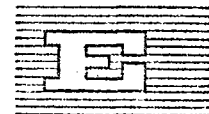


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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND  
FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD,  
WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER  
DEPENDENT COUNTRIES AND TERRITORIES

Report of the Secretary-General submitted under  
paragraph 5 of resolution 30 (XXXVI) of the  
Commission on Human Rights

1. In its resolution 30 (XXXVI), adopted on 11 March 1980, the Commission on Human Rights, inter alia, requested the Secretary-General, in cases where large-scale exoduses become a matter of international concern and solidarity, to consider establishing direct contacts with the appropriate governments to assess the relationships between the situation and full enjoyment of human rights, and to make concrete recommendations for ameliorating such situations. In paragraph 5 of the same resolution, the Secretary-General was requested, where warranted, to submit to the next session of the Commission, or General Assembly, as appropriate, a summary of his findings and recommendations to assist governments in restoring full enjoyment of human rights.
2. Following the adoption of resolution 30 (XXXVI), the General Assembly, at its thirty-fifth session, adopted, without a vote, resolution 35/196 on 15 December 1980, entitled "Mass exoduses". This resolution, inter alia, expressed deep concern at the continued incidences of large-scale exoduses and displacements of populations and at the resulting hardships and problems of the persons and States concerned. It also endorsed the requests contained in Commission on Human Rights resolution 30 (XXXVI) and requested the Commission to "examine the report of the Secretary-General to be submitted to it at its next session and on the basis of that report to make recommendations for further action". Moreover, the General Assembly decided to consider this question at its thirty-sixth session under the item entitled "Report of the Economic and Social Council".

3. In a related action, the General Assembly adopted on 11 December 1980 resolution 35/124 entitled "International Co-operation to avert new flows of refugees". This resolution, inter alia, invited all Member States to convey to the Secretary-General their comments and suggestions on this matter and to facilitate the return of those refugees who wish to do so. It also requested the Secretary-General to report to the thirty-sixth session of the General Assembly for its further examination and thorough study, the views, comments and suggestions expressed by Member States.
4. In all situations of international concern, the Secretary-General, in accordance with his responsibilities under the Charter and with any specific mandate given to him by a relevant United Nations organ, seeks to facilitate solutions as well as to alleviate human suffering. The Secretary-General does this in a variety of ways, for example, through contacts and consultations with the parties concerned, through exercise of his good offices and through appeals for international assistance.
5. The root causes of situations involving mass exoduses, are often very complex. They may relate to political or military conflicts, internal or external, to civil strife, persecution or other forms of violations of human rights, be they civil and political or economic, social and cultural rights. In seeking to be of assistance in such situations the Secretary-General uses the methods which he considers are the most appropriate for each situation. In so far as the root causes of mass exoduses are concerned, the Secretary-General often discusses them in his contacts and consultations with the parties concerned and, through the use of his good offices, seeks to alleviate the circumstances leading to such exoduses. The Secretary-General also seeks to support the humanitarian assistance activities of the United Nations High Commissioner for Refugees.
6. There are doubtless many situations in which mass exoduses are caused by denials of human rights, and the Secretary-General does not fail to point this out in his contacts and consultations with the parties concerned. However, the Secretary-General often finds that considerable caution needs to be exercised in the public disclosure of the precise substance of his contacts with Governments concerned, including those on the nexus between mass exoduses and the full enjoyment of human rights, so as to avoid prejudicing future contacts and closing the possibility of his being of assistance in the future to the victims of such situations.
7. For the information of the members of the Commission on Human Rights, the Secretary-General wishes, without entering into details of the situations involved, to say that in respect of recent situations of mass exoduses he has, while supporting and assisting the activities of the United Nations High Commissioner for Refugees, also adopted various approaches of his own including: consultations and direct contacts with the parties concerned; the use of his good offices, including appeals to the parties concerned; the designation of special representatives to follow situations; the dispatch of inter-agency missions; personal visits to the areas or regions concerned; and, the mobilization of humanitarian assistance, including the convening of international conferences for this purpose.

8. The Secretary-General wishes to refer to the introduction to his Annual Report in 1980, in which he expressed the view that

"Political and humanitarian factors are sometimes difficult to separate ... Unfortunately most of the great human tragedies of our time are deeply rooted in political and military developments. This is particularly true of the various humanitarian demands of Indo-China. In the face of human misery on the scale which exists in that part of the world, it is essential to provide humanitarian assistance even though a political solution has yet to be found. I appeal to all Governments to understand this dilemma and to support the humanitarian efforts of the United Nations system and associated international and voluntary organizations to provide assistance on a non-discriminatory basis to the afflicted civilian population. Above all, there is a need to make renewed efforts to move in the direction of political settlements which will allow the agonized populations of that tortured region to look at last to a future of peace.

"My second comment concerns the question of security. It has until now been generally accepted that security and peace-keeping are political matters and separate from emergency humanitarian efforts, although past experience has shown that when the two have happened to coincide the humanitarian task has been greatly facilitated by the presence of peace-keeping operations. A relatively small United Nations presence can have a calming effect on a violent situation out of all proportion to its numbers, armaments or military capacity. I fully recognize the political and other complexities involved. Clearly the authority of the Security Council must be respected, and the principle of national sovereignty strictly observed. On this basis, I believe however, that Member States might consider the possibilities of extending in some form the Organization's very considerable experience of peace-keeping into humanitarian emergencies where conditions call urgently for an element of security."

9. The Secretary-General is of the view that through approaches such as those described above, he is able to bring his influence to bear to the maximum extent possible. He is of the view that further investigation or articulation of the nexus between violations of human rights and mass exoduses are subjects which may be deserving of consideration by United Nations organs such as the Commission on Human Rights with a view to devising appropriate, complementary approaches or procedures for dealing with such situations, bearing in mind, however, the observations made in paragraph 6 above.