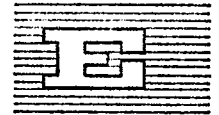


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COMMISSION ON HUMAN RIGHTS

Thirty-seventh session

SUMMARY RECORD OF THE 1612th MEETING

held at the Palais des Nations, Geneva,
on Monday, 23 February 1981, at 4.30 p.m.

Chairman: Mr. CALERO RODRIGUES (Brazil)

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Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights, including:

- (a) Problems related to the right to enjoy an adequate standard of living; the right to development
- (b) The effects of the existing unjust international economic order on the economies of the developing countries, and the obstacle that this represents for the implementation of human rights and fundamental freedoms

Status of the International Covenants on Human Rights

The meeting was called to order at 4.40 p.m.

VIOLATIONS OF HUMAN RIGHTS IN SOUTHERN AFRICA: REPORTS OF THE AD HOC WORKING GROUP OF EXPERTS (agenda item 6) (continued) (E/CN.4/L.1553; E/CN.4/L.1555; E/CN.4/L.1556)

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(b) IMPLEMENTATION OF THE PROGRAMME FOR THE DECADE FOR ACTION TO COMBAT RACISM AND RACIAL DISCRIMINATION (agenda item 21) (continued) (E/CN.4/L.1557; E/CN.4/L.1562)

QUESTION OF MEASURES TO BE TAKEN AGAINST IDEOLOGIES AND PRACTICES BASED ON TERROR OR INCITEMENT TO RACIAL DISCRIMINATION OR ANY OTHER FORM OF GROUP HATRED (agenda item 25) (continued) (E/CN.4/1548/Rev.1)

1. The CHAIRMAN invited the members of the Commission who had not already done so to give explanations of their votes on the draft resolutions adopted at the previous meeting.

2. Mr. GAGLIARDI (Brazil) said that his delegation had voted in favour of draft resolution E/CN.4/L.1554 but that, if a separate vote had been taken on operative paragraph 5, it would have abstained. In the report (E/CN.4/1426) the implementation of the International Convention on the Suppression and Punishment of the Crime of Apartheid was linked with the establishment of an international penal tribunal, which his Government did not favour. It was to be noted that his country had not signed the Convention in question.

3. Mr. MARTINS DA CRUZ (Portugal) reminded the Commission that, in its statement on agenda items 6, 7, 17 and 21, his delegation had again stressed the importance which his country attached to the realization of the right of peoples to self-determination and independence and to respect for national sovereignty and territorial integrity, and that it had strongly condemned any colonial situation in southern Africa and reaffirmed its opposition to any racial discrimination. It considered it absolutely essential, both politically and morally, to eliminate apartheid, an institutionalized form of racism, which constituted an affront to the moral conscience of all mankind. His delegation had, however, been obliged to abstain when the vote was taken on draft resolution E/CN.4/L.1553, because of the wording of a number of the paragraphs of the operative part. His Government did not consider that the isolation of South Africa - also requested in draft resolution E/CN.4/L.1558 - was likely to make a positive contribution to the development of the situation in that country and

thought that it could not but obstruct the efforts of all those who, whether outside or inside South Africa, were trying to promote far-reaching changes in the unjust system of apartheid. On the contrary, the maintenance of a constant dialogue with the South African Government was likely to lead it more readily to adopt the measures required - especially if it was accompanied by a degree of international pressure - with which his Government associated itself - at the appropriate time and place. On that point, his delegation could not refrain from stressing that the violation of the sovereignty of Mozambique, recently attacked by the South African army, in complete disregard of the standards of international law, was a grave threat to peace in the region.

4. As in previous years, his delegation had abstained from voting on the draft resolution on the implementation of the International Convention on the Suppression and Punishment of the Crime of Apartheid (E/CN.4/L.1554), which contained provisions which were not in conformity with the legal system of his country. It remained true that his country condemned racism and apartheid as flagrant violations of the most elementary human rights. That was why his delegation had voted for draft resolution E/CN.4/L.1557, which dealt with the implementation of the Programme for the Decade for Action to Combat Racism and Racial Discrimination - an important effort by the international community towards the elimination of apartheid.

5. His delegation had abstained from voting on draft resolution E/CN.4/L.1558 because some of the operative paragraphs were so worded that they might lead to conclusions which would be, to say the least, incorrect. It had also abstained from voting on draft resolution E/CN.4/L.1555, mainly because the provisions of certain paragraphs did not seem, for the time being, conducive to a solution of the Namibian problem. His Government reaffirmed its commitment to the right to self-determination of the Namibian people in full liberty and legality, and it condemned the armed attacks launched by South Africa against Zambia and Angola, both as violations of their territorial integrity and as actions which could only further delay the accession of Namibia to independence.

6. Mrs. ARANA (Peru) said that her delegation, which condemned the policy of racial discrimination and apartheid of the Pretoria régime, had voted in favour of all the draft resolutions submitted under agenda items 6, 7, 17 and 21. She reminded the Commission that her country, which was a party to the International Convention of the Suppression and Punishment of the Crime of Apartheid and a full member of the Special Committee against Apartheid, supported the campaign by the Namibian people to exercise its right to self-determination and independence.

7. Mr. SCHIFFER (United States of America) said that his Government was opposed to the policy of apartheid and wanted to work towards a peaceful development of the situation in Southern Africa, which some of the draft resolutions that had just been adopted tended to reject.

8. His delegation had voted against draft resolution E/CN.4/L.1553, because it could not accept paragraphs 7, 8, 9 and 13, in particular. It had abstained when the vote was taken on resolution E/CN.4/L.1554 as his Government, whose position on the International Convention on the Suppression and Punishment of the Crime of Apartheid was well-known, did not endorse the appeal in its operative paragraph 2. It had

abstained from voting on draft resolution E/CN.4/L.1555, because his country's policy on the subject was under review. It had not participated in the vote on draft resolution E/CN.4/L.1557, as the Programme for the Decade for Action to Combat Racism and Racial Discrimination assimilated zionism to racism. It had voted against draft resolution E/CN.4/L.1558, because it was opposed to the Special Rapporteur's report on the adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to colonial and racist régimes in southern Africa (E/CN.4/Sub.2/425 and Corr.1-3 and Add.1-7) which mentioned United States companies maintaining trade relations with South Africa in keeping with his country's legislation.

9. Mr. JAHN (Federal Republic of Germany) said that his delegation, while favouring the elimination of all forms of colonialism and apartheid and condemning every violation of human rights by the racist Government of South Africa, did not think, however, that all economic relations with the peoples of southern Africa should be broken off. It was opposed to the drawing up of any black list of companies and organizations maintaining economic relations with the régime in South Africa, which was tantamount to assimilating economic relations to an acceptance of the South African régime. Consequently, it had voted against draft resolutions E/CN.4/L.1553 and L.1558.

10. His delegation had abstained from voting on resolution E/CN.4/L.1555, as his Government, like its partners in the Five-Power contact group, felt that the problem of Namibia was a matter not for the Commission but for the Security Council and the General Assembly to handle. Lastly, it had abstained from voting on draft resolution E/CN.4/L.1554, as the International Convention on the Suppression and Punishment of the Crime of Apartheid did not guarantee minimum conditions for persons accused.

11. Mr. SOYER (France) said that his delegation's votes on draft resolutions E/CN.4/L.1553, L.1557 and L.1558 reflected its well-known and consistent attitudes. Like the delegations of the four other members of the Five-Power contact group, it had abstained from voting on draft resolution E/CN.4/L.1555, although it agreed with the objective principles of that draft resolution relating to the exercise by the Namibian people of the right to self-determination and independence. His Government remained essentially attached to the principles contained in the United Nations plan for Namibia and it had been deeply disappointed by the failure of the Geneva Conference on Namibia, which was to have led to an agreement on a cease-fire and thence to early independence for Namibia - a failure due to the position adopted by the South African delegation which had deemed an agreement on "implementation" to be "premature". It could not but disapprove of any initiative likely to render even more difficult the establishment of relations of mutual confidence which were essential for any agreement. It therefore had reservations regarding, in particular, paragraphs 7, 11 and 13 of the draft resolution in question, which it did not consider likely to encourage a settlement acceptable to all parties. None the less, his Government was, of course, in favour of prisoners who were members of SWAPO being treated in conformity with human rights and dignity. It hoped that the progress already recorded would be maintained and that the way would remain open for a negotiated agreement. Sanctions which, incidentally, were within the competence of a body other than the Commission, could only make the resumption of negotiations even more difficult.

12. Mrs. PALARCA (Philippines) said that her delegation had voted for draft resolution E/CN.4/L.1557, although it would have liked to have the words "at least" added before the words "commensurate with" in the third line of paragraph 7. It was certainly desirable that victims of racial discrimination should be compensated for the injury sustained, as was the case in her country.

13. Mr. PAPASTEFANOU (Greece) said that his delegation had voted in favour of draft resolution E/CN.4/L.1553 but that, if a separate vote had been taken on paragraph 9, it would have abstained because of the vagueness of the wording.

14. His delegation had voted in favour of draft resolution E/CN.4/L.1555 although it had misgivings about some of its provisions, which might well give rise to misunderstandings regarding the way in which the Commission approached the problem of the violation of human rights by South Africa in Namibia.

15. Mr. DYRLUND (Denmark) said he wished to reaffirm that his Government rejected and condemned apartheid, which it considered to be an obstacle to the maintenance of peace and security in southern Africa. In that connection, he recalled the joint programme of action agreed upon in March 1978 by the Ministers of Foreign Affairs of the Nordic countries, which involved the prohibition or discouragement of new investments in South Africa, recommendations for discontinuing sports and cultural contacts with South Africa and increased Nordic support to refugees, liberation movements and victims of apartheid. His delegation firmly believed that, without increased pressure from the international community, the South African Government was not likely to start the necessary process of transforming its society.

16. His delegation had thus voted for the draft resolution E/CN.4/L.1555 because it was favourable to a peaceful resolution of the problem in question based on Security Council resolution 435 (1978). It would, however, have preferred that the resolution had not been introduced in the Commission, since the subject was being dealt with in other appropriate United Nations bodies. His delegation wished to express once again its support for the Secretary-General of the United Nations in his efforts to find an internationally acceptable solution for the Namibia problem, and it hoped that the five Western Powers would continue to offer their good offices to the Secretary-General in that respect.

17. His delegation had been obliged to abstain from voting on resolutions E/CN.4/L.1553 and L.1558, because they contained provisions which did not take into account the competence of other United Nations organs.

18. As for draft resolution E/CN.4/L.1557, his delegation would have been able to vote in favour of that resolution in its original form, because of its firm support for the goals and the objectives of the Decade for Action to Combat Racism and Racial Discrimination, as set forth in General Assembly resolution 3057 (XXVIII). However, the addition of the new paragraph proposed by the Syrian Arab Republic (E/CN.4/L.1562), which referred in particular to consultations by the Secretary-General with the Committee on the Exercise of the Inalienable Rights of the Palestinian People, was unacceptable to his delegation which had therefore been obliged to abstain.

19. Finally, his delegation had abstained from voting on draft resolution E/CN.4/L.1554, concerning the International Convention on the Suppression and Punishment of the Crime of Apartheid, to which it had objections that had been repeatedly explained in the General Assembly.

20. Mr. TWESIGYE (Uganda) said that his delegation had voted for the five draft resolutions dealing with agenda items 6, 7, 17 and 21 - of which it was a sponsor - because it was convinced that practical measures had to be taken to bring the South African régime to accept the crucial principle of equality for all peoples, independently of their race, and thus to put an end to the odious policy of apartheid.

21. Neither South Africa nor its Western allies would succeed in preventing Namibia from obtaining liberty and independence; no support, however extensive, from the Governments of the Western countries and the Western multinational corporations would stop the South Africans from freeing themselves from the yoke of apartheid. The only remaining question was when and at what cost those changes would occur.

22. Mr. GONZALEZ de LEON (Mexico) said that, had it been present at the preceding meeting, his delegation would have voted in favour of the five draft resolutions concerning agenda items 6, 7, 17 and 21. The Mexican people and Government had always supported the peoples of Africa and their just claims with respect to the colonialist and racist régimes of southern Africa. In that connection, it should be noted that, on 4 March 1980, the Mexican Government had deposited its instrument of ratification of the International Convention on the Suppression and Punishment of the Crime of Apartheid.

23. His delegation would also have voted in favour of draft resolution E/CN.4/1548/Rev.1, submitted under agenda item 25, for it was opposed to all ideologies and practices based upon terror or incitement to racial discrimination or any other form of group hatred, in particular nazism, fascism and neo-nazism.

24. Mr. ZORIN (Union of Soviet Socialist Republics) said that his delegation had voted for the five draft resolutions submitted under agenda items 6, 7, 17 and 21, which were designed to put an end to the violation of human rights in southern Africa.

25. However, it did not think that the provisions in paragraph 9 of draft resolution E/CN.4/1553 were in keeping with the Charter of the United Nations. Only the Security Council and the General Assembly were empowered to make decisions concerning the exclusion of South Africa from the United Nations, a measure which his Government had supported in the Security Council. The States which had opposed that measure were precisely those which continued to assist the racist South African régime, in violation of numerous United Nations resolutions. As for the establishment of the International Penal Tribunal, as referred to in paragraph 11 of the draft resolution under consideration, it had not been considered by the Commission and the appeal made to all the States Members of the United Nations thus appeared unjustified. Finally, the provisions in paragraph 23 should also be understood in the context of the provisions of paragraph 6 of Commission resolution 9 (XXXVI), with the exclusion, of course, of Zimbabwe.

26. Mr. NAGHAWE (Observer, African National Congress) said he wished, first of all, to express his delegation's gratitude to the delegations which had voted in favour of the resolutions adopted on agenda items 6, 7, 17 and 21, thus demonstrating their support for the just struggle that the national liberation movements of southern Africa were waging against the Pretoria fascist régime. The process which the Pretoria régime had embarked on, far from being dynamic as some delegations had alleged, was nothing else but a manoeuvre aimed at further strengthening and consolidating the apartheid apparatus; that applied to the intensification of the bantustan programme, the creation of racial bodies such as the President's Council and the Black Council, the passage of laws curtailing the activities of the labour movement and the implementation of the total war strategy.

27. It had also been argued that economic relations with South Africa could be used as an instrument of reform - reference had been made in that regard to the European Economic Community's code of conduct - and that the application of sanctions against South Africa would seriously affect the black population. It should be emphasized once again that, for all the investments that had been made in South Africa, the plight of the black workers had progressively deteriorated, as had been elaborately spelt out in the Special Rapporteur's report on the adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the colonial and racist régimes in southern Africa (E/CN.4/Sub.2/425 and Corr.1 to 3 and Add.1 to 7). That was why ANC advocated the application of sanctions against South Africa, no matter what the consequences for the African people, who were prepared to make any sacrifice in pursuance of their cherished goal - the overthrow of the apartheid régime.

28. It should be emphasized that the national liberation movements of southern Africa had resorted to armed struggle only because war had been imposed upon them by the violent racist Pretoria régime, after they had tried all possible peaceful means.

29. Mr. NANGOLO (Observer, South West Africa People's Organization) said he wished first of all to thank all the delegations which had voted in favour of the resolutions concerning the problem of Namibia.

30. He pointed out to those delegations which had said that it was possible to make constructive use of the economic relations with the South African Government that it was in fact South Africa which actually profited from those relations and not the people of southern Africa, who remained exploited. He wished to remind those delegations which had stated that they could not vote in favour of draft resolutions encouraging violence that they belonged to countries that had suffered from the Nazi occupation and had themselves resorted to violence in order to liberate themselves.

31. He could only deplore the fact that, after four years of negotiations, five Western countries members of the contact group on Namibia were still not prepared to vote in favour of resolutions that would compel South Africa to comply with the requests of the international community, and were continuing to invest in South Africa, thus enabling it to maintain troops in Namibia, at a cost of \$US 1 million per day.

ORGANIZATION OF THE WORK OF THE SESSION (agenda item 3) (continued)

32. Mr. ZORIN (Union of Soviet Socialist Republics) suggested that the tentative time-table of work should be followed for agenda items 8, 22 and 5 - a minimal programme - allowing all delegations who so desired to speak on those items. In that context, it seemed to him that the number of meetings scheduled for agenda item 13 was rather large.

33. The CHAIRMAN assured the representative of the USSR that every delegation would have the opportunity of speaking for as long as it wished on agenda items 8 and 22.

34. The Commission would then have to decide upon the organization of work on agenda items 5 and 13, because consideration of the latter item could not be postponed without inconvenience, since some delegations had expressly been invited to come to Geneva on the date set for the debate on that item.

35. Mr. SALAH-BEY (Algeria) said he supported the comment by the USSR representative on agenda item 8 and hoped that the Commission would pay greater attention to economic problems. He had, however, been reassured by the explanations given by the Chairman.

QUESTION OF THE REALIZATION IN ALL COUNTRIES OF THE ECONOMIC, SOCIAL AND CULTURAL RIGHTS CONTAINED IN THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND IN THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, AND STUDY OF SPECIAL PROBLEMS WHICH THE DEVELOPING COUNTRIES FACE IN THEIR EFFORTS TO ACHIEVE THESE HUMAN RIGHTS, INCLUDING:

- (a) PROBLEMS RELATED TO THE RIGHT TO ENJOY AN ADEQUATE STANDARD OF LIVING; THE RIGHT TO DEVELOPMENT;
- (b) THE EFFECTS OF THE EXISTING UNJUST INTERNATIONAL ECONOMIC ORDER ON THE ECONOMIES OF THE DEVELOPING COUNTRIES, AND THE OBSTACLE THAT THIS REPRESENTS FOR THE IMPLEMENTATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS (agenda item 8) (E/CN.4/1421; E/CN.4/1425; E/CN.4/1458; E/CN.4/1459; E/CN.4/NGO/296; E/CN.4/NGO/303; ST/HR/SER.A/8)

STATUS OF THE INTERNATIONAL COVENANTS ON HUMAN RIGHTS (agenda item 22) (E/CN.4/1444)

36. Mr. NYAMEKYE (Deputy Director, Division of Human Rights), introducing agenda item 8, reminded the Commission that, in its resolutions 32/130 and 34/46, the General Assembly had strongly emphasized the necessary relationship between economic, social and cultural rights and human rights in general. In its turn, the Commission had decided at its thirty-sixth session to enlarge the scope of its consideration of that aspect of human rights. Thus, at its current session, the Commission had before it the report of a seminar that had been held in 1980 to study the effects of the existing international economic order on the economies of the developing countries and the obstacle that they represented for the implementation of human rights and fundamental freedoms. The Commission also had before it further parts of the study on the right to development, contained in document E/CN.4/1421.

37. The implementation of economic, social and cultural rights called for some difficult decisions of principle on the Commission's part. Originally, the Commission had commissioned Mr. Ganji to carry out a study on the subject and had subsequently decided to give regular consideration to the matter as an item of its agenda. In the meantime, the International Covenant on Economic, Social and Cultural Rights had entered into force and States parties to that instrument had begun to submit reports to the Economic and Social Council and its Working Group. The General Assembly had also made important pronouncements on the subject in its resolutions 32/130, 34/46 and 35/174. In the last two resolutions, the General Assembly had followed up the work initiated by the Commission on the right to development and had affirmed it to be a human right. The contributions in that field made by the specialized agencies such as ILO, WHO, FAO and UNESCO in their respective areas of competence should also be noted.

38. Having listed the various decisions by which the Commission had contributed to the theoretical study of the question and noted that it would perhaps be better in future to seek to develop the methodology of implementing economic, social and cultural rights at the practical level, he said that, although it was true that the Economic and Social Council and its specialized Working Group had accorded high priority to work in that field, it was nevertheless obvious that they would need the assistance of the Commission in clarifying and developing the methodology.

39. Such a methodology would have to supply the answers to the following questions, for example:

(1) What were the minimum elements necessary in national legislation for guaranteeing a particular economic, social or cultural right as a human right?

(2) What criteria were available which might offer guidance to Governments in the allocation of resources for the implementation of various rights?

(3) What supervisory mechanisms were desirable at the national or local level with a view to promoting the implementation of a right as a human right?

(4) What recourse procedures were desirable at the national or local level to guarantee the implementation of those rights, whether new procedures or adaptations of existing procedures?

(5) How should violations of a right be tackled?

(6) What relevant practices of supervisory or adjudicatory bodies at the national or international levels were available with regard to the implementation of a right?

(7) What policies of international co-operation and solidarity should be followed with a view to the implementation of a particular right, and

(8) What supporting institutional mechanisms were needed at the national, regional or international levels in order to promote the implementation of a right?

40. The Commission should also make sure that it had really profited from the work done in that field by the Commission on Social Development and by the specialized agencies concerned. For several years, the Commission on Social Development had been studying the unified approach to development. Indeed, the over-all goals of social development involved society in all its aspects. The questions which it had considered were thus directly relevant to the agenda item under consideration. It would be desirable for the Commission on Human Rights to take due account of that work and seek to fashion its own contribution in that area. As the Director of the Division of Human Rights had said in his opening statement to the Commission, the Commission should also complement its consideration of broader structural questions by paying due attention to concrete issues pertaining to the implementation of economic, social and cultural rights, so as to provide guidance to Governments as well as to competent national and international organs.

41. There were various policy options open to the Commission for the future. In the first place, it could promote exchanges of experience among countries on the implementation of particular economic, social or cultural rights. It could also consider each of those various rights in turn and seek, in co-operation with the specialized agencies concerned, to develop an appropriate methodology for its implementation in accordance with the summary he had outlined. The Commission might also search for a more precise definition of and practical content for certain rights stated in general terms in the International Covenant on Economic, Social and Cultural Rights. Consideration might be given, for example, to a study on those lines of the right to food.

42. As the Director of the Division had stated, the Commission had not yet succeeded in sufficiently conveying the message that human rights constituted an integral part of the development process. Consideration of ways and means of integrating human rights into the development process and of promoting respect for human rights through development seemed essential. On the other hand, much remained to be done in connection with the realization of the economic, social and cultural rights of members of certain vulnerable groups, such as indigenous peoples. It might be appropriate to focus on particular problems encountered by such groups. Similarly, the topic of human rights in international financial agencies appeared to be ripe for consideration. The Commission might study the actual effects of the policies pursued by such institutions on the enjoyment of human rights. Finally, it might seek to define guidelines for the establishment of national administrations for the realization of economic, social and cultural rights.

43. The foregoing list of topics was not meant to be exhaustive but to encourage the members of the Commission to give further consideration to the possibility of complementing its study of structural or abstract questions by an examination of specific aspects, so as to provide guidance to Governments in their practical efforts to achieve the realization of economic, social and cultural rights.

44. Turning to agenda item 22, he said that the Commission had before it a report by the Secretary-General (E/CN.4/1444) prepared in compliance with the request of the Commission in its resolution 8 (XXXVI) of 21 February 1980.

45. To date, 66 States had ratified or acceded to the International Covenant on Economic, Social and Cultural rights and 65 had ratified or acceded to the International Covenant on Civil and Political Rights. Since the Commission's previous session, only two States, Nicaragua and France, had acceded to the former and three States, Nicaragua, Austria and France, had ratified or acceded to the latter. Since the previous session also, three more States parties, Nicaragua, Peru and Trinidad and Tobago had ratified or acceded to the Optional Protocol to the International Covenant on Civil and Political Rights, thus bringing to 25 the number of States parties to the Protocol. In addition, since the preparation of the Secretary-General's note on the status of the Covenants for the Commission's current session, Senegal had made a declaration recognizing the competence of the Human Rights Committee under article 41 of the Covenant on Civil and Political Rights, thus bringing the number of such declarations to 14.

46. The fourth annual report of the Human Rights Committee (A/35/40) had been submitted to the General Assembly at its thirty-fifth session. It contained a detailed account of the work accomplished by the Committee at its eighth, ninth and tenth sessions and also dealt with the consideration of the reports submitted by the States parties under article 40 of the Covenant as well as the consideration of communications received under the Optional Protocol. It further included the text of five decisions formulating the views of the Committee concerning five communications submitted under the Protocol, which had been duly forwarded to the States parties and the individuals concerned. One chapter of that report set out the views of the Committee members concerning the follow-up to be given to its consideration of the reports of States parties and, more particularly, the nature of its functions under article 40, paragraph 4 of the Covenant.

47. At its eleventh session, held in October 1980, the Committee had again taken up that question and had agreed on a certain number of principles relevant to its duties under article 40. At the same session, it had also discussed once again the question of States parties which were in default as regards their obligation to submit reports under article 40 of the Covenant. It had decided to include a special item on the subject in its provisional agenda for the following session and had requested the Secretary-General to invite the States parties concerned to send representatives to the meetings at which the Committee was to deal with that agenda item.

48. With regard to the International Covenant on Economic, Social and Cultural Rights, reference could be made to the report of the Secretary-General on the status of the Covenants submitted to the Commission at its current session (E/CH.4/1444). The report of the Economic and Social Council to the General Assembly at its thirty-fifth session also contained a summary of the situation. At its second session in 1980, the Council's Sessional Working Group on the Implementation of the Covenant on Economic, Social and Cultural Rights had considered the reports submitted by the 24 States parties under the first stage of the programme established by Council resolution 1988 (LX) as well as matters relating to its composition and mandate. It had submitted a report to the Council at its first regular session of 1980. The Council, by its resolution 1980/24, had decided to review in 1981 the composition, organization and administrative arrangements of the Working Group and had requested the Secretary-General to solicit the views of members of the Council and of States parties to the Covenant on the subject and to submit a report thereon, together with any comments he might consider appropriate, to the Council at its organizational session in 1981.

49. On the basis of these documents (E/1981/6 and Add.1), the Council had decided, at its organizational session of 1981, to keep the matter under review at its first regular session of 1981, in April-May. It had appointed the members of the Sessional Working Group for 1981 on the basis of the previous arrangements and had decided that the Group should meet for a period of three weeks in 1981. It had also urged States members of the Group to include in their delegations experts on the matters dealt with in the Covenant.

50. Mr. SOYER (France) said that the right to development was beyond all question a human right which required, for its implementation, a new international economic order. He reminded the Commission that the General Assembly had already asserted that premise which was, moreover, implicit in the Universal Declaration of Human Rights and, in particular, in its article 22, which stated that "Everyone ... is entitled to realization (of the right) ... to the free development of his personality". Article 28 of the Declaration specified further that "Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized". It should be noted that the aforementioned rights and freedoms included, indivisibly, both economic, social and cultural rights and civil and political rights. Moreover, the preamble common to the two International Covenants - the one concerning social, economic and cultural rights and the other civil and political rights - confirmed that link.

51. Nevertheless, the definition of the human right which thus seemed to emerge should be rendered more precise and the need for a new economic order to enable the right to development to be realized should be spelled out; in other words, the practical implications of the right should be studied.

52. According to the common preamble to the Covenants, development might be defined as the ideal of free human beings whose unfolding was fostered by the full enjoyment of all their economic, social and cultural rights together with their civil and political rights. Development thus appeared as the total sum of all human rights, the key human right, the synthesis of rights.

53. A right only existed, however, if specific creditors could demand from specific debtors some benefits that were also specified. First of all, therefore, the creditors of the right to development had to be defined. Article 29 of the Universal Declaration of Human Rights provided a clear point of departure: "Everyone has duties to the community in which alone the free and full development of his personality is possible". The immediate creditor of development was thus the community to which the individual belonged, the people of which he was a component part. The continuation of article 29 of the Universal Declaration embodied the first article of the two Covenants already mentioned which stated: "All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development."

54. It was thus evident that the right to development stemmed from the people, that is to say, from the State which that people had freely constituted, as a result of its self-determination. Nevertheless, that right remained in essence a human right which was thus necessarily for the ultimate benefit of the human being. Consequently, the ultimate creditor of the right to development was the human being, and his immediate creditor (whether called community, people or State) was abusing its powers if it diverted the benefits of the right to development from its only true recipient, the human being.

55. It could thus be affirmed that the right to development was obviously collective as far as its official payee, the State, was concerned but that the official payee was only a representative of the individual, as indicated by article 21 of the Universal Declaration of Human Rights which stated: "Everyone has the right to take part in the government of his country... through freely chosen representatives."

56. That analysis was confirmed by everyday reality, for example, by the many situations in which individual creditors received their dues through the intermediary of the grouping to which they belonged. That was so in the case of groupings of authors in the literary and artistic fields or again, of associations of victims of a catastrophe. It could thus be maintained that, contrary to what had often been asserted, the right to development had clearly defined creditors: first, the State and, behind the State, the human being. The debtors of the right to development had still to be defined.

57. The reply to that second question was a simple one. The right to development was owed by the State and, if it were incapable of ensuring it, the international community. That was clear from paragraphs 1 and 2 of the first article of each of the two Covenants on human rights, which he quoted.

58. The third question raised was that of the benefits implied by the right to development. That right was based on the enjoyment of civil and political rights on the one hand and of economic, social and cultural rights on the other. As far as civil and political rights were concerned, it was apparent from article 2 of the relevant Covenant that the international community limited

itself to monitoring the obligations of the individual State. On the other hand, to ensure the enjoyment of economic, social and cultural rights, the international community might have to supply the benefits, as was evident from article 2, paragraph 1, of the pertinent Covenant, which he quoted. Those benefits concerned the right to work, to health and to education, and they were put into effect by vocational training, the building of hospitals and schools and educational programmes. Thus, the definition of the right to development could be precisely and undeniably deduced from the obligations contained in the Covenant on Economic, Social and Cultural Rights.

59. However, the practical implications of that right had still to be considered. They could be summed up as the establishment of a new international economic order and of global solidarity. As yet, however, those aims represented only a hope; they did not yet possess a solid framework of comprehensive institutions and systematic rules. Among attempts to make the right to development more specific, reference might be made to the texts quoted in paragraphs 55 to 78 of the study on the Dimensions of the Right to Development as a Human Right (E/CN.4/1334) and to the Charter of Economic Rights and Duties of States; further progress might be made in the code of conduct for transnational corporations.

60. All that, however, was a matter of beginnings and pious hopes. For the moment, international solidarity constituted for States only a moral and not a legal debt or, in other words, it was still optional and not mandatory. Consequently, the new international economic order was an opus that had hardly been commenced and which would take a long time to complete, for the following reasons: first, because overcoming national egoisms so as to ensure the free circulation of men, wealth and ideas was a slow process, as had been the formation of the modern State; secondly, because a State might make a bad choice of its development model, fail to bring to it the necessary balance and harmony, and the international community was in no way responsible if it failed to "take off", since it was incumbent upon each State to take the "steps" mentioned in article 2 of the Covenants; and, thirdly, because international solidarity could hardly be greater than the national solidarity in a modern State, which was complex and came up against many difficulties. Thus, at the national level, it could be counter-productive to tap the earnings of the most industrious persons and companies for the benefit of those who chose to work less in order to improve the quality of their existence; that could well discourage initiative and effort, diminish the collective wealth and, consequently, reduce the possibilities of helping the most disadvantaged. Other considerations were unavoidable: a fair return on capital where it was the result of accumulated work, regional disparities, etc. Such facts, which were well known in a modern and developed State, would have to be applied also to the future universal society, to the new world economic order.

61. The new international economic order would, thus, be a very complex one and summary analyses or systematizations could not ensure its success. Thus, it could not be said that the peoples which were currently developed had become so solely through unjust conquest and the pillaging of poor countries; they had also undergone their own sufferings, during the successive industrial revolutions. On the other hand, while the distribution of natural resources might perhaps reflect an injustice of fate, the Covenants guaranteed to each people the right to dispose of its natural resources. It should not be forgotten either that some developed countries, such as Japan, Sweden and Switzerland,

were almost lacking in natural resources, while there were some underdeveloped countries that possessed enormous wealth which was as yet unexploited. As for the transnational corporations, they were not responsible for every ill; and some of them had shareholders in the developing countries. The so-called advanced countries could not be constrained to pay for energy at prices fixed unilaterally and to open up their frontiers to low-priced manufacturers from the developing countries. Moreover, it was difficult to continue international aid to a country which persisted in violating the civil and political rights of its nationals.

62. Nevertheless a realistic and impartial analysis led to the recognition that there existed in the contemporary world some monstrous and impermissible disparities, which called for urgent remedy. His Government, which was anxious to encourage studies and activities conducive to progress in that direction, would welcome any draft resolution submitted at the current session with such an end in view. France had a positive, effective and constructive desire for international co-operation, since it deemed the building of a juster world to be the only lasting way of ensuring prosperity. It considered that the provision of favourable conditions for the enjoyment of economic, social and cultural rights would bring North and South closer together, just as the protection of civil and political rights would bring East and West closer together. In conclusion, he applied the words of Saint-Just, "happiness is possible", to the new international economic order: when it had been established in a fully equitable way, the nations would be truly united and men would really be brothers.

63. Mr. CORDEIRO (Brazil) said he wished, first of all, to emphasize that the right to development derived from the Charter itself, which imposed on member States the duty of promoting international co-operation, as well as from the Universal Declaration of Human Rights, the Declaration and Programme of Action on the Establishment of a New International Economic Order, the Charter of Economic Rights and Duties of States and from a series of United Nations resolutions, in particular, resolutions 32/130 and 34/46. That right was the synthesis of a wide range of rights, and the establishment of the new international economic order was an essential element in the effective promotion of human rights.

64. Since the item had been included in its agenda, the Commission had considered a series of studies of varying quality, and had requested the Secretariat to organize seminars. At its current session, it had before it the study on the international dimensions of the right to development as a human right (E/CN.4/1334), the first part of the study on the regional and national dimensions of the right to development as a human right (E/CN.4/1421), a working paper prepared for the seminar on relations that exist between human rights, peace and development (E/CN.4/1458) and the report of the Seminar on the effect of the existing unjust international economic order on the economies of the developing countries (ST/HR/ST/HR/SER.A/8). Those studies had been prepared by the Secretariat in praiseworthy haste, but they were somewhat repetitive. Thus, document E/CN.4/1421 and working paper E/CN.4/1458 were abridged versions of document E/CN.4/1334. His delegation supported the conclusions and recommendations of the report of the Seminar (ST/HR/SER.A/8) but did not think that the mere repetition of studies and reports was a valid contribution to the promotion of the right to development. The Secretariat could not be blamed for that: it was the Commission that had asked it to prepare several studies.

65. The documentation already available to the Commission was largely sufficient to formulate conclusions which would be the starting point for specific action. To that end, the establishment of a working group would be a positive initiative. Specific action to fill the ever-widening gap between developed and developing countries would have to include the following measures: abolition of the protectionist barriers to exports from developing countries; the fixing of fair prices for raw materials and manufactures exported by those countries; preferential treatment for developing countries in all spheres of economic co-operation; transfer of financial resources and appropriate technology; control of the activities of transnational corporations; full participation of developing countries in the decision-making bodies of the international monetary system; ending of the arms race and observance of the right of peoples to self-determination.

66. With the prospect of specific action in mind, the Commission could devote itself to framing proposals which took full account of the priorities of the new international economic order. In particular, the drafting of a declaration on the right to development should not divert it from the more specific measures required by the developing countries. Such measures necessitated a positive attitude on the part of the industrialized countries, which would allow for the speedy implementation of the aims of the new economic order and of the strategy for the third Development Decade.

67. Mr. VRHUNEC (Yugoslavia) said that the right to development was a synthesis of all fundamental rights, since development embraced a very wide range of economic, social, cultural and other phenomena. For a long time, emphasis had been placed on the material and economic factors of development, to the neglect of other forms which were of great interest to individuals and peoples. On the one hand, the individual had the right, through the work he performed, to benefit from all the results and achievements of development on an equal footing with other members of his community; on the other hand, all peoples had the right to realize their own development in collaboration with others and to enjoy the results of their joint efforts. Socio-economic development had thus become, together with the search for peace and independence, the central issue for contemporary mankind.

68. Unfortunately, the gap between developed and developing countries was widening with harmful effects on human rights and on international relations. Because of its multidisciplinary effects and its central character, the question of development could jeopardize human rights as a whole. To prevent that, the new international economic order had to be established and that implied, on the one hand, the right of every country to choose its form of development and social system and, on the other, equitable and just international co-operation.

69. A study of the right to development in all its complexity opened up new prospects for the understanding of human rights in general. The indivisibility of all those rights had been declared in General Assembly resolutions 32/150 and 34/46 which, by making the right to development one of the basic rights, had opened the way to the institutionalization of a new concept of human rights within the United Nations system. Originally, the initiative in putting the right to development before United Nations bodies had been taken by the developing countries, and in particular the non-aligned countries, which represented a growing force in the modern world.

70. As the Commission was concerned with all human rights, it was normal for the right to development to appear on its agenda; it had been there for some years, and some results had already been achieved. The studies carried out had improved

understanding of the vital role of that right, in particular the study on the international dimensions of the right to development as a human right (E/CN.4/1334), the study on the regional and national dimensions of the right to development as a human right (E/CN.4/1421) and the report of the Seminar held at Geneva on the effects of the existing international economic order on the economies of the developing countries (ST/HR/SER.A/8). The opinions of the specialized agencies would also help the process of considering the right to development in all its complexity.

71. His country's constitutional system associated the right to development with all the economic, social, cultural, civil and political rights of the people and of the individual. In his country, the democratic relations which existed enabled the individual to participate in decision-making and planning, as well as in the realization, of socio-economic development, and thus to benefit from its results. The individual participated in decisions affecting all phases of production, in the same way as he participated in the other areas of social life. The final aim of the development of self-managing socialist democracy was the realization of freedom enabling man to express his interests fully at the existential level, at the level of his work, in creation, etc.

72. In its resolutions 34/46 and 34/152, the General Assembly had laid stress on the free participation of workers in the various stages of production as a component of the new international economic order. Having regard to the direction which the country had chosen at the national level, his Government would make a sincere contribution to the achievement of the right to development at the international level. At that level, the experience that had already been gained could be utilized in drawing up a programme of activities and also for creating a relevant international instrument, which would facilitate the institutionalization of the right to development, a historic right on which depended the future of the world.

73. Mr. SALAH-BEY (Algeria) said that, in the first place, the wording of item 8 did not seem to make sufficient allowance for the fact that development remained largely a subject of reference rather than a fundamental requirement. Two expressions employed in the wording of the item seemed likely to create ambiguity. Thus, the word "realization" tended to give the impression that economic, social and cultural rights could be effectively exercised in all countries, to a greater or lesser extent according to the stage of development. That approach was not only wrong, but unfruitful. It was wrong, because it assumed that all entitled to those rights, whether States or individuals, were in a position to exercise them effectively. It assimilated States and individuals in an apparently egalitarian fashion which ran counter to the facts and did not express clearly the duty of solidarity among the nations. It was unfruitful, because it did not direct thoughts and action towards the elimination of the basic obstacles to the realization of economic rights, nor towards the establishment of conditions that would be conducive to their realization.

74. Leaving the abstract field, he wished to remind the Commission that certain well-known figures might become still more specific if linked to the questions currently being considered. Before having a right to an adequate standard of living, a human being had a right simply to life itself. Existing living conditions were a constant challenge to that right. Expenditure on armaments, estimated at \$500 billion for 1979, was not preparing mankind for a more promising future. Similarly, 40 per cent of the population of the so-called developing world lived

below the line defining human dignity by anyone's definition. Those figures, according to the development logic which meant that the gap between rich and poor nations was inexorably widening, were a tragic illustration of a world in which words no longer seemed to have the same meaning for those who were discussing the question under review. The dramatic situation, in which a very large proportion of the world population found itself concerning the actual exercise of the most elementary of human rights, should be a basic concern of the Commission. The tragic balance-sheet of poverty and destitution and its distribution in the world was hardly called into question, but opinions differed when it came to defining the causes and finding remedies.

75. Moreover, the way in which the phrase "special problems which the developing countries face in their efforts to achieve these human rights" was formulated might well reduce to a minimum the significance of the right to development and tone down the impact of the structural and organizational phenomena of the contemporary world on the capacity of developing countries to achieve human rights and, in particular, economic rights. The entitlement to the right to development belonged to both nations and individuals. The content of that right had still to be defined so as to make clear the extent of the claims of which it constituted the basis and the magnitude of the obligations of the international community, and particularly of the rich countries. On that point, he particularly wished to stress the admitted interdependence between the exercise of civil and political rights, on the one hand, and economic, social and cultural rights, on the other. In his view, the right to development was closely dependent on those two categories of rights and, in some ways, its realization was a prerequisite for the achievement of civil and political rights as well as of economic and social rights.

76. According to the Sub-Commission's Special Rapporteur responsible for studying the new international economic order and the promotion of human rights, in the traditional classification of human rights, civil and political rights constituted the first generation of rights protected at the international level, economic, social and cultural rights being the second generation, while solidarity rights, such as the right to development, constituted a third generation of rights, for which international instruments had not yet been prepared. Such a chronological order did not, of course, imply an order of priorities, but merely the succession of stages in the expansion of such rights at the international level. The fact that the right to development had not yet been established at the international level was, in his delegation's view, due to the slowness with which positive international law took account of the changes brought about by decolonization and the liberation of peoples and by the claims of the poorer countries and individuals for a juster world.

77. The very concept of development had assumed an increasingly wide connotation over the past 20 years. It had become broadly recognized as an evolutionary process of benefit to all in the structural, economic and social spheres while, at the international level, it found its expression in the claim for a new international economic order. There was some justification therefore for stating that that right to development was not distinct from other rights but represented the sum total of the conditions which would enable those other rights to be achieved.

78. The question then arose as to what place the Commission should give in future to consideration of the right to development and what part it could play in the promotion of that right, with due regard for the jurisdictions and functions of other international bodies and organizations. His delegation felt that, in view of the importance which had become widely recognized of the right to development, the Commission should, in general, give it greater attention in its work. At the current session, four meetings would have been devoted to economic rights and the right to development, whereas nineteen meetings would have been set aside for consideration of the violation of civil and political rights. That was a disturbing disproportion in the treatment of those two categories of rights. He feared that the work of the Commission was being increasingly directed to the consideration of violations of civil and political rights, not only because of their seriousness, but on account of topical pressures, such as those from the information media. It was also a cause for concern to see that the preference given to consideration of a number of situations of violation of civil and political rights hid the desire of certain countries to reduce to a minimum discussions on the right to development, which might draw attention to the realities of the poor world as against the concerns of the rich world.

79. The minor place accorded to the implementation of that right in the Commission's work was reflected in the inadequacy of the resources available to the Division for making a thorough study of the different aspects of the right to development. Thus, the Division had found it impossible to complete the study undertaken on the question, only a part of which had been published (under the symbol E/CN.4/1421). Various aspects of the right to development were studied by other United Nations bodies or by specialized agencies.

80. In the opinion of his delegation, the Commission could contribute to promoting that right by giving an impetus and exercising a co-ordinating role. Taking as a basis the many sources of reference on the right to development, the Commission should call the attention of the international community to the fundamental problems arising out of the practical definition of the right to development and its effective and rapid realization. It could also serve as the link between the various United Nations bodies and the specialized agencies with a view to the preparation of the international instrument or instruments that would embody the right to development in a definitive manner and ensure for it a privileged position in positive international law.

81. He concluded by saying that the amplitude of the task awaiting the Commission concerning the achievement of the right to development as a true expression of international solidarity called for the collaboration of all. His delegation was quite ready to participate in any work which the Commission might decide to undertake on the subject.

82. Mr. POUYOUROS (Cyprus) stated that the realization in all countries of economic, social and cultural rights continued to be one of the most important objectives of the world community in view of its effects on millions of people throughout the world. From various resolutions adopted by various bodies, it appeared that the international community was perturbed by the fact that the realization of human rights and fundamental freedoms was encountering a number of obstacles, since the various forms of racial discrimination, foreign domination and occupation, aggression and threats against

national sovereignty and territorial integrity, refusal to recognize the fundamental rights of peoples to self-determination and the right of every nation to exercise sovereignty over its wealth and natural resources, intervention and interference in the internal affairs of States, all resulted in a denial of those rights. The Committee was therefore called upon to undertake the necessary measures to promote the right to development, which was as much a prerogative of nations as of individuals, and to take action for its realization.

83. Decolonization was one of the most significant achievements of the recent decades, but "the remaining vestiges of alien and colonial domination, foreign occupation, racial discrimination, apartheid and neo-colonialism in all its forms continue to be among the greatest obstacles to the full emancipation and progress of the developing countries and all the peoples involved." (resolution 3201 (S-VI) of the General Assembly). The Secretary-General had therefore been right to say in his study (E/CN.4/1421) that, in order to promote realization of the right to development, the international community, as well as individual States, had the duty to remove the obstacles, including external obstacles, to self-determination in its fullest sense, which embraced the right of States to permanent sovereignty over their natural wealth and resources.

84. It had been repeatedly stated that the world formed a whole, and that a global approach to world problems was manifestly the only suitable approach. In that connection, he recalled that real and effective international co-operation could be achieved only if there was an awareness, at all levels, that no man could save himself or his country unless he identified himself with, and deliberately worked for, the whole of mankind. That principle should always guide the thoughts and actions of the Commission.

85. A glance around the world revealed that those whose economic, social and cultural rights had been violated in the past were still victims of the same violations. It was also apparent that those who had placed obstacles in the way of the realization of those rights by their aggression and their threats to the national unity and integrity of States, by foreign occupation and domination and all forms of racial discrimination, continued to resort to such practices and to defy the principles of the United Nations Charter, the Universal Declaration of Human Rights and the International Covenants.

86. No one could doubt that the establishment of a new international economic order, respect for international law, and peace and security in the world depended to a great extent on the final eradication of all those obstacles. Unless and until such obstacles had been removed, there could be no question of realizing economic, social and cultural rights and the right of everyone to live in peace and security. Concerted action by the Commission would help in the realization of those rights. The policy of his Government was aimed in that direction and it spared no effort to promote international co-operation for the purpose.

87. His delegation expressed its appreciation of the work carried out by the Human Rights Committee, which helped to ensure respect for and furtherance of the International Covenants. The positive results obtained by the Committee were due to the co-operation and commitment of all its members.

88. Cyprus, which had been one of the first States to become party to the International Covenants, joined in the new appeal, made by the General Assembly, at its most recent session, to all States to accede to those instruments, which would help to promote respect for human rights in the troubled contemporary world.

89. Mr. SAKER (Syrian Arab Republic) said he hoped that the study undertaken by the Secretariat on agenda item 3 would be completed in the near future and that emphasis would be placed on the ways in which the right to development might be given greater practical significance. Human beings could enjoy their freedom only if suitable conditions existed to ensure respect for their economic, social and cultural rights as well as for their civil and political rights. The right to development imposed the need to create, at national and international level, conditions which ensured the full promotion and protection of the human rights of individuals and peoples.

90. His delegation wished to remind the Commission of the General Assembly resolutions on the Declaration and Programme of Action on the Establishment of a New International Economic Order, the Charter of Economic Rights and Duties of States and the International Development Strategy for the third United Nations Development Decade. It was essential for the international community to continue working towards the achievement of human rights and the establishment of the new international economic order. Unfortunately, the right to development was impeded by external factors such as the existing unequal economic order, colonialism, imperialism, neo-colonialism, interference in internal affairs, racial discrimination, apartheid, expansionism, denial of the right to self-determination, foreign aggression and occupation and zionism, which constituted major obstacles to economic and social progress.

91. Moreover, his delegation was deeply concerned at the slow progress in the negotiations on the implementation of the Declaration and Programme of Action for the Establishment of a New International Economic Order and by its adverse effects on the right to development. In that area, the Seminar held at Geneva in 1980 on the Effects of the Existing Unjust International Economic Order had been satisfactory in its conclusions and its recommendations. He welcomed the fact that a seminar was to be held at Headquarters in 1981 on the relations existing between human rights, peace and development. He hoped that that seminar would also examine the impact of the arms race on the realization of the right to development and peace, and would analyse practical measures to be adopted to ensure the full enjoyment of human rights, particularly of the right to development and to peace.

92. As for item 22, he regretted that more than two-thirds of the Member States of the United Nations including many States that were members of the Commission and had often declared their commitment to the cause of human rights, had still not acceded to the International Covenants. The representative of the United States of America, among others, who had shown interest in human freedom and the pursuit of happiness, should try to persuade the United States Congress to accede to those Covenants.

93. Mr. JAHN (Federal Republic of Germany) said he welcomed the debate which had been continuing for several years on the right to development, a debate which highlighted the efforts made to ensure the realization of human rights throughout the world. Human beings could realize their potential only if all human rights were guaranteed them in the same way, whether such rights were civil and political, or economic, social and cultural. The right to development strengthened the link which existed between all human rights. The guarantee of those indivisible rights was essential for development, understood in the broadest sense of the word. It was not permissible to deprive the citizens of a State of their human rights on the pretext that the country had not reached a suitable stage of development, since that would be tantamount to halting the development of society as a whole. Human dignity was an absolute value and could not be expressed as a function of any other factor.

94. Recognition of the right to development implied the need for States to give evidence of solidarity, as called upon by Articles 55 and 56 of the United Nations Charter. His delegation hoped that the Commission would continue the debate on the right to development on the basis of those principles. Realization of human rights required that States be in a position to guarantee them, and that in turn implied the need for international solidarity, which itself could take different forms. Even States which did not share the same viewpoint on the existing economic order must nevertheless be prepared to admit that international co-operation represented for them an obligation to help in the aims of development. Lastly, no group of States ought to withdraw from the rest of the world on ideological grounds.

95. Mr. LOPATKA (Poland) said that the study prepared by the Secretary-General on agenda item 22 (E/CN.4/1421) contained many new ideas and constituted a comprehensive presentation of the regional and national dimensions of the right to development as a human right. The report of the Seminar held at Geneva in 1980 also contributed to the formulation of the very concept of development and the right to development as a human right. Those documents proved that the United Nations was making progress in working out the definition of the concept of development and the right to development. In fact, it would henceforth be possible to prepare a declaration on the right to development as a human right. The right to development should be clearly defined and its position established in the range of values by which the United Nations was guided. There was also a need to determine the universal, regional, national and individual dimensions of the right to development and to establish who was the subject of that right and who assumed responsibility for it. It was also necessary to identify what was favourable to the realization of that right and what stood in the way of its implementation. The right to development was a human right and did not apply solely to the developing nations. His delegation regretted that the idea of development and the right to development had not so far taken root in the subsidiary economic organs of the United Nations, as illustrated by document E/CN.4/1425. The right to development could not be considered independently of the human rights embodied in the International Covenants nor of other human rights which were currently being formed, such as the right to live in peace.

96. His delegation had studied with great interest the agenda for the seminar on the relations existing between human rights, peace and development and supported the proposal to hold a seminar on the subject in 1981. Among the priority subjects to be considered at that seminar (E/CN.4/1458, paragraph 19), item (c) should be formulated differently. The reference should be not to the right to peace, but to the right to live in peace. It would also be advisable to insert a fourth item between items (b) and (c), dealing with the conceptualization of the right to development, and particularly the right to live in peace, as new human rights. The four dimensions of the right to live in peace, i.e. universal, regional, national and individual, should also be underlined. That fourth item could be entitled "Study of the content and dimensions of the right to live in peace and the right to development as human rights". In the course of the seminar, reference should be made to the specialized agencies of the United Nations, particularly UNESCO, and to non-governmental organizations. The results of the seminar would be of great importance for the future activities of the Commission, as outlined in Working Paper No. 1 submitted by Bulgaria, Mongolia and Poland to the Working Group dealing with agenda item 11.

97. His delegation shared the view that States proved their willingness to respect human rights by acceding to the two International Covenants and putting them into effect. Slightly more than one third of the Member States of the United Nations had become parties to the Covenants, and the States which had not so far ratified them included some that played an important role in world politics or in their region. Unfortunately, among the States which had ratified the Covenants, there were also some which were rightly criticized for their systematic violations of human rights.

98. Poland had ratified both Covenants in 1977. It had submitted its report on the implementation of the International Covenant on Civil and Political Rights in 1979 and had submitted, on time, the other reports requested of it. Poland also fully supported the appeal made to all countries that had not yet ratified the Covenants to accede to those instruments as soon as possible and ensure their full implementation.

99. His delegation noted with satisfaction the information contained in document E/CN.4/1444 on the activities of the Human Rights Committee, and the publicity given to the work of the Committee. It also noted with satisfaction the work of the Sessional Working Group of the Economic and Social Council which had begun to study the implementation of the Covenant on Economic, Social and Cultural Rights, and whose activities would contribute to the observance of the provisions of the Covenant.

100. Finally, his delegation was of the opinion that it might be advisable to organize, within the consultative services, an international seminar to review achievements in the field of human rights and outline a further strategy in that field. The results of such a seminar would be of great importance for the consideration of the questions arising from agenda item 11.

The meeting rose at 8.05 p.m.