article 41 of the Covenant on Civil and Political Rights in respect of inter-State complaints and in the Optional Protocol in respect of complaints by individuals. Similarly, he hoped that a sufficient number of countries would accept the competence of the Committee on the Elimination of Racial Discrimination to consider individual complaints. The proposed establishment of a high commissioner for human rights might also greatly strengthen the United Nations machinery for the protection of human rights.

30. Mrs. TASHIBKOVA (Union of Soviet Socialist Republics) said that the United Nations had made a significant contribution to the cause of the liberation of the colonial people and thus to the safeguarding of human rights. The Declaration on the Granting of Independence to Colonial Countries and Peoples was of fundamental importance in that context. Despite the elimination of the vestiges of a colonialist and racist past, such conditions still existed in southern Africa and in other parts of the world. The struggle of countries for economic independence and to end the exploitation of their material and human resources by imperialist monopolies impeded their development because it required vast resources and determined efforts.

31. The essential condition for the enjoyment of civil and political rights, on the one hand, and economic, social and cultural rights on the other, was the maintenance of international peace and security. The effectiveness of United Nations activities in the field of human rights and fundamental freedoms was bound up with the world political situation. The provisions of the Charter must be strictly observed, in particular the principle of non-interference in the internal affairs of States. Any attempt to interfere in those affairs on the pretext of defending human rights was wholly inadmissible and could have tragic consequences.

32. Measures must be adopted, in accordance with the United Nations Charter, to prevent mass violations of human rights resulting from policies of aggression, apartheid, fascism, racism and the suppression of national liberation movements. The General Assembly had emphasized in resolution 32/130 the need to put an end to mass and flagrant violations of human rights. At the same time, the legal framework within which States could co-operate on an equal footing in promoting universal respect for human rights must be strengthened. The Covenants on Human Rights, the Convention on the Prevention and Punishment of the Crime of

(Mrs. Tashibekova, USSR)

Genocide, the Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Suppression and Punishment of the Crime of Apartheid and the Convention on the Elimination of All Forms of Discrimination against Women imposed on States specific obligations in respect of human rights. To strengthen the effectiveness of United Nations action in that sphere, the greatest possible number of States must adhere to those instruments and respect their provisions. Some States, however, tried to diminish the validity of those instruments and submitted dubious proposals for establishing new human rights procedures or assigning functions to the Secretary-General of the United Nations which did not lie within his competence.

33. There were already many bodies in the United Nations system working on human rights and the effectiveness of the United Nations in that respect would be increased by improving existing bodies rather than by creating new ones. In the opinion of the Soviet Union the proposals submitted for creating new organs were contrary to the spirit of the Charter. The creation of such bodies would establish instruments for interfering in the internal affairs of States, to which her delegation was strongly opposed.

34. The Soviet Union could not accept proposals for the redesignation of the Division of Human Rights as a Centre for Human Rights. As far as efficiency was concerned, the Division might be more productive. Existing possibilities were not being used to the full. Although budgetary allocations and personnel had been increased the results were disappointing. Attention had been drawn to shortcomings which should be eliminated. The violation of the principle of geographical distribution in the recruitment of staff was a matter of particular concern. Two thirds of the staff of the Division were nationals of western European countries and the United States of America. That sort of monopoly was inadmissible in an international organization.

35. The various organs of the United Nations had adopted many resolutions to improve the effective enjoyment of human rights, the most important of which was General Assembly resolution 32/130. The Commission on Human Rights, at its thirty-sixth session had been unable to complete its work on that matter and had decided to continue it at its next session. During that session it would be necessary to draw up an over-all programme giving priority to measures to implement General Assembly resolution 32/130. It was also necessary for the resources available to be allocated first and foremost to the achievement of the objectives of resolution 32/130.

36. Mr. MALHOTRA (India) said that India's Constitution guaranteed all Indian citizens the right to equality, freedom of expression, freedom of religion, the right to property, cultural and educational rights, and defended them against exploitation. India was also a party to the relevant international instruments on human rights, including the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the Convention on the Prevention and Punishment of the Crime of Genocide, the International Convention on the Elimination of All Forms of Racial Discrimination,

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(Mr. Malhotra, India)

the International Convention on the Suppression and Punishment of the Crime of Apartheid, and the Convention on the Elimination of All Forms of Discrimination against Women. India's compliance with those instruments had come under scrutiny at several international forums which had confirmed that the Indian people fully enjoyed those rights.

37. At the mid-point of the United Nations Decade for Women it was pertinent to refer to the Convention on the Elimination of All Forms of Discrimination against Women. The place which women enjoyed in Indian society was evident from the fact that the Indian people had twice voted for Indira Gandhi as Head of Government.

38. The United Nations had an important role to play in the protection and promotion of human rights. The task of the international community was sensitive, circumscribed as it was by the conditions under which it operated. There was a need to remain sensitive to the concept of the sovereignty of all nations. The United Nations had the delicate role of striking a balance between the sovereign rights of States, the common law of civilized nations and the inalienable rights of human beings. The most effective guarantee for the success of that approach was to promote human rights through persuasion rather than coercion.

39. Different international instruments embodied different sets of human rights. Such rights should be treated in an integrated manner, since human rights were indivisible. The concept of the indivisibility of human rights had already been accepted by the General Assembly, which in resolution 32/130 had stated that "all human rights and fundamental freedoms are indivisible and interdependent; equal attention and urgent consideration should be given to the implementation, promotion and protection of both civil and political, and economic, social and cultural rights".

40. The General Assembly had also decided, in the same resolution, that the realization of the new international economic order was an essential element for the effective promotion of human rights and fundamental freedoms and should be accorded priority. The need to establish the new international economic order, and analysis of the reasons delaying its establishment should be the focus of the international community's attention. In that respect, his delegation was pleased at the holding of the Seminar on the "Effects of the existing unjust international economic order on the economies of the developing countries and the obstacle that this represents for the implementation of human rights and fundamental freedoms." The Seminar had made several important recommendations, and the Third Committee should pay due attention to its conclusions. Although there was a tendency to say that development issues should be considered in the Second Committee, to speak of human rights without speaking of development issues was to take a unilateral and artificially compartmentalized view.

41. In the context of human rights it was impossible not to refer to the plight of the victims of the apartheid régime and different forms of racism and racial discrimination. The international community should give urgent attention to guaranteeing the human rights and dignity of the black population of South Africa and Namibia. India's position was well-known: it had brought the issue before

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(Mr. Malhotra, India)

the United Nations some 30 years earlier, had taken it up in other forums such as the Commonwealth, and would continue its efforts until that injustice were fully righted.

42. The promotion of human rights was not only the responsibility of Governments, but also of individuals and non-governmental organizations. It was necessary to strengthen national institutions to make people aware of their rights. Each country would have its own institutions. In India a free press, an independent judiciary and the increasing awareness which citizens had of their rights all guaranteed human rights. The dissemination of information was another important element in guaranteeing human rights. That role could be played by Governments and other organizations. Such efforts were being made in India.

43. At the international level, the Division of Human Rights could play a vital role. Its advisory services could play a useful role in promoting human rights. His delegation was aware of the constraints under which the Division of Human Rights operated. His delegation had studied with interest document A/35/607, had noted the views of the Secretary-General with respect to the redesignation of the Division, and agreed that further consideration of the matter was required. The Director of the Division had adequate powers to discharge his mandate fully. In general, his delegation did not favour the creation of new posts or structures, but would prefer the simplification of the work of international organizations to improve their efficiency. Nevertheless, India would be willing to consider any suggestion for strengthening the role of the Commission on Human Rights. The Commission was currently responsible for co-ordinating the activities concerning human rights in the United Nations system. It was thus necessary to ensure that there was no duplication of activities, so that resources could be utilized to the fullest extent possible. The Commission on Human Rights had decided to set up a working group at its thirty-seventh session to consider the issue in detail. His delegation hoped to participate actively in that work.

44. In conclusion, he stressed the important work of treaty-making which the Commission was undertaking. The prevention of torture, the rights of the child, the struggle against religious intolerance and the rights of national minorities were important matters which no civilized society could ignore. His delegation was gratified at the progress made to date in the drafting of conventions covering those issues, but was somewhat disappointed it was so slow. The controversy which the Committee had witnessed over priority had been unnecessary, and their sole effect had been to delay work on the various conventions.

The meeting rose at 6.05 p.m.