



SUMMARY RECORD OF THE 58th MEETING

Chairman: Mr. GARVALOV (Bulgaria)

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 10.50 a.m.

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, 389, 607; A/C.3/35/L.53)

1. Mrs. GEREZ (Hungary) said that the United Nations system remained fully capable of promoting human rights and finding adequate solutions to contemporary problems. The role of the Organization in that field was to establish universally accepted guidelines and norms, and it was the responsibility of Governments to protect and promote human rights through the implementation of agreed norms. Efforts should be made, however, constantly to improve the effectiveness of the existing machinery. The Commission on Human Rights had adopted a series of positive measures towards that end and it was essential that that process should be continued.

2. As in the past, her delegation was opposed to any proposal to establish supranational bodies or posts, whatever they might be called. Such an idea was nothing more than an attempt on the part of the Western countries to create and legalize a new opportunity for interfering in the internal affairs of States. The establishment of a new post would hinder the application of the democratic rules of United Nations bodies and would damage their authority and prestige. Moreover, such a change in the machinery of the United Nations would require the unanimous agreement of all States Members, and it should be recalled that most of them had always opposed such proposals. What needed to be done, however, was to put an end to the fruitless discussions on the item, which impeded the Committee's progress and diverted attention from a more thorough consideration of basic human rights issues.

3. Her delegation was likewise not in favour of the proposal to upgrade the Division of Human Rights to the category of a centre. What mattered was not the Division's category or name, but rather the practical assistance it provided to United Nations bodies in the field of human rights. In addition, her delegation did not consider it necessary or reasonable to convene emergency sessions of the Commission on Human Rights. It would be dangerous to give the Commission powers that were beyond its terms of reference. There was a regrettable tendency to overburden the Commission with proposals of an administrative nature. In the view of her delegation, the Commission on Human Rights should focus its attention on substantive questions and concern itself with the most important rights, such as the right to life, work and development, in accordance with the priorities established by the General Assembly.

4. Mr. MATELJAK (Yugoslavia) said that among the achievements of the last few decades in the field of promoting human rights had been the broadening of the concept of human rights, especially through the adoption of General Assembly resolutions 32/130 and 34/46. In that connexion, the acceptance of the right to development as a human right of individuals and peoples was of particular importance. Mention should also be made of the adoption of appropriate procedures for resolving

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(Mr. Mateljak, Yugoslavia)

specific cases of violations of human rights, such as the establishment of special bodies concerned with the violations of human rights in specific areas, such as southern Africa, the Middle East and Chile. Despite such progress, however, further efforts were still needed to ensure the application of existing international instruments and also to prepare new instruments.

5. Frequent violations of the human rights of peoples, as evidenced by the situation in South Korea, for example, stemmed primarily from the current unsatisfactory state of international relations, which was characterized by foreign military intervention and interference in the internal affairs of States, the struggle of the great Powers for spheres of influence, the policies of colonialism, neo-colonialism and imperialism, and persistent efforts to perpetuate the existing unjust system of international economic relations. The elimination of those negative phenomena was a basic precondition for full respect for human rights. In that connexion, he attached great importance to the study referred to in paragraph 12 of resolution 34/46, on which work was under way.

6. The non-aligned countries and other developing countries were the most seriously affected by the unsatisfactory state of international relations. In recent years, some developed countries had shown a tendency to use the assistance they provided to developing countries to impose on them their concepts and priorities in the field of human rights. Attempts were also being made to use international financial institutions for that purpose. Such conduct was at variance with the basic principle of the equality and independence of States.

7. In the light of such circumstances, his delegation supported the decision in resolution 28 (XXXVI) of the Commission on Human Rights to establish at the beginning of its thirty-seventh session an open-ended sessional working group to continue the over-all analysis of alternative approaches and ways and means for improving the effective enjoyment of human rights and fundamental freedoms and to make recommendations in that regard. There was no need to establish new human rights bodies within the United Nations system or to raise the status of the existing bodies. It was to be hoped that the Commission on Human Rights would thoroughly study the conditions prevailing in the activities of United Nations bodies in the human rights sector and made specific proposals for improving their work. Special attention should be given to the strengthening of the role of the Economic and Social Council in the field of co-ordination and in other fields relating to the promotion and protection of human rights.

8. With regard to the long-term programme of work of the Commission on Human Rights, emphasis should be given to more active involvement in the future in solving problems of mass and flagrant violations of the human rights of peoples, which was currently the major human rights problem.

9. His delegation attached great importance to the good offices of the Secretary-General and hoped that they would be used more frequently in the future in connexion with violations of human rights. However, he wished to state, in response to the reference made by the United States representative at the 56th meeting to the use of good offices by an earlier Secretary-General in the case of Bishop Stepinac, that

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that was an example of how good offices should not be used, since Stepinac had been a war criminal who had collaborated with the Nazi army of occupation in Yugoslavia.

10. Lastly, he observed that workers in the contemporary world were increasingly insisting on the right to decide directly on the conditions and results of their labour and to play an active role in public affairs; they were not satisfied merely with formal democracy and conventional human rights. The United Nations should therefore support that tendency more resolutely in its future activities.

11. Mrs. KOLAROVA (Bulgaria) said that the role of the United Nations was to encourage co-operation among States with a view to promoting respect for human rights and not to act as a kind of supranational supervisor who interfered in the internal affairs of its sovereign Members. It should concern itself primarily with combating mass and flagrant violations of human rights and with drafting international instruments on human rights. The United Nations, in securing wide recognition of the right to self-determination, had contributed to the collapse of the colonial system and the liberation of a number of newly independent countries. The significant efforts made by many countries to attain the goals set forth in the Charter had culminated in the drafting and entry into force of a number of important international agreements in the sphere of human rights. Similarly, an extensive system of international bodies concerned with the promotion of human rights in accordance with the Charter had developed within the framework of the United Nations. That system consisted primarily of the General Assembly, the Economic and Social Council and the Commission on Human Rights, although the importance of other, subsidiary organs should not be minimized.

12. Over-all analysis of the different ways and means available within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms should take into account the basic concepts contained in General Assembly resolution 32/130, in particular paragraphs 1 (a), (b) and (c). The Commission on Human Rights had worked intensively to implement that resolution, one of the main points of which pertained to the role of the Commission itself. It should be stressed that the effectiveness of such work would depend upon the degree to which it concentrated on major issues relating to the enjoyment of human rights. The mandate of the Commission should be reviewed and extended to take account of current realities. It should include urgent consideration of the long list of rights which had been recognized since the Commission's establishment, and the adoption of ways and means by which those rights might be fully attained. Resolution 1979/36 of the Economic and Social Council, which had widened the terms of reference of the Commission on Human Rights, was very important.

13. At its thirty-sixth session the Commission on Human Rights had continued its activities and had paid particular attention to the intersessional role of its Bureau. The Bureau should meet between sessions, provided that all its members agreed on the need to consider the urgent adoption of measures in cases of mass and flagrant violations of human rights, as defined in General Assembly resolution 32/130. The principle of respecting the general agreement of all the Bureau members would enhance the credibility and effectiveness of the activities and decisions of the Commission.

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(Mrs. Kolarova, Bulgaria)

14. Consideration should be given to the drafting of a long-term programme of work for the Commission on Human Rights. Such a programme could encompass, inter alia, the problems of using scientific and technological developments in the interests of strengthening international peace and security and the promotion and development of human rights and fundamental freedoms, the adverse consequences of the activities of multinational corporations, the international dimensions of the right to development and codification of the rights of the child. The results of the seminar on the right to development, recently held in Geneva, were important, especially the proposal to organize a new seminar on the interdependence between the right to development and the struggle for international peace and security.

15. It had been said that the United Nations system was deficient in the field of human rights, and various proposals to improve it had been advanced. Her delegation considered the organizational structure and capacity of the United Nations system to be adequate and satisfactory. Rather, attention should be focused on enhancing the effectiveness of existing bodies. The Economic and Social Council and the Commission on Human Rights provided good examples of international co-operation as proclaimed in the Charter. It was doubtful whether the establishment of any new organ, especially an administrative one, would enhance the effectiveness of the system in the field of human rights and, above all, put an end to the massive and flagrant violations resulting from apartheid, racism, racial discrimination, colonialism and foreign domination and occupation. Furthermore, it might amount to a means of interference in the internal affairs of States. It was also doubtful whether it would be appropriate to change the designation of the Division of Human Rights.

16. Her delegation would support all the international community's efforts to develop co-operation among States in the field of human rights in accordance with the Charter.

17. Mr. CORPI (Argentina) said that, although progress had been made in promoting the effective enjoyment of human rights, there was still room for improvement. In some cases only philosophical or political progress had been made. The United Nations had adopted extremely important instruments such as the International Covenants on Human Rights which, in fact, had only served to artificially fragment the indivisibility of those rights, separating civil and political rights from economic, social and cultural ones. On other occasions the great Powers had trafficked in human rights in their spheres of influence, or had resolved confrontation between themselves by joint attacks on a third country, invariably a developing country, usually small, which had served as a scapegoat and whose condemnation had led to agreement in the skirmishing of détente.

18. The effective enjoyment of the rights set forth in all those international instruments could only be guaranteed through international co-operation. The Declaration on Social Progress and Development set forth a series of fundamental objectives and established guidelines for their achievement. In general, the approach was based on helping States to further their economic and social development. It had frequently been stated that the status of women was better in developed than

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(Mr. Corti, Argentina)

in developing countries. The same was true of human rights. The Declaration thus recommended the adoption of social measures, at the national and international levels, to ensure the effective participation of all the elements of society in the preparation and execution of national plans and programmes of economic and social development.

19. Evaluation in Latin America of the International Development Strategy, which was of relevance to other regions of the world with the same socio-economic characteristics, had led to the conclusion that economic growth had not been accompanied by similar advances in human welfare and social justice. That was because comprehensive development could not be achieved through piecemeal efforts in certain sectors of the economy or social system, but only through progress on every front. As General Assembly resolution 32/130 recognized, the full realization of civil and political rights without the enjoyment of economic, social and cultural rights was impossible. Lasting progress in the realization of human rights depended on the adoption of sound and effective national and international economic and social development policies. Similarly, General Assembly resolution 34/46 stated that all human rights and fundamental freedoms were indivisible and interdependent and that equal attention and urgent consideration should be given to the implementation, promotion and protection of those rights. The way ahead was thus clear.

20. The work on restructuring the economic and social sectors of the United Nations system had not included the changes required in order to conform to the purposes of Article 55 of the Charter which referred to human rights. What was involved was not a change of title or an increase in the number of posts but a structural problem and the solutions for it should also be structural. The Centre for Social Development and Humanitarian Affairs had so far failed to co-ordinate the activities aimed at promoting the international co-operation to which Chapter IX of the Charter referred. The question of the possible criteria and means for improving the effective enjoyment of human rights and fundamental freedoms should be approached with prudence, as the Secretary-General had pointed out in document A/35/607. The attention of Governments should therefore be drawn to the crucial juncture which the United Nations system had reached with regard to human rights. Member States should be invited to express their views on the question, which was substantive and not administrative, and those views should be carefully examined by a working group set up for the purpose. The point under discussion was whether the United Nations at its present crossroads was going to decide between appointing a grand inquisitor and undertaking the time-consuming and difficult task of promoting international co-operation, helping the Governments of countries in greatest need and guaranteeing the human rights of all mankind to combat poverty and fear.

21. Mr. EDIS (United Kingdom) said that the United Nations had built up an imposing structure of machinery in the human rights field and an impressive array of legislation, including bodies to monitor the observance of the rights contained in those legislative instruments. Procedures had been established to examine communications relating to violations of human rights and fundamental freedoms which had been followed by the setting up of special working groups, in particular,

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(Mr. Edis, United Kingdom)

an ad hoc committee pursuant to Economic and Social Council resolution 1503 (XLVIII). All that machinery was important and steps should be taken to ensure it worked effectively, but it was not sufficient as horrifying examples of violations of human rights continued to confront the world. One had only to think of the inaction of the United Nations in the face of gross and flagrant violations of human rights by Amin's régime in Uganda or the mass murder of vast segments of population in Cambodia by the Pol Pot régime. That was further demonstrated by the General Assembly's adoption of resolution 34/175, on the initiative of Uganda and other countries which had recently experienced serious violations of human rights and which had called for effective action against mass and flagrant violations of human rights.

22. The United Kingdom was known for its practical approach and its caution about calls for the creation of new posts and bodies. His country's basic premise in examining proposals for new or additional methods of promoting and protecting human rights was: that they should fit harmoniously with existing structures; that they should result in practical improvements; and that they should justify the cost of establishing them.

23. The proposal to establish the post of United Nations High Commissioner for Human Rights had been surrounded by some controversy. It had been alleged that it might lead to interference in the internal affairs of States. Of course, the United Nations had for some time taken the position that human rights could not be regarded as an exclusively internal matter. In any case, if a High Commissioner were to be effective, he or she would be bound to operate as far as possible in co-operation with the States concerned. The role envisaged for the High Commissioner was primarily conciliatory, advisory and co-ordinatory. It had also been alleged that such a post was not provided for in the Charter of the United Nations. That was not a very convincing argument as there were many posts and bodies which the United Nations had established and which were not mentioned in the Charter. It reflected a narrow and defensive approach to the obligation to achieve international co-operation in promoting and encouraging respect for human rights and fundamental freedoms for all without distinction as to race, sex, language or religion, as set forth in Article 1 of the Charter, and to promote universal respect for and observance of human rights and fundamental freedoms, specified in Article 55. It remained to be hoped that in due course the United Nations would establish a post of High Commissioner for Human Rights. A proposal of such value should not be held up indefinitely by procedural means. His delegation had noted new support from the Islamic Conference which had urged the United Nations to create a High Commissioner for Human Rights because human rights violations were on the increase.

24. Increasing attention had been drawn in recent years by the Secretary-General and various United Nations bodies concerned with human rights to the good offices role of the Secretary-General in that field. The Commission on Human Rights at its thirty-sixth session had unanimously adopted resolution 27 (XXXVI) requesting the Secretary-General to continue and intensify his good offices role. The United Kingdom delegation fully supported that call and was appreciative of the Secretary-General's efforts. It might help to increase the effectiveness of that

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activity if a suitable appointment were made in the Office of the Secretary-General or in the Office of the Under-Secretary-General for Political and General Assembly Affairs. That might help to ease the problems of communication caused by the location of the Division of Human Rights away from Headquarters in Geneva.

25. The General Assembly at its thirty-fourth session had passed resolution 34/47 without a vote which requested the Secretary-General to consider the redesignation of the Division of Human Rights as a Centre for Human Rights, in the light of the views of the Commission on Human Rights. The Commission and subsequently the Economic and Social Council had endorsed that recommendation, again without a vote. The United Kingdom delegation was therefore surprised to see in document A/35/607 the view expressed that, while the Division met the technical criteria for a Centre, further examination was required. In the view of his delegation the mandate contained in resolution 34/47 was sufficient for action to be taken. It understood that the financial implications, if any, would be minor and that, on the other hand, the upgrading would be essentially administrative and constitute a long overdue recognition of the responsibilities borne by the Division and its Director and of the undoubtedly increased importance placed by the United Nations on human rights.

26. The United Kingdom supported the development of regional machinery for the promotion and protection of human rights which could take into account cultural and regional differences. It was itself a party to the European Convention on Human Rights as well as to the United Nations International Covenants on Human Rights. He noted that useful work being done by the Inter-American Commission on Human Rights, drew attention to the importance of the Rioariba Code of Conduct signed by the Andean Group and welcomed the decision of the African countries to set up an African Commission on Human Rights. His delegation looked forward to the establishment of similar machinery in other regions, subregions and cultural groupings of the world where it did not at present exist. A good deal of work to that end was already being undertaken. An expert committee of the Islamic Conference was currently drafting an Islamic Charter of Human Rights. Sri Lanka had proposed the establishment of regional human rights machinery in the Asian and Pacific region, and discussions were going on in the Commonwealth context on the initiative of Gambia.

27. No one could overlook the important contribution made by non-governmental organizations in the promotion and protection of human rights at the national and international levels. The United Nations and its Member States should seek to extend the co-operation with non-governmental organizations and individuals working in the field of human rights.

28. The Commission on Human Rights was continuing its work on an over-all analysis of the United Nations approach to human rights and would submit a report on the subject to the General Assembly in due course. That review would cover ways of improving the Commission's own working methods. His delegation favoured in particular provision for special or emergency sessions of the Commission to respond to urgent situations of violations of human rights. The Commission was

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also considering the question of what had been called the "right to development". It had decided by consensus to commission an important study on the conditions required for the effective enjoyment by all peoples and all individuals of the right to development, which it would consider at its thirty-seventh session. In view of the fruitful and constructive dialogue that was proceeding in the Commission, it would be premature for the General Assembly to prejudge its outcome. The Sub-Commission on the Prevention of Discrimination and the Protection of Minorities had also submitted proposals to the Commission on Human Rights with a view to improving the Sub-Commission's effectiveness. The United Kingdom would play a full and constructive role in those important discussions in the Commission on Human Rights.

29. Mr. DOMINGUEZ PASIER (Spain) said that there was no place in the debate for a purely academic controversy about possible differences between civil and political rights, on the one hand, and economic, social and cultural rights, on the other, since they were basically two aspects of the same reality. In the modern world it was equally important for an individual to be able to exercise effectively his rights of association and freedom of expression, and to have real equality of opportunity to obtain a complete education and a proper wage for the work he did. Thus not only was there no contradiction between the two types of rights, but they complemented each other and were indivisible parts of an infeasible whole.

30. The Spanish delegation wished to reaffirm that the effective protection of human rights must be paramount at both the national and universal level. The United Nations was accordingly empowered to study any case that might arise of a massive violation of human rights and, of course, to make recommendations on the subject to any Member State. The ideal would in fact be for that to be done with all possible avoidance of any type of discrimination. His delegation had already said on other occasions that, in extreme situations of violations of human rights, Article 2, paragraph 7 of the Charter could never be invoked.

31. Accordingly, his delegation had in recent years fully participated in the strengthening of the existing bodies in that sphere, in enabling them to become fully operative, and in paving the way for the possible establishment of others which would fill out the existing framework. In particular, his delegation continued to believe that the burden of work in that field placed on the Secretary-General would be greatly facilitated by the establishment of the post of a United Nations High Commissioner for Human Rights, with all necessary safeguards. Spain would support any action to facilitate the Secretary-General's task of lending his good offices in the protection of human rights.

32. The Commission on Human Rights was playing a very valuable part in the effective taking of decisions which, through the Economic and Social Council, were in the last analysis the responsibility of the General Assembly. The Spanish delegation considered that it would be highly desirable to allot more time for the Commission's meetings, and there should be no rejection in principle of the possibility that it might meet twice a year. Moreover, if necessary, it could hold emergency sessions, both at the request of a certain number of its members or

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(Mr. Dominguez Pasier, Spain)

on the initiative of the Secretary-General himself, when there were reasons to believe that a serious violation of human rights was taking place. Similarly, in the months when the Commission was not meeting, its officers might very well play its role to some extent.

33. Since the preceding year the Spanish delegation had been supporting the proposal to rename the Division of Human Rights as the Centre for Human Rights. The financial and administrative implications of the new title would not be serious, whereas the renaming would benefit that sector of the Secretariat - which was of major significance because of the paramount importance of the subjects it dealt with, but was now so placed that it could hardly deal with the volume of work confronting it - and the benefits would be reflected in a better functioning of that branch of the Secretariat, which had traditionally been a model of professional dedication. Referring to document A/35/607, he hoped the Secretary-General would soon be able to conclude the further consideration of the matter which, according to the report, was being undertaken.

34. In Spain his Government had also been reaffirming, in recent years, its belief that the effective protection of human rights was a fundamental task. The Spanish Parliament had entered into specific obligations by ratifying a number of international instruments, including some at the regional level, and in addition had gradually been approving a whole series of basic laws safeguarding the exercise of fundamental freedoms and carefully developing the principles of the Constitution of 1978, much of which was taken up with the effective safeguard of human rights. The Spanish Minister of Justice had announced in October 1980 to the parliamentary members of the Legal Affairs Committee of the Council of Europe that the Spanish Government had decided to draw up a declaration of acceptance of individual recourse, as provided for in article 25 of the European Convention for the Protection of Human Rights and Fundamental Freedoms. The necessary parliamentary procedure was in progress, and thus a very important step had now been taken in the process of providing constitutional guarantees for the protection of human rights in Spain.

35. In fact it was the taking of practical decisions, and the responsible day-to-day activity of the various sectors of a country's administration, and not facile rhetorical statements, whose sole purpose sometimes seemed to be to lull the conscience, which would in the final analysis lead the international community towards the goal of making the protection of human rights, including of course economic rights, a living reality for all without distinction.

36. Mr. BIALY (Poland) said that one point of agreement among all the members of the Third Committee was dissatisfaction with the status of human rights throughout the world. However, there was no agreement in the United Nations as to the remedies for solving the problem.

37. His delegation fully shared the views expressed during the discussion in the Commission on Human Rights to the effect that guaranteeing the human rights of citizens was the primary responsibility of States parties to relevant instruments of international law; that was an integrated approach, based on strict

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(Mr. Bialy, Poland)

implementation of the United Nations Charter and other treaties on human rights. However, not all members seemed to remember Article 1, paragraph 3, of the Charter or the preambular paragraph of the Universal Declaration of Human Rights - the Magna Charta, although imperfect, of human rights - which stated that it was essential to promote the development of friendly relations between nations. Those provisions constituted the paramount guideline in the field of international co-operation on human rights. To use the pretext of human rights to interfere in the internal affairs of other States could only be harmful to the purposes of the United Nations.

38. The item before the Committee had been appearing on the agenda of the General Assembly of the United Nations since the twenty-eighth session. Although it had not so far been possible to reach agreement on what steps should be taken in that respect, it could not be said that nothing useful had emerged from the debates. Some interesting ideas had been put forward and, consequently, a few useful recommendations had been adopted, including resolution 34/49 on national institutions for the promotion and protection of human rights.

39. His delegation did not believe that the development of more bureaucracy within the United Nations system, through the creation of new posts or the redesignation of existing organs, was warranted. Such an approach was bound to divert attention from much more important issues. The international community could achieve much more in the field of human rights if it refrained from unfruitful debates on the creation of more bureaucracy. As the Charter and the Universal Declaration of Human Rights stated, the whole international community had to co-operate in the field of human rights. The time had come seriously to consider whether further debate on the item would serve any purpose, whether it enhanced in any way international co-operation in improving the effective enjoyment of human rights and fundamental freedoms. It would seem that the best way to achieve that aim was inherent in the existing instruments and methods.

40. Mr. FRAMBACH (German Democratic Republic) said his delegation believed that the report of the Secretary-General on the implementation of resolution 34/46 (A/35/373) was of great significance. He drew attention to paragraph 7 of resolution 34/46 and said that the recommendations made in that paragraph had been fully put into practice in his country, whose citizens had no idea what unemployment meant. The right to work, including the participation of the workers in the management of enterprises and of the economy, was guaranteed under the Constitution. Ten years of secondary schooling was compulsory and, as from 1980, those who did not go on to further education were given an apprenticeship. The results achieved in implementing economic and social policies had made it possible to realize a high level of enjoyment of constitutional rights, such as the right to protection of health, to dwelling space and to leisure time.

41. The German Democratic Republic considered the following two aspects of future international co-operation for improving the enjoyment of human rights to be important: (a) studying national experiences gained in the implementation of the right to work and of all the other economic, social and cultural rights, in the participation of the workers in the management of enterprises and of the economy

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(Mr. Frambach, German Democratic Republic)

and in the realization of civil and political rights, generalizing those experiences and disseminating detailed information about them within the United Nations system; (b) examining the difficulties impeding the uniform implementation of those rights and elaborating, on that basis, programmes and measures for overcoming such difficulties. Such an approach would help towards achieving the universal effectiveness of the two International Covenants on Human Rights adopted in 1966 and of other human rights instruments.

42. His delegation welcomed the results achieved at the seminar held in Geneva at the end of July on the establishment of a new international economic order and its relationship to human rights. It considered that the results of the seminar should be disseminated on the broadest possible basis and be included in the over-all analysis to be continued by the Commission on Human Rights. The German Democratic Republic was also looking forward with great interest to the study to be prepared by the Secretary-General in accordance with resolution 34/46, paragraph 12. It hoped that the Secretary-General would use all possibilities for co-operation with the various Secretariat units as well as all available information in order to prepare a study that was precise, concrete and expressive. It would, for instance, be very informative to learn what consequences the arms race entailed for the realization of human rights. Taking into account the results of the Geneva seminar, further studies should be prepared, perhaps including a study, in co-operation with the Centre on Transnational Corporations and other Secretariat units, about the negative effects that originated from the activities of transnational corporations and impeded the implementation of the rights of individuals and peoples, particularly in developing countries. Another problem that should be covered by such a study was the nature and extent to which relations of ownership influenced the realization of political, economic, social and cultural rights.

43. His delegation regretted that the General Assembly once again had before it the proposal to create a post of United Nations High Commissioner for Human Rights. That proposal had been repeatedly rejected, and there was no prospect of reaching a consensus on it. The insistence of certain Member States on the creation of such a post was all the more strange in that the same States had tried for years to prevent the taking of effective measures against apartheid in southern Africa. Did they want to put an end to violations of human rights in South Africa by creating a post of High Commissioner? In recent months there had been a further increase in unemployment in a number of imperialist States. Was it their intention to examine the causes and consequences of massive violations of the right to work? His delegation was not convinced that that was the case, particularly since it had not heard the initiators of the High Commissioner project commenting on such questions. The position of the German Democratic Republic was clear and had been sufficiently explained in the past; it rejected the idea of creating a post of High Commissioner because it considered it incompatible with the purposes and principles enshrined in the Charter.

44. Nor could the German Democratic Republic agree with the idea of transforming the Division of Human Rights into a Centre for Human Rights. If the Secretary-General deemed it necessary to allot some additional posts to the Division of

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(Mr. Frambach, German Democratic Republic)

Human Rights, then the appropriate means could be found. Any change in the status of the Secretariat unit responsible for human rights questions would be inexpedient and would not meet with a consensus for the time being. Rather, the framework of the over-all analysis to be prepared in accordance with resolution 32/130, efforts should be made with a view to better co-ordinating the activities of the United Nations in the field of human rights and avoiding duplication. It was only after the completion of the over-all analysis, and on the basis of its results, that a solution to problems arising in United Nations activities in the field of human rights could be found.

45. Mrs. MASMOUDI (Tunisia) said that both the Constitution of Tunisia and Tunisian national legislation drew inspiration from the Universal Declaration of Human Rights and from international human rights conventions. Tunisia had ratified nearly all the international instruments on human rights. Not content with that, it had applied all its material and human resources to creating the necessary conditions for the effective enjoyment of their rights by its citizens.

46. Her delegation welcomed the recent Geneva seminar on the establishment of a new international economic order and its relationship to human rights and fundamental freedoms. It also considered extremely important the study to be prepared by the Secretary-General in accordance with General Assembly resolution 34/46, paragraph 12. In the opinion of her delegation, the study should cover, inter alia, policies aimed at dividing the world into spheres of influence, the denial of the right of peoples to self-determination, threats to national sovereignty, interference in the internal affairs of States and the existence of an unjust system of international economic relations.

47. Tunisia supported the measures proposed by the Commission on Human Rights, through the Economic and Social Council, for improving the effectiveness of the United Nations system in the human rights field, particularly the Division of Human Rights. In that connexion, her delegation appealed to the competent bodies to complete without delay the over-all analysis, the preparation of which had begun in 1978, so that the United Nations could successfully carry out its principal task as set forth in the Charter.

48. Mr. OZADOVSKY (Ukrainian Soviet Socialist Republic) drew attention to two important provisions of General Assembly resolution 34/46, namely, paragraphs 2 and 5. If one proceeded on the basis of General Assembly resolutions, it was clear that the enhancement of human rights and fundamental freedoms must be attained by strengthening the existing organs and structures within the United Nations. The Commission on Human Rights, after considering the question at its session held in February and March 1980, had adopted resolution 28 (XXXVI), which stressed the need to prepare a broadly balanced programme in conformity with the Charter and relevant international instruments, taking into account the concepts enumerated in General Assembly resolution 32/130. His delegation agreed with the Commission's interpretation and believed that, in preparing its long-term programme, the Commission should concentrate on measures to combat policies of aggression, suppression of national liberation movements, racism and apartheid, and to strengthen international peace and security. Furthermore, the

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(Mr. Ozadovsky, Ukrainian SSR)

Commission should bear in mind the constantly increasing interrelationship and interdependence between the various sectors of international co-operation and should accordingly deal with such problems as disarmament, limitation of the arms race and the establishment of a new international economic order.

49. His delegation also attached great importance to the role of information in guaranteeing human rights and fundamental freedoms, particularly economic, social and cultural freedoms. Again, it must be realized that human rights could be effectively protected only when there was peace and a certain amount of international stability and when all States assumed the obligation to protect those rights. The right to live in peace was a fundamental human right. The General Assembly should therefore consider any measure that could contribute to strengthening international peace and security.

50. His delegation was opposed to the attempts by certain countries to create a post of High Commissioner for Human Rights and other such supranational offices. If the principal and subsidiary organs were replaced by persons set above them, that would create a risk of interference in the internal affairs of States. Agreements imposing specific obligations on every State which became a party to them were the best means of protecting human rights.

51. His delegation also had serious objections to the proposal that the Division of Human Rights should be transformed into a Centre for Human Rights. There was no justification and no need for the establishment of permanent machinery of that kind to co-ordinate United Nations activities in the human rights field. Such action would also impair the authority of the Commission on Human Rights.

52. Mrs. SUTHERLAND (Canada) supported the proposal for the creation of a post of United Nations High Commissioner for Human Rights, although she appreciated that it posed difficulties for some Governments which had problems in reconciling that proposal with their approach to human rights questions. In an attempt to provide a constructive alternative, Canada had proposed at the thirty-fourth session of the General Assembly the establishment of an Under-Secretary-General for Human Rights. Unfortunately, the proposal had not gained sufficient acceptance.

53. In the United Nations there existed no mechanisms to respond to urgent situations in the human rights field. At its thirty-sixth session, the Commission on Human Rights had requested the Secretary-General to seek the views of Governments on the possibility of establishing an intersessional role for the Bureau of the Commission and on the possible need for convening emergency sessions to deal with urgent situations, and to submit to the Commission information on such mechanisms within other bodies of the United Nations system and on the means available for holding intersessional meetings of the Bureau as well as emergency sessions of the Commission itself. Canada endorsed those measures and hoped that, if they were adopted, they would permit the Commission to react in a timely and consistent manner to urgent reports of mass and flagrant violations of human rights.

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(Mrs. Sutherland, Canada)

54. Her delegation whole-heartedly supported the proposal that the Division of Human Rights should be converted into a Centre for Human Rights, since that would serve as a recognition of the outstanding work of the Division to date and would strengthen the action of the United Nations in that field. The Division of Human Rights was, of course, a central instrument, and it must be upgraded and provided with adequate resources to fulfil its mandate.

55. Another interesting proposal related to special fact-finding groups to investigate allegations of flagrant violations of human rights. Her delegation would take an active part in the discussion of those important proposals and hoped that they would be acceptable to the majority of the membership of the Committee.

56. Because of the divergent views on human rights questions within the Committee, particularly with regard to the establishment of new mechanisms, and because of the time constraints, the Committee would probably be unable to take decisions at the current session on all of the vitally important issues before it. In the meantime, it was necessary to ensure that the means already available were put to the best possible use. The potential of the good offices role of the Secretary-General had never been fully developed, despite the fact that it had been resorted to on many occasions and had proved decisive in resolving situations involving serious violations of human rights. The Secretary-General could contribute to the identification of factors relative to a given situation of human rights, the establishment of direct contacts with the Governments concerned and the adoption of measures to facilitate the restoration of respect for human rights. With that end in mind, her delegation would submit under another agenda item a resolution aimed at strengthening the good offices function of the Secretary-General in international situations of that kind.

The meeting rose at 1.05 p.m.