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SUMMARY RECORD OF THE 66th MEETING

Chairman: Mr. GARVALOV (Bulgaria)

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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 3.20 p.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/C.3/35/L.53/Rev.1, L.58, L.59, L.87)

1. Mrs. FLOREZ PRIDA (Cuba), introducing draft resolution A/C.3/35/L.53/Rev.1 on behalf of the sponsors, who had been joined by Burundi, Guyana, the Philippines, Sao Tome and Príncipe, the Syrian Arab Republic and Zambia, said that the text stressed and developed the basic concepts embodied in General Assembly resolution 32/130 along with new and closely linked ideas which were set forth in General Assembly resolution 34/46. In connexion with the eleventh preambular paragraph, she said that the 27 representatives who had attended the United Nations seminar held at Geneva earlier in 1980 had had a fruitful exchange of views and ideas which had been of great importance. The 16 recommendations adopted by consensus had included a recommendation to hold another seminar in 1981 on relations that existed between human rights, peace and development, to be preceded by the submission of a report by the Secretary-General. The report of the Seminar was to be found in document ST/HR/Ser.A.8.
2. Draft resolution A/C.3/35/L.53/Rev.1 was the result of intensive consultations with representatives of the regional groups not represented among the sponsors, especially the group of Western European and other States, and in order to work out a text that could be supported by a majority of members of the Committee the sponsors had shown a willingness to negotiate and find acceptable formulae. It was for that reason that the first, fourth and sixth preambular paragraphs and operative paragraphs 2 and 4 had been added and changes had been made in what were now the fifth preambular paragraph and operative paragraph 3. As a result of further consultations, additional changes were to be made. In the sixth preambular paragraph and operative paragraph 4 the words "all human rights" should be changed to "civil and political as well as economic, social and cultural rights". In the last line of the eleventh preambular paragraph and the last line of operative paragraph 1 the word "within" should be changed to "through". That change had been carefully considered by the sponsors and it demonstrated their spirit of compromise.
3. Mrs. de BARISH (Costa Rica), introducing draft resolution A/C.3/35/L.58 on behalf of the sponsors, who had been joined by Canada, Norway and Senegal, said that many representatives had recognized that the international situation in the sphere of human rights was not encouraging. Persistent and flagrant violations of human rights had become more widespread and in many cases resulted from international conflicts or intervention of various types. Her delegation had always believed that respect for human rights was the corner-stone of world peace and harmony among peoples. That respect had to begin within each country, and Governments must be genuinely concerned to ensure that all their citizens enjoyed their fundamental human rights and that justice prevailed. That was the only way to ensure peace and harmony; the best weapon against subversion and social discontent was respect for human dignity. Human rights were indivisible and it was

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(Mrs. de Barish, Costa Rica)

not possible to enjoy them in situations of starvation, poverty and ignorance or in situations where those needs were met but freedom and respect for human dignity were lacking.

4. Despite the development achieved in some institutional aspects of the United Nations system, the elaboration of measures or instruments for the promotion and protection of human rights had not been fully effective or well co-ordinated. The lack of co-ordination was particularly evident in the matter of access to the machinery for implementation, since the various bodies functioned at different times of the year and in different, previously designated areas.

5. Costa Rica had welcomed the adoption of the Riobamba Charter of Conduct, which it viewed as a major achievement in the development of previously isolated principles. That achievement, and the many favourable statements about the idea of establishing a post of United Nations High Commissioner for Human Rights, had encouraged her delegation to continue to promote that idea, which it viewed as vital and dynamic. The Director of the Division of Human Rights in introducing item 77 had referred to the Secretary-General's concern about the absence of appropriate machinery to fill the vacuum in the field of human rights. The current Secretary-General, like his predecessors, had carried out very important assignments in connexion with which he had used his good offices role in relation to violations of human rights. That led her delegation to believe that if a High Commissioner for Human Rights was appointed it would not be necessary to search for ad hoc, and always belated, solutions, since that official, within his terms of reference and in consultation with the Secretary-General, would investigate situations of flagrant and persistent violations of human rights.

6. Draft resolution A/C.3/35/L.58 was strictly procedural and merely sought a more appropriate and fuller consideration of the proposal which had already been before the General Assembly for many years. It therefore recognized, in the fourth preambular paragraph, the long-standing interest in the establishment of a United Nations High Commissioner for Human Rights and, in the fifth preambular paragraph, called for a more careful examination of the "possible" terms of reference of that post. It was thus hoped that all delegations, even those not in favour of establishing the post, would be able to take part in that task.

7. The document containing a tabulation of the possible terms of reference for the proposed High Commissioner for Human Rights, referred to in operative paragraph 3, would clearly facilitate the work of delegations. Operative paragraph 4 called for consideration of the matter as a separate item at the thirty-sixth session of the General Assembly because it was a very specific proposal which had already been considered by a number of United Nations bodies and if it was considered as part of the overall analysis the prospects for its adoption would be lessened. Had the proposal already been adopted, it might no longer be necessary for the Commission on Human Rights to take up individual cases of human rights violations in a selective manner, singling out certain countries whose ideology was not the same as that of their accusers and overlooking countries where flagrant, persistent and mass violations had existed for years, even before the establishment of the United Nations. All those problems could usefully be considered by a high-level official

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(Mrs. de Barish, Costa Rica)

who would work discreetly and effectively under the authority of the Secretary-General. Another advantage of that post would be its readiness to take up situations of flagrant violations of human rights immediately, so that the international community would not have to resort to ad hoc, selective and politically biased machinery set up exclusively for certain countries. The High Commissioner would not be a panacea for all ills but he would respond much more effectively than the existing machinery. That seemed to be precisely what the opponents of the idea did not want, but since they themselves insisted that all countries must co-operate in order to fulfil the purposes of the Charter in the field of human rights, her delegation called upon them to display a spirit of co-operation and at least allow the proposal to be considered. The sponsors were proposing a serious and responsible examination of the proposal, and the draft resolution in no way prejudged the final decision by the General Assembly. She recalled that there had been much opposition from the same delegations to the establishment of a post of United Nations High Commissioner for Refugees, although that High Commissioner had fully met expectations in responding to humanitarian problems, which often arose from political conflicts, without in any way violating the provisions of the Charter.

8. Mr. SPINELLI (Italy), introducing draft resolution A/C.3/35/L.59, said that in the third preambular paragraph the words "the promotion and" should be added after the words "the goal of", the words "in particular" should be changed to "inter alia" and the words "consistent patterns of gross" should be changed to "gross, massive and flagrant". In the operative paragraph, the word "decides" should be changed to "expresses the view"; the words "in principle and" should be added after the words "expresses the view that"; the word "complement" should be changed to "strengthen"; the words "in accordance with its Charter" should be changed to "in full respect for Article 2, paragraph 7, of the Charter" and the words "consistent patterns of gross" should be changed to "gross, massive and flagrant".

9. The purpose of the draft resolution was to pass a general, even tentative, positive judgement on past United Nations fact-finding activities in the field of human rights. The first preambular paragraph therefore recalled General Assembly resolution 33/176 which had drawn the attention of the Commission on Human Rights to the importance of such activities in view of its future action when dealing with consistent patterns of gross violations of human rights. The fourth preambular paragraph noted the awareness existing within the international community of the need to ensure more effective protection of human rights and fundamental freedoms. That positive trend was reflected in the growing attention paid to the problem at the national level by a substantial and increasing number of States and in the initiatives currently being pursued at the regional and subregional levels with respect to the promotion and protection of human rights. It was also evident within the United Nations, where questions relating to human rights had become a major aspect of the Organization's work over the years. The notion of international responsibility for the protection of human rights in cases where they were violated on a mass and flagrant scale had been increasingly accepted by the international community, and that development and its considerable influence on the

(Mr. Spinelli, Italy)

attitude of the United Nations was recalled in the fourth preambular paragraph. The United Nations had accumulated substantial experience over the years in its pursuit of the goal of the promotion and protection of human rights, and fact-finding missions and activities had undoubtedly played a major role in that context. A number of bodies had fact-finding functions, including the Trusteeship Council, the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, the Committee on the Exercise of the Inalienable Rights of the Palestinian People and the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories, the working groups established by the Commission on Human Rights and, above all, the Special Committee against Apartheid. The fact-finding activities of all those bodies were legitimate and entirely in accordance with the Charter, and the Special Committee against Apartheid set an important example in its methods of work which should be followed by other United Nations bodies, especially the Commission on Human Rights.

10. In order to take into account the comments of other delegations, the following elements had been introduced in the operative paragraph: the expression "bodies entrusted with fact-finding missions" was intended to stress the temporary nature of such bodies, if established; the expression "under the authority of the General Assembly" had been introduced to indicate clearly that, without prejudice to existing procedures, the establishment of such bodies would depend on a separate decision to be made either by the General Assembly or, in accordance with Article 60 of the Charter, by the Economic and Social Council and its competent subsidiary bodies; the ongoing co-operation between the United Nations and regional organizations was mentioned because that co-operation might provide a useful channel through which to convey the General Assembly's concerns in regard to specific situations without the need for direct action by the General Assembly itself; and the reference to the need for full respect for Article 2, paragraph 7, of the Charter had been introduced in order to stress that United Nations fact-finding activities must not constitute intervention in the domestic affairs of States. The General Assembly's role in the field of the promotion and protection of human rights must resemble the role it played in other fields. According to the Charter, the General Assembly could not take decisions binding on Member States and for that reason it had traditionally exercised moral pressure on States in order to influence their behaviour. That kind of pressure was currently applied to Member States in many fields, and the extension of the General Assembly's role to the field of the international promotion and protection of human rights in cases of gross, mass and flagrant violations of such rights could hardly be construed as intervention in the domestic affairs of Member States.

11. Mrs. SANTANDER-DOWNING (Secretary of the Committee) drew attention to the administrative and financial implications of draft resolution A/C.3/35/L.53/Rev.1 provided in document A/C.3/35/L.87 in accordance with rule 153 of the rules of procedure of the General Assembly.

12. Mr. GAGLIARDI (Brazil) said that while he agreed with the thrust of draft resolution A/C.3/35/L.53/Rev.1, he had doubts about the need to convene the seminar

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(Mr. Gagliardi, Brazil)

on relations between human rights, peace and development referred to in operative paragraph 6. The Secretary-General and the Sub-Commission on Prevention of Discrimination and Protection of Minorities had already been requested to carry out a number of studies, and a seminar had been held during the current year on the effects of the present unjust international economic order on the economies of developing countries and the obstacles to the implementation of human rights and fundamental freedoms which they represented. Before any further studies or seminars were requested, the United Nations should carry out a more effective evaluation of the studies already at its disposal. He would vote in favour of the draft resolution, but his concern should be noted.

13. Mr. EDIS (United Kingdom) suggested that before the voting there should be a general discussion on all three draft resolutions: they all came under the same agenda item and relationships might be found between them, the issues they raised were important and the Committee had not been able to devote enough time to discussing them.

14. The CHAIRMAN said that he would agree to the United Kingdom representative's suggestion provided there were no objections and on the understanding that the draft resolutions would be voted on separately in the order in which they had been submitted.

15. Miss RICHTER (Argentina) drew attention to resolution 1978/14 on advisory services in the field of human rights, adopted by the Economic and Social Council on 5 May 1978. In operative paragraph 2 the Council reiterated its request to the Secretary-General to organize at least two seminars and one training course annually; in operative paragraph 3 it authorized the Secretary-General to supplement the number of seminars, fellowships and training courses possible under the advisory services programmes; and in operative paragraph 1 it authorized the financing of the advisory services programme out of the budget of the human rights programme, as from 1980-1981. She hoped that the financial organs of the General Assembly would take that resolution into account in connexion with the financial implications of draft resolution A/C.3/35/L.53/Rev.1.

16. With regard to the other draft resolutions, the working group of the Commission on Human Rights was in a position to consider the general criteria regarding what could be done for the effective enjoyment of human rights and fundamental freedom generally. She did not understand the delegations - some of them members of the Commission on Human Rights - who wished to deal with isolated proposals before a general study had been made. She respected the purpose of draft resolution A/C.3/35/L.58, but the appointment of a High Commissioner for Human Rights was not a new subject and a large number of delegations, including her own, had always strongly opposed the idea. It was not the right way to promote respect for human rights and fundamental freedoms and it would establish a body which would be against the spirit of the Charter and create practical problems without helping to solve the problem to which it was addressed. The correct method was to strengthen the effectiveness of existing bodies and machinery.

17. Her delegation would vote against draft resolution A/C.3/35/L.59, as it had voted against General Assembly resolution 33/176 referred to in the first preambular paragraph.

18. Mr. O'DONOVAN (Ireland), referring first to draft resolution A/C.3/35/L.53/Rev.1, to which he attached great importance, said that his delegation would, with great regret, have to abstain on it in its present form, since it was inadequate and unbalanced. He was open to further discussion and consultation on the draft resolution and would be flexible regarding the ideas he was about to propose. General Assembly resolutions 32/130 and 34/46, in which the present agenda item had originated, had both been very fully discussed and had a reasonable balance of sponsors. Unfortunately, there had been little discussion on draft resolution A/C.3/35/L.53/Rev.1 and, to his knowledge, only one meeting of its sponsors. He was glad to note that some measure of balance had been restored in the revised version by the inclusion of further paragraphs from earlier resolutions to balance those already included; however, the draft resolution was not merely a repetition of an earlier text but included new elements. It still had not been revised sufficiently to preserve a balance between different classes of human rights, and some of its wording was unacceptable and confused.

19. It should be made clear that the fifth and sixth preambular paragraphs were not intended to mean that human rights and fundamental freedoms could remain in abeyance until the new international economic order had been established. He therefore proposed amending the sixth preambular paragraph to read: "Recognizing also that the efforts of the United Nations and its Member States to promote and protect civil and political rights should accompany efforts to establish the new international economic order." The reason for the reference to civil and political rights was that the new international economic order was concerned mainly with economic, social and cultural rights. He also suggested that the eighth preambular paragraph, which was concerned essentially with the economic, social and cultural rights of individuals, might usefully be complemented by a new paragraph along the lines of the following: "Remaining convinced of the importance of achieving complete responsibility for the civil and political rights of individuals at the national and the international levels".

20. In the eleventh preambular paragraph, he proposed inserting the words "as well as resolution 33/105" after "resolution 32/130" in the last line and deleting the rest of the sentence. He would like to hear from the Cuban representative, in connexion with her amendment, what the difference between "within" and "through" was and whether her amendment altered the sense; but in any case, the sentence would prejudice the over-all analysis.

21. In connexion with the twelfth preambular paragraph, while not proposing any amendment, he saw no reason to endorse the report of the Geneva seminar, since the seminar had been held purely for informational purposes and the General Assembly had not asked for a report.

22. In paragraph 1 of the operative part, he proposed making the same amendments as he had proposed for the eleventh preambular paragraph. He also proposed that, as in the case of the sixth preambular paragraph, paragraph 4 should be amended to read: "Emphasizes also that the efforts of the United Nations and its Member States to promote and protect civil and political rights should accompany the efforts to establish the new international economic order."

(Mr. O'Donovan, Ireland)

23. Regarding paragraph 7, he suggested that the final phrase "and to indicate the obstacles...fundamental freedoms" should be redrafted to remove the false impression that the obstacles were human rights; he further suggested that the words "essential for" in the seventh line should be replaced with "an essential element in".

24. He was open to consultation with a view to refining his amendments and was also ready to discuss his remaining difficulties with the sponsors in order to restore balance to the draft resolution.

25. Mr. MUCORLOR (Liberia) said that although the three draft resolutions before the Committee had the common denominator of human rights, they had different implications. He urged that they should be discussed separately.

26. Mr. RANGACHARI (India) and Mr. MATELJAK (Yugoslavia) endorsed the views of the representative of Liberia.

27. The CHAIRMAN said that in view of the objections raised, the three draft resolutions would be discussed separately.

28. Mr. EDIS (United Kingdom) strongly supported the position of the representative of Ireland. There was much that he could support and much that he would not disagree with in draft resolution A/C.3/35/L.53/Rev.1, but there were also elements in it which caused problems, while other elements which might improve the balance of the resolution were absent. Accordingly, he proposed the following amendments.

29. A new preambular paragraph along the following lines should be inserted after the fourth preambular paragraph: "Recalling further its resolution 34/175 about the need for appropriate United Nations bodies, particularly the Commission on Human Rights, to take timely and effective action in existing and future cases of mass and flagrant violations of human rights". Finding alternative approaches and ways and means of improving the effective enjoyment of human rights and fundamental freedoms was not an academic exercise but was related to real situations.

30. In the fifth preambular paragraph it must be made clear that action on human rights and fundamental freedoms should not await the millennium. He therefore proposed that in the last line, the words "based on respect for human rights" should be inserted after "order" and the word "all" should be inserted after "so that".

31. In the eighth preambular paragraph, the reference to participation of workers in management, while a valid idea, was out of context, since such participation was not an established legal right. Similarly, the ninth preambular paragraph implied that the right to development was already legally established, whereas what was meant was that development was important, and to many States very important. The idea was currently the subject of fruitful discussions in the Commission on Human Rights, and it would be a mistake to prejudice the outcome.

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(Mr. Edis, United Kingdom)

32. In the eleventh preambular paragraph and in paragraph 1 of the operative part, he proposed deleting the phrase "within the existing structures of the United Nations system", which would prejudice the outcome of the over-all analysis by precluding additional structures.
33. The twelfth preambular paragraph exaggerated the importance of the Geneva seminar. The report of the seminar contained many recommendations and conclusions with which his Government did not agree, and he could not accept its being noted with appreciation.
34. The wording of paragraphs 3 and 4 was not very clear. He suggested that, as in the case of the fifth preambular paragraph, it should be made clear that even now much could be done to try to establish and guarantee human rights and fundamental freedoms without waiting for economic developments.
35. In paragraph 5, which again referred to the right to development, he proposed that the word "promote" in the second line should be replaced by "define". The Commission on Human Rights was at present discussing the formulation of such a definition, and it would be better to wait until a binding definition had been produced. There was as yet no legally defined right to development.
36. With regard to paragraph 6, he did not favour giving priority to the holding of another seminar, since he had not found the outcome of the previous one very impressive. It would be better to await the results of the studies requested of the Commission on Human Rights.
37. In paragraph 7, he suggested inserting the words "and referred to in resolution 34/175" after "32/130" in the fifth line. The last phrase of the paragraph "and to indicate the obstacles ..." was confusing and did not add anything useful either to the paragraph or to the draft resolution.
38. Miss WELLS (Australia) said that her delegation would like to know the distinction drawn by the representative of Cuba between the words "within" and "through" in the last phrase of the eleventh preambular paragraph and of paragraph 1. Secondly, she wondered whether "existing structures" included the committee to be established under the Convention on the Elimination of All Forms of Discrimination against Women. Furthermore, she pointed out that the draft resolution did not refer to resolution 28 (XXXVI) of the Commission on Human Rights, which dealt with a possible intersessional role for the Commission's Bureau. Lastly, the question of redesignating the Division of Human Rights as a Centre for Human Rights had to be considered. All of the foregoing implied structural change, and she hoped that the representative of Cuba would be able to make the situation clear. She did not see how the sponsors of draft resolution A/C.3/35/L.58 on the possible appointment of a High Commissioner for Human Rights could support draft resolution A/C.3/35/L.53/Rev.1 as it stood.
39. Mr. MATELJAK (Yugoslavia) said that all the proposals being made by the representatives of Ireland, the United Kingdom and Australia had already been

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(Mr. Mateljak, Yugoslavia)

submitted to the sponsors of draft resolution A/C.3/35/L.53/Rev.1. The sponsors had considered them, along with others, in detail and had accepted some proposals; it was for that reason that the draft resolution had been revised. Furthermore, they had accepted additional proposals even after the revision of the draft. The sponsors could not agree that civil and political rights should take precedence over economic, social and cultural rights. The United Kingdom delegation had stated that the seminar referred to in the twelfth preambular paragraph had not been representative. In actual fact, invitations to nominate participants had been extended to the Governments of 36 countries selected from a broad cross section of the membership of the United Nations. Of the 10 developed countries invited, six had declined to accept the invitation, a fact that clearly indicated who was responsible for the seminar's not being representative.

40. Mrs. FLOREZ PRIDA (Cuba) said that the sponsors of draft resolution A/C.3/35/L.53/Rev.1 had indeed held adequate negotiations on the draft and had revised it in the light of those negotiations. The draft reflected the importance which developing countries attached to the necessity of establishing the new international economic order to ensure promotion and full enjoyment of human rights and fundamental freedoms. The sponsors could not agree to attach more importance to civil and political rights than to economic, social and cultural rights. A careful balance had been struck between those two groups of rights, and she believed that the draft resolution could now be adopted by a majority of members. The seminar referred to in paragraph 6 had made 16 recommendations, one of which was that the United Nations should consider the possibility of holding, in 1981, a seminar on the ties linking human rights, peace and development, such a seminar being preceded by a report of the Secretary-General. It was for that reason that paragraph 6 called for giving priority to the holding of that seminar. The phrase "through the existing structures of the United Nations system" had been taken from the tenth preambular paragraph of General Assembly resolution 34/46. In short, the sponsors had already considered all the proposed amendments and could not modify the text of the present draft, as that would change its thrust.

41. Mrs. TALLAWY (Egypt) said that the idea of the right to peace and development as a human right had first been promoted by Senegal and Egypt in 1967 in the Commission on Human Rights. The objective had been to ensure that developing countries enjoyed economic, social and cultural rights, which meant that peace, international understanding and détente should not be the prerogative of the great Powers alone. Her delegation therefore supported the request to the Secretary-General made in paragraph 7.

42. Mrs. WARZAZI (Morocco) said that her delegation fully endorsed the statements made by the representatives of Ireland and the United Kingdom. She did not believe that countries should wait for the establishment of the new international economic order before ensuring the civil and political rights of citizens. In 1979, the Organization of African Unity had adopted the Monrovia Declaration, which stated that there could be no true development without the promotion of human rights. Her delegation would therefore oppose any move that would make countries dependent on the establishment of the new international economic order for the promotion of human rights. Furthermore, the ninth preambular paragraph

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(Mrs. Warzazi, Morocco)

was superfluous and ran counter to paragraph 5, which itself was pointless, since all international documents specified development as a prerogative of all States and she did not see what the Commission on Human Rights could do in that connexion. Her delegation would request a separate vote on paragraph 6 because the seminar referred to therein had not been representative.

43. Mrs. SEMICHI (Algeria) said that as a sponsor of draft resolution A/C.3/35/L.53/Rev.1, her delegation fully shared the views expressed by the representative of Cuba. Contrary to the assertions made by some delegations, consultations had been held with the representatives of Ireland, Australia and others, and the draft had been amended in light of those consultations. With regard to the eighth preambular paragraph, she agreed with the representative of the United Kingdom that the right of workers to participate in management was not universally exercised and it was for that reason that it was mentioned in the draft. The representative of Egypt had stated the position of the developing countries very well with respect to the right to development; her delegation agreed that the draft could not fail to mention the establishment of the new international economic order, which was a matter of paramount importance to developing countries.

44. Mr. RANGACHARI (India) said that the striking feature of the point repeatedly made by the delegations of Ireland, the United Kingdom and Australia was that the text of draft resolution A/C.3/35/L.53/Rev.1 was unbalanced; those delegations appeared to be seeking a Confucian "golden mean". His delegation had already pointed out that it was useless to attempt an artificial compartmentalization between political and civil rights on the one hand and economic, social and cultural rights on the other hand. The insistence on the part of many delegations on specific references to civil and political rights was difficult to understand, since General Assembly resolution 32/130 had already stated that equal attention and urgent consideration should be given to the implementation, promotion and protection both of civil and political rights and of economic, social and cultural rights. The full realization of civil and political rights without the enjoyment of economic, social and cultural rights was impossible. He cited General Assembly resolution 34/46 on the question of the right to development as a human right, observing that the resolution had been adopted by a vote of 136 to 1, with 7 abstentions. The sponsors of the draft resolution had made sincere and detailed efforts to arrive at a consensus and integratè all classes of human rights into the new text. The draft resolution was important to developing countries, and India hoped that the delegations that had criticized it would understand those countries' position and would be able to accept the sponsors' views.

45. Mr. SCOTLAND (Guyana) said that, as a sponsor of draft resolution A/C.3/35/L.53/Rev.1, his delegation endorsed the comments of the other sponsors. The text had been the subject of detailed discussion among the sponsors and between them and other delegations. The revisions proposed by Cuba represented an effort to take account of the criticisms voiced by some delegations. On the question of replacing the word "within" with the word "through" in the eleventh preambular paragraph, his delegation had preferred the word "within" because it was found in General Assembly resolution 3136 (XXVIII), but it had accepted the change in a

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(Mr. Scotland, Guyana)

spirit of compromise. His delegation was puzzled by references on the part of the delegations of Ireland and the United Kingdom to the fifth preambular paragraph. It seemed that either Ireland was saying that the reference to the new international economic order constituted a mention of economic, social and cultural rights and should be balanced by mention of political and civil rights, or the United Kingdom, in stating that the new international economic order should be based on human rights, was saying that that order was not part of the economic side of the question. Civil and political rights were neither superior nor inferior to economic, social and cultural rights. The former were rights of the individual, but so were the latter where the new international economic order was concerned. Prospects for the promotion and protection of civil and political rights diminished in the face of chronic malnutrition, endemic poverty and general underdevelopment. References to the right to development as a human right and the right of workers to participate in management were simply attempts on the part of the sponsors of the draft resolution to be faithful to the text of General Assembly resolution 34/46.

46. Mr. ESCOBAR (Colombia) said that for the protection of human rights, the support of the entire international community, without exception, was necessary. Although at first glance the wording of the draft resolution seemed to have been inspired by good intentions, when it was examined more closely, it became apparent that political thinking had been covered by elegant drafting; that was the source of the present conflict. On such issues as human rights, the Committee should vote by consensus. The approach should be humanitarian rather than political. In the fifth preambular paragraph there had originally seemed to be a drafting problem, since the Spanish text stated that there was a need to establish the new international economic order before assuring human rights. That was an inaccurate assertion, for all persons had, from their birth, an established right to economic, political, social and other rights. The Committee should agree unanimously on that point. Political and civil rights did not depend on economic and social rights, nor vice versa; they were complementary and existed simultaneously. On the question of changing the word "within" to "through" where it occurred in the draft resolution, he said that there was no change in meaning in Spanish and that the question was one of syntax.

47. He asked the sponsors of draft resolution A/C.3/35/L.58 for a frank answer on its real intent. He did not see any danger in establishing a Centre for Human Rights as had been done for refugees. If there was a contradiction between draft resolutions A/C.3/35/L.53/Rev.1 and A/C.3/35/L.58, he would like a clear explanation. He wondered whether Yugoslavia had in fact offered a new preambular paragraph to follow the fourth preambular paragraph and had later said that there could be no amendments or whether there had been a mistake in the interpretation or in his understanding of the matter. If countries had the right to force their will upon other countries through majority rule, the United Nations was clearly heading towards self-destruction in a few years. Referring to the eighth preambular paragraph, he said that the wording "participation of workers in management" was not appropriate, but his delegation would be willing to accept the wording unless there were hidden intentions.

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48. The CHAIRMAN asked the representative of Colombia, since it was past six o'clock, whether he would be able to finish his statement in one minute, because the meeting of the Committee could not be prolonged.

49. Mrs. FLOREZ PRIDA (Cuba) asked that the amendments proposed by the representatives of Ireland and the United Kingdom should be circulated in writing.

50. The CHAIRMAN said that the Secretariat would make arrangements for the distribution of the amendments in writing the following day.

51. Mr. O'DONOVAN (Ireland) said that it would be preferable to have further consultations with the sponsors instead of issuing the amendments in writing.

52. The CHAIRMAN said that the matter was for the delegations to decide.

53. Mr. SPINELLI (Italy) said that the question whether the word "within" or "through" should be used could be settled by following the title of the item, which used the word "within".

The meeting rose at 6.20 p.m.