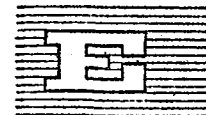


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COMMISSION ON HUMAN RIGHTS

Thirty-seventh session

SUMMARY RECORD OF THE 1614TH MEETING

Held at the Palais des Nations, Geneva,  
on Tuesday, 24 February 1981, at 3.30 p.m.



Chairman:

Mr. CALERO RODRIGUES

(Brazil)

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The meeting was called to order at 4.20 p.m.

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) (continued) (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) (continued) (E/CN.4/1444)

1. Mrs. SILVA de ARANA (Peru) said that the inclusion in agenda item 8 of the questions referred to in subparagraphs (a) and (b) highlighted the existence of the right to development and the importance of the establishment of a new international economic order providing for the realization of all human rights, which were acknowledged to be indivisible and interdependent. Among the objectives proposed for the International Development Strategy for the Third United Nations Development Decade were equitable trade relations, effective enjoyment of the right to self-determination in all its forms, control and regulation of the activities of transnational corporations, recognition of the right of States to participate fully in the international order and the more liberal transfer of technology. The study in document E/CN.4/1421 supplemented the study of the preceding year and contained some interesting suggestions which should be analysed and developed in order to try to interpret correctly the needs of the developing world. The study endeavoured to show the efforts that the developing countries must make in order to achieve the right to development as a human right.
2. Peru had shown in several forums that it attached great importance to the question under consideration. It was a party to the International Covenants and the Optional Protocol. It had participated in the seminar on the effects of the existing unjust international economic order on the economies of the developing countries and the obstacle which that represented for the implementation of human rights and fundamental freedoms. On that occasion, her delegation had expressed regret at the fact that some countries had not attended the seminar since their absence had prevented the participants from holding a fruitful dialogue.
3. There was a need not only to define the right to development, but also to establish the mechanisms which would make it possible for that right to be exercised. Thus the General Assembly had recommended that a seminar on the ties linking human rights, peace and development should be held in 1981. The maintenance of peace, development and the promotion of human rights were at the core of all the activities of the United Nations, and her delegation firmly supported those objectives.
4. Mr. ZORIN (Union of Soviet Socialist Republics) said that his delegation had consistently pressed for the maintenance of the question contained in item 8 on the Commission's agenda since the main problems of today revolved around that item. The new Soviet Constitution set forth and guaranteed fundamental rights and freedoms,

whose implementation was ensured in practice. Thus, under the five-year plan for 1975-1980, the expenditure allocated to human development had represented four fifths of the budget. In the Soviet Union, citizens enjoyed free education and free health care; the standard of living of retired people and former servicemen did not decline as in other countries, and the real income of workers had increased considerably in recent years. The twenty-sixth Congress of the Soviet Communist Party, had opened in Moscow on 23 February; it was to study the most important problems arising in the country's foreign and domestic policy, the pattern of economic and social development during the period 1981-1985, and prospects up to 1990. The statement by the Secretary-General of the Soviet Communist Party and the other documents presented to that Congress for consideration had shown that the main objective of the Soviet Union's economic strategy was constantly to improve the material and cultural standard of the Soviet people and to ensure the realization of human potential. That policy was reflected in an increase in real income, the construction of housing, the extension of social security, and free health care and education. At a time when consumer prices were soaring in many countries, the Soviet Government had good reason to be proud of the situation in its country, for retail prices and rents had not increased for years and the cost of services represented only 3 per cent of a worker's average income. The cost of public transport had not gone up for 40 years. Such extraordinary achievements were unequalled anywhere in the world, and the efforts that had been made to arrive at such results could well be imagined.

5. His delegation understood the aspirations of the developing countries, which wished to consider the problem of the realization of economic and social rights within the aegis of the United Nations and to accord special importance to them. It was not enough to embody those rights in solemn declarations; economic and social conditions favourable to the development of an independent national economy and to the equitable distribution of a country's wealth must be established. If the Soviet Union - the victim of devastating wars, blockades and hostile schemes - had been able to cope with adversity and emerge strengthened, it was because it had chosen the path of independent development. The question of the right to development raised by the developing countries was logical and of current interest. The Soviet Union defended the right of peoples to dispose of their own wealth as they saw fit and to achieve economic and social change in the manner best suited to their interests. The peoples and Governments of the developing countries could not remain inactive when faced with the adverse consequences of colonialism and the plundering of their resources by the imperialists. In that connection, his delegation was disturbed by the data collected by UNCTAD which showed that from 1970 to 1977 foreign corporations had derived from the developing countries profits that were twice as high as both the investments they had made in those countries and the profits they derived from their countries of origin. That deplorable situation had adverse effects on the standard of living and the achievement of human rights in the developing countries. Although there were 19 million unemployed in the developed Western countries, there were more than 400 million in the developing countries. In the latter countries, 800 million people suffered from malnutrition and 50 million starved to death every year. The establishment of a new international economic order was therefore a necessity in order to save the lives of hundreds of millions of people.

6. As the Secretary-General of the Soviet Communist Party had had occasion to state, the economies of the developing countries were also suffering from the international tension and the arms race and from the short-sighted acts of aggression committed by some Western countries. Every year the member countries of NATO devoted 400 to 450 billion dollars to armaments. The arms race, the increase of military budgets and the heightening of international tension were harming peace and détente and undermining the bases for co-operative construction. The interdependence of the problems presented by the realization of human rights and the strengthening of peace and détente was an obvious fact recognized, inter alia, in the chapter on the right to peace and disarmament as a human right (E/CN.4/1421). The right of all human beings to peace was linked to the right to development. If people were not assured of an opportunity to live in peace, there was no question of their being able to enjoy the right to development and other human rights. It was therefore essential to redouble efforts to maintain peace and security, strengthen détente and halt the arms race.

7. The realization of the right to development also presupposed support for the struggle for the liberation of peoples and social progress, the elimination of the after-effects of colonialism, and the establishment of international economic relations on a fair and equitable basis. The right to development was a right of both peoples and individuals, and everyone must be guaranteed an opportunity to develop his abilities to the fullest extent.

8. With respect to agenda item 22, several countries had ratified the International Covenants on Human Rights during the preceding year, but more than half the States Members of the United Nations, some of which claimed to champion human rights, had still not decided to accept the responsibilities imposed on them by those instruments. The Commission must therefore take the requisite measures to induce those States to ratify or accede to the Covenants.

9. In conclusion, he hoped that the Commission would be called upon to consider a draft resolution on the question which took account of the considerations and observations he had submitted.

10. Mr. van der STOEL (Netherlands) said that the close interconnection between civil and political rights and economic, social and cultural rights had long been recognized by the United Nations, as was illustrated by a whole series of instruments. But it could not be denied that for many years the Commission had addressed itself mainly to the problems relating to the protection of civil and political rights. Rightly, therefore, it had decided in the 1970s to give more systematic attention to the question of the realization of economic, social and cultural rights. In doing so, the Commission would perhaps adopt a more integrated approach to its task. The realization of human rights implied combating not only political oppression but also social discrimination and economic exploitation. Attention must be paid to the structural causes which impeded the full realization of human rights and which were in part due to the wretched economic conditions prevailing in much of the third world. Economic, social and cultural rights, such as the right to an adequate standard of living, the right to work, and the right to education, for example, suffered from that situation. As for the right to life, it was threatened by famines and epidemics. At the same time, such a situation stood in the way of the realization of some fundamental freedoms since illiteracy, for example, hindered the exercise of the right to information and the right to take part in politics.

11. On the other hand, a bad economic situation could never serve as an excuse for political oppression. The right to be free from torture, and from arbitrary arrest, detention or execution were equally relevant to the inhabitants of poor and rich countries. The indivisibility of human rights implied that there was no justification for making the realization of one category of human rights dependent upon the prior realization of another category.

12. Bearing that principle in mind, it could be said that development of the third world was an essential pre-condition for enabling the people who lived there - the majority of the world's population - to enjoy their human rights. For a long time the problem of development had been viewed almost exclusively from an economic standpoint. A new perspective had been opened up by the concept of the right to development, linking development and human rights. It had been argued that that new right, which would belong to a third generation of human rights, would divert international attention from the manifold problems concerning the promotion and protection of the rights recognized in the International Bill of Rights. His delegation did not share that apprehension. On the other hand, it did not believe that external factors such as the existing international economic order were the root cause of every non-observance of human rights in the developing countries.

13. One of the questions raised in the Commission's discussion had been whether the right to development should not be viewed as a new principle of international law, how that new concept, if it was to be seen as a human right, would fit into the existing system for the international promotion and protection of human rights, and what it would add to the rights that had already been recognized in the International Bill of Rights. It might be interesting to recall similar discussions that had initially taken place concerning self-determination. In the early 1950s, many Governments had recognized the existence of the principle of self-determination but not a right to self-determination. When that right had been recognized, several Governments had opposed its inclusion in the International Covenants, arguing that it was a collective right, whereas the Covenants were a codification of individual rights. However, it had finally been decided to include the right to self-determination in the Covenants.

14. At the present time, everyone recognized that denial of the right to self-determination impeded the full enjoyment of individual human rights, in particular political rights. Thus the realization of that right was linked to the realization of other individual rights enumerated in the Covenants. Perhaps an analogy could be drawn in that regard between the right to self-determination and the right to development. The latter right would seem to contribute to the realization of the economic, social and cultural rights of the individual, especially as it was connected to the principle laid down in article 28 of the Universal Declaration that everyone was entitled to a social and international order in which the rights and freedoms set forth in the Declaration could be fully realized.

15. At an early stage of the codification of human rights principles in international law, it had been acknowledged that the exercise of traditional civil and political freedoms would require the guarantee of certain economic and social conditions. In that regard, too, it would seem possible to draw a parallel between the right to self-determination and the right to development. History had shown that for many nations the exercise of their right to self-determination had often been seriously hampered by the lack of an adequate economic basis. Such objective factors lay at the core of discussions on the right to development.

16. Yet another interesting parallel could be drawn. Just as the traditional civil and political freedoms imposed on the State an obligation to refrain from interfering with the freedoms of individuals, so the right to self-determination obliged States to refrain from interfering with the freedom of other nations. On the other hand, economic, social and cultural rights obliged Governments to take certain positive action. Similarly, the right to development would seem to entail the necessity of taking positive action in order to overcome the inequality and inequities that characterized the modern world. That was not to say that the obstacles to the realization of the right to development were primarily or solely of an international nature, as some people seemed to believe. Obstacles were also to be found in repressive domestic structures in which neither the traditional freedoms nor economic and social rights were taken seriously. Therefore, the Commission had rightly decided that both the international dimensions and the regional and national dimensions of the right to development deserved to be studied.

17. The right to development could be considered to be as indivisibly linked to the right to self-determination as civil and political rights to economic, social and cultural rights. The discussion during the preceding years about the right to development had shown that there were many divergent and even opposing views as to the contents of that concept, but he hoped that the present debate would clarify the scope and nature of that right so that it could be more accurately judged on its merits. It was imperative to continue discussion of that subject, and his delegation therefore agreed in principle with the idea of setting up a group of experts in the field of both development and human rights who would give more systematic consideration to the concept of the right to development.

18. Mr. GONZALEZ de LEON (Mexico) informed the Commission that in March his country would be depositing instruments of accession to the International Covenants and instruments of ratification of the Convention on the Political Rights of Women and of the Convention on the Elimination of All Forms of Discrimination against Women. His country also intended to accede formally to the American Convention on Human Rights and to the Convention on Territorial Asylum, which supplemented that on diplomatic asylum, and intended to ratify the Inter-American Convention on the Granting of Political Rights to Women. Following as they did the ratification, in 1980, of the International Convention on the Suppression and Punishment of the Crime of Apartheid, those measures showed the importance attached by the present Government of his country to the protection of fundamental rights and the dignity of the human person. Similarly, his country's participation in the Commission after an absence of seven years, a desire to see one of its nationals contribute to the work of the Sub-Commission and the participation of another Mexican in the work of the Inter-American Commission on Human Rights illustrated the growing importance with which his Government regarded the defence of the basic rights of the individual at the international level.

19. At the national level, accession to the instruments to which he had referred did not alter anything, as the legal situation within the country already guaranteed individual and social rights which were gradually being recognized in international law. A few examples would suffice to prove that fact: in 1812 long before other countries had done so, Mexico had abolished slavery; the basic rights of the human being had been enshrined in its first political Constitution, that of 1814; the liberal Constitution of 1857 had extended those rights, which had again been proclaimed and beside them social rights had been enunciated in the Constitution of 1917, which was still in force. The spirit which had inspired those achievements was to be found in the whole of his country's legislation, whether in the field of labour, education, agrarian reform or the political reform undertaken by the present Government to ensure the widest and most fruitful participation of the people in the political life of the country. Therefore, by acceding to the international instruments he had mentioned, and in particular the International Covenants, Mexico was seeking not to incorporate new standards and principles within its legislation, but rather to contribute to the universal application of those international standards. That represented an important decision at a time when human rights and human dignity were being violated, sometimes systematically, and when some of the traditional defenders of those rights seemed to be forsaking them in favour of aims of a more particular character. The attempted coup d'état in Madrid on the previous day might be an example of the results of abandoning the defence of human rights and freedoms, and of the appetites that were nurtured thereby.

20. In pursuing its objectives, his country did not consider that there was any hierarchy of rights; in its opinion, all were of equal importance. All that mattered was the dignity of the human being. For that reason his delegation had followed attentively the discussion on what were being called the "new" human rights, in particular the right to development, which was neither the sum nor the synthesis of elements already constituting distinct rights in themselves: the rights to life, food, health, education, work, information and association. The right to development was something different, the possibility of exercising all those rights at the same time and developing fully in complete freedom at the individual or collective level, on a local, national, regional or world scale and in the economic as well as the political, social and cultural sectors.

21. The representative of Algeria had pointed out that it was not yet possible to give a formal definition of that new concept, or to determine precisely its content and scope. Haste must be avoided, careful thought and action were needed. The Commission, in conformity with the purposes and principles of the Charter, must play a part in creating the conditions which would eliminate the underlying causes of the problems that endangered international peace and security, not merely by attempting to remedy dramatic situations, but also by setting standards and seeking to establish conditions in which there would be no reason for such situations to occur.

22. Definition of the right to development would give greater consistency to a whole series of rights, already well defined, by making clear, for example, the rights and duties of States, the spheres of governmental and non-governmental action, and standards of conduct for transnational corporations. It would also help to give a precise meaning to the concept of the new international order. That was a task in which his delegation was determined to give its support and collaboration.

23. Mr. KHURELBAATAR (Mongolia) said with regard to agenda item 8 that, like many other delegations, his delegation fully recognized the priority character of the implementation in all countries of the economic, social and cultural rights enshrined in the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights, and of consideration of the social problems confronting the developing countries.

24. The 1969 Declaration on Social Progress and Development was based on respect for human rights and social justice - which required the total and permanent abolition of all forms of inequality and exploitation of peoples. With that in mind, the General Assembly, in resolution 32/130, had confirmed that the realization of civil and political rights was dependent on the realization of social, economic and cultural rights. Even today, hundreds of millions of people were subjected to some form of colonial domination or were suffering from the after-effects of the long colonial history of which they were the victims. It was a fact that young States in Asia, Africa and Latin America had trouble in establishing equitable international economic relations, which corresponded to the aspirations of peoples devoted to peace and economic and social progress. In that connection it was regrettable that many Western States disregarded the aims of the relevant international instruments, especially the Programme of Action on the Establishment of a New International Economic Order, adopted by the General Assembly at its sixth special session, and the Charter of Economic Rights and Duties of States. The failure of the eleventh special session of the General Assembly was attributable to the inadmissible attitude of imperialist circles, which, in pursuing selfish aims, refused to allow peoples to exercise the right to development, which was in fact associated with the right of peoples to self-determination. On that point, regret must be expressed concerning the arms race and warlike hysteria, which constituted a direct threat to the right to development and the right to life.

25. His delegation could agree to consideration of the question of individual rights only within the context of the right to development, although it did not deny that political and social rights belonged to the individual as a member of the community and that they must be construed within the framework of social relations.

26. The right to development acquired its widest social significance through its achievement in the interests of the working masses as a whole as a result of radical social changes. His country was following that course. The Mongolian people, having chosen social progress and a socialist structure, and having avoided the capitalist phase of development, constituted a living example to other peoples which were still subjected to a feudal economy. In 60 years his people had come a long way, thanks to their own efforts, supported by the fraternal and egalitarian co-operation of the other socialist countries, in the first place the Soviet Union. In all fields, progress was dynamic and was continuing: in 1980 the per capita income had increased by 5.9 per cent and the national income by 8.7 per cent; in 1981 per capita income was expected to rise by 4.4 per cent and national income by 6 per cent as compared with the preceding year.

27. Turning to agenda item 22, he said that his country was not only a party to the International Covenants on Human Rights, but also ensured their implementation through domestic social and economic measures. All fundamental, political, social and economic rights were inscribed in his country's Constitution and were observed in practice.



28. Mr. HOVAK (United States of America), speaking on agenda item 8, said that his delegation would like to analyse the phrase "right to development" in the light of the experience of his own country, which, 200 years before, had been a colony of a major European Power. Just 100 years before, his country has been a poor nation, but full of promise. At that time, when famines had occurred in major cities every 15 or 20 years and medical science had been primitive, no one had spoken of a right to development, but his nation had seized the opportunity to develop and even felt that it had a responsibility to do so - because of its capacities and new ideas about political economy - not only to itself, but also to humanity as a whole. In fact, the first Inquiry into the Nature and Causes of the Wealth of Nations had been published in 1776 by Adam Smith, who might properly be called the father of economic science. Much had, of course, been learned since then: wealth had causes; it could be created; the human race could learn how to escape from famine, misery, ignorance and fear. The fundamental purpose of democratic capitalism - the system in his country and in many others - was to reduce the material suffering of all mankind, to increase the wealth of all nations so that all individuals might use their freedom as they chose; its principle was that society prospered from the bottom up. It was the same for nations: the larger the number of developed and wealthy nations, the better it was for the whole world. It was in everyone's interest for all nations to become economically strong, and to increase the wealth of all nations was a valid social goal. It was chiefly economic activism that produced wealth. The developing nations had an enormous need for economic activists, sufficiently free of political bureaucracies to do their job. Religious and political liberties were important, and so were economic liberties.

29. Transnational corporations had been maligned in the Commission, but no other institution had contributed more to the great leap forward of the economy than private business corporations. They had shown that the State was not the only instrument of development. They did not have only an economic vocation: they could also meet social challenges, pursue social goals and heighten the common good. Their existence depended upon certain free political systems, certain moral and cultural values, and a certain legal order. They therefore had economic, political, moral and cultural effects. Their directors had to respect local conditions, while those who desired to share in the great benefits brought by such corporations must respect the economic, political, moral and cultural conditions on which they depended. Their profits had been called "obscene" by certain delegations. Did that mean that losses were virtuous? Without profits there could only be losses or stagnation - the opposite of development, which was itself a form of profit. It remained to be determined what were the causes and nature of development. There were many theories of development which were discussed by many bodies - UNCTAD, UNIDO, UNDP, IBRD including IDA, the United Nations General Assembly, IIF and GATT. For its part, the Commission, which already had a field of activity which was precise but difficult enough - namely, the implementation of the human rights which were outlined in the Universal Declaration of Human Rights and were by no means insignificant for the success of development - could only, within the context of development, consider the relations to be established between cultural, political and economic rights. His delegation could not accept the view that before civil and political rights could be fully accorded to a people, an ideal economic order must first be established; history showed that totalitarian régimes which took away political and civil rights from peoples in the name of the economy often produced less and less, and, in addition, never restored the rights they had usurped. By contrast, some countries which were small or poor in natural resources, but strong in their dedication to the disciplines and freedoms of economic markets, showed spectacular

economic progress in a relatively short period of time. Sometimes such régimes were authoritarian and not democratic, but they often evolved in a democratic direction: economic liberties went together with political and civil liberties. No socialist country on the Soviet model had yet experienced a democratic revolution in the sphere of political and civil rights.

30. The convictions expressed in those remarks could scarcely be altered by a study such as that contained in document E/CN.4/1421, which was unbalanced and lacking in intellectual rigour. For example, the discussion of transnational corporations ignored the real benefits which they brought about in favour of hypothetical speculations about what they might do. It was to be hoped that the second and third parts of the report would show more common sense.

31. The problem now facing the world was to increase its productivity in order to find food, clothing, schools and medicines for its 4.5 billion inhabitants. Many nations had become economically developed and all wished to become so. All without exception needed to grow in knowledge, technology, capital investment and new forms of economic activism. A developing world economy offered incentives to every single participant. That was why the people of his country wished to see the wealth of all nations increase and were especially concerned about the lot of the poorest nations and of the very poor within every nation, who could not become economically active. The economic inactivity of millions was an obstacle to the growth of productivity and prosperity in the world, which required the participation of all in economic activism.

32. Viscount COLVILLE OF CULROSS (United Kingdom), referring to agenda item 22, said that the international community must not content itself with having drawn up the International Covenants on Human Rights; it must also - at the very least - ensure their universal implementation. That was certainly not an easy matter: the Human Rights Committee had found a solution for the International Covenant on Civil and Political Rights, and the international community would soon have to find one for the International Covenant on Economic, Social and Cultural Rights.

33. Turning to agenda item 8, his delegation sympathized with the preoccupations and aspirations of the developing countries, particularly the poorest among them. Mankind lived in one world, and the future of the developed and developing countries was inextricably linked. His delegation therefore welcomed works such as the Brandt Commission report, designed to study ways of resolving the enormous economic problems which were faced by the international community and which tended to bear hardest on the poorest. It found, on the other hand, that the Secretary-General's study (E/CN.4/1421) lacked balance because of its failure to give due regard to the positive elements in international economic activities. It could accept that not all aid funds had been so channelled as to make the maximum contribution to the economic and social well-being of those for whom they had been intended. It nonetheless believed that many aid projects had been outstandingly successful. The developed countries, and in particular his own country, had made enormous capital investments in the developing countries which had enabled many of those countries to establish industries that had in turn provided employment and earned foreign exchange. IMF and World Bank had shown flexibility in responding to the needs of the developing countries, but a simple transfer of resources was not the answer to the problems confronted by the poorer countries, or by the international community as a whole. It had been increasingly recognized that excessive concentration on the economic aspects of development could actually exacerbate social problems. In that connection he quoted a passage from the end of chapter 2 of the Brandt Commission report on the potential effect of development projects on women, which showed how economic, social, civil and cultural values were very closely intertwined. There was still a long way to go on the road to understanding

the complex problem of development. Even the word "development" itself begged more questions than it answered. It was true that a type of economic "development" which would suit one country's needs might be quite unsuitable elsewhere; the unpleasant by-products of development in the economic sphere, such as environmental and atmospheric pollution, were everywhere found to be undesirable. The whole analytical assessment of development, in the restrictive senses of a shift in industrial capacity balanced by a proper evaluation of the environmental and social impact of new projects, was being challenged in many developed countries. That clearly showed the inadequacy of any concept of development which was restricted to economic criteria alone. The problem must be viewed as a whole, in the light of its environmental, social and other aspects, if the economic, civil, social and cultural well-being of all peoples was to be improved. For that reason his delegation welcomed the fact that the Commission had, in particular, recommended in its resolution 4 (XXXV) the "integrated" approach to development. The "right to development" was important, but no one could claim to understand it fully, or assert that it was susceptible of a universal solution or could be discussed in isolation from the other rights to which the international community attached importance. What was needed was further positive discussion of that right in the light of the ultimate aim, which was to enrich the framework of existing international instruments, in particular the International Covenants on Economic, Social and Cultural Rights and on Civil and Political Rights.

34. Mr. FOLI (Ghana) said that only those who denied the right to development to their fellow human beings could doubt that that was a universal right to which everyone was equally entitled. As the General Assembly had observed, the right to self-determination and independence was the essential prerequisite for the right to development. The defiance of those principles by aggressors whose arrogance was as great as their power nevertheless impeded the protective mission of the United Nations, as was sadly demonstrated by the situation in South Africa and Namibia, where the apartheid régime refused to abandon its repressive ways and to end its illegal occupation of a United Nations Trust Territory.

35. The South African régime could not persist in its dangerous conduct without the support given to it by certain States Members of the United Nations on which fate had conferred a major role in the contemporary world. No wonder, then, that the duty to remove the obstacle of apartheid, to which attention was drawn in the study by the Secretary-General (E/CN.4/1421), was not welcomed by all members of the international community. It should be remembered, however, that responsibility for the injustices perpetrated by the apartheid régime against black Africans also lay on those that came to the assistance of that régime.

36. Document E/CN.4/1421 pointed out that transnational corporations could bring considerable benefits to the developing countries. Such corporations had nevertheless helped to perpetuate apartheid in southern Africa because the apartheid régime provided a favourable order for their operations. There, too, the collaborators were equally responsible for the daily slavery and suffering of millions of human beings, as described by the Special Rapporteur. Instead of subjugating their feelings to the dictates of material goods, nations and their leaders should unite in supporting the just aspirations of the poor, taking immediate and effective measures to restore to them all that was their due.

37. Such were the obstacles placed in certain quarters in the way of the establishment of a new international economic order whose main purpose was to bring about a transformation in the current system of international economic relations so as to make it just and equitable for all. A call for deliberate measures to enable 75 per cent of the world's inhabitants to raise their industrial production to 25 per cent of total production from the present 10 per cent was encountering ingenious opposition, it being maintained that any improvement in the situation should be the result of the interplay of market forces, even though it was those same forces that had been largely responsible for the inequities that needed to be removed.

38. In the vital area of international trade the international community had adopted an agreement establishing the Common Fund for commodities, but the Fund's capital fell far short of the amount originally estimated as necessary to enable it to play an effective role. The disappointments produced by that situation helped to explain the tardiness of developing countries in acceding to the treaty and joining the Fund. Yet the stage of development reached in science and technology provided mankind with the capacity to eliminate poverty and to ensure a respectable standard of living for everyone. Instead, the arms race was swallowing enormous sums of money and at the same time polluting the international climate.

39. Among the many problems facing mankind, special reference should also be made to the refugee problem, which was particularly acute in Africa. The problem was so serious that no words could describe its real dimensions. The international community should rise to the challenge and, by adopting special measures, endeavour to resettle the more than 4 million African refugees in a normal life. There were many other areas in which international action was required to reinforce the right to development, particularly for the least developed among the developing countries and for other categories of seriously disadvantaged countries.

40. His delegation supported the conclusions and recommendations of the seminar on the effects of the existing unjust international economic order contained in document ST/HR/SER.A/8. It should be emphasized that commitment to human rights, especially by the leading nations of the world, could not be relaxed without serious consequences for the equilibrium of the international community. His delegation hoped that such commitment would be renewed and strengthened to ensure more widespread enjoyment of the right to development in all parts of the world.

41. Mr. BRIMAH (Nigeria) said that the two main obstacles to the enjoyment in all countries of the economic, social and cultural rights set forth in the Universal Declaration of Human Rights were the existing unjust international economic order and the denial of fundamental human rights through such practices as colonialism, domination, racism and apartheid, which had been denounced by the international community as crimes against humanity.

42. The existing international economic order had been established at a time when many present-day developing countries had still been dependent territories, unable effectively to defend their own interests. It therefore heavily favoured the developed countries. It gave the advanced industrialized countries the undue advantage of dictating their own terms to the less privileged countries, as was illustrated by the commodity market in particular. Such mechanisms, inherited from history, created an ever-widening gap between the developed and the developing countries, the latter becoming poorer while the former became richer.

43. The present system compelled the developing countries to link their currencies to those of the advanced countries. The developing countries' economies were thus subjugated to the whims of those of the developed countries, which kept them in a perpetual state of servitude. That explained the state of the economies of the developing countries, for which the existing unjust international economic order was primarily responsible. It also explained the slow pace of development of those countries, even though development was now recognized as a human right.
44. As had already been emphasized, there was an interrelationship between the enjoyment of human rights and peace, and between development and disarmament. It was a well-known fact that the 1970s had failed to meet the expectations embodied in General Assembly resolution 2602 E(XXIV), and that by the end of that decade annual expenditure on armaments had stood at \$500 billion as against \$130 billion in 1970. While no financial constraint had hindered the race to accumulate the instruments of death and destruction, international efforts to preserve life and to ensure a decent standard of living for the great majority of mankind were starved of funds. In its report, the Brandt Commission on the North-South dialogue used striking illustrations to compare military expenditure with humanitarian expenditure. At the outset of the Third United Nations Development Decade, the amount allocated to official development assistance was only \$20 billion, or a mere 4 per cent of annual military expenditure. As the members of the Sub-Commission had observed during its thirty-second session, a 10 per cent reduction in the developed world's military expenditure would suffice to make available considerable resources for the economic and social development of the developing countries. His Government therefore supported United Nations efforts to achieve global disarmament.
45. The new international economic order should remedy the shortcomings of the existing system. More wealth for the developing countries would make it possible to eliminate illiteracy and poverty. His Government therefore unreservedly supported the international community's efforts in that direction.
46. His delegation endorsed the recommendation of the seminar on the effects of the existing unjust international economic order (ST/HR/SER.A/8) that the Commission should consider the possibility of proposing to the Economic and Social Council that a joint meeting of the Commission, the Commission on Social Development and the Committee for Development Planning should be convened in order to examine the practical aspects of integrating the right to development as a human right in the development process. It also supported the seminar's recommendation regarding the full participation of developing countries in the decision-making machinery of the World Bank and IMF in order to facilitate the enjoyment of human rights.
47. Nigeria attached great importance to the enjoyment of fundamental human rights without distinction as to religion, sex or race. His Government was therefore prepared to co-operate fully in international efforts aimed at the establishment of the new international economic order.
48. Mr. M'BAYE (Senegal) said that the study submitted in document E/CN.4/1421 in response to Commission resolution 5 (XXXV) failed to meet the expectations of his delegation, which was, however, always ready to recognize the merits of the Secretariat whenever it made an effort to serve the Commission's purposes. The study was

incomplete in that it comprised only an introduction and a part one, and was technically inadequate in that it made no express reference, either in the part completed or in the attached outline, to the priority which should be assigned to the items which the Commission had considered essential and to which it had drawn attention in resolution 7 (XXXVI). The extenuating circumstances invoked by the Division of Human Rights were certainly pertinent, but they did not lessen the disappointment. His delegation hoped that in the resolution it was to adopt on item 8 of its agenda, the Commission would request the Secretary-General to provide all the necessary means to enable it to pursue its work on the subject, whose importance and urgency were known to everyone.

49. In the same resolution to be adopted following consideration of item 8, it would also be desirable to request that a small group of experts should study the problem of the right to development so that, through the Commission, the international community might have a declaration on the right to development. The Commission would thus make a new contribution to the normative work of the United Nations, of which it had been one of the main architects in its field.

50. The right to development now created obligations on States and the international community pursuant to the various relevant instruments. In the opinion of his delegation, that right could be defined as the recognized prerogative of all peoples and all individuals to be able to satisfy their needs in accordance with their aspirations, to the full extent that the equitable enjoyment of the goods and services produced by the community permitted.

51. The seminar on the effects of the existing unjust international economic order would undoubtedly be a valuable source of information for the Commission's future work in that field. The participants had rightly placed special emphasis on the unjust international economic order, on the principle of equality of opportunity in realizing the objective set, and on non-discrimination as to the advantages to be derived from the collective effort. The conclusions and recommendations they had formulated accorded well with the report of the Secretary-General to the Commission (E/CN.4/1334) and with all the work of the United Nations system preceding and following the publication of that report. Also in relation to the seminar, the statement by the Director of the Division of Human Rights reproduced in document ST/HR/SER.A/8 was of particular interest for the lucidity of its analysis and the clarity of its directives.

52. In the opinion of his delegation, the right to development should first ensure the equitable sharing among human beings of decision-making powers and of the capacity for enjoyment of the common heritage. As was pointed out in resolution 5 (XXXV), that principle should be respected at all levels: national, regional and international. The right to development presupposed equality of opportunity among nations and individuals. Moreover, development should not be considered as growth, but rather as a qualitative improvement of the standard of living. It must necessarily incorporate human rights.

53. His delegation was prepared to co-operate with all other delegations which were convinced that the principle of solidarity was the only possible basis for the political organization of the United Nations, in accordance with the provisions of Articles 1, 2, 55 and 56 of the San Francisco Charter. The French representative, in his statement, had shown that a right to development existed, but that reality refuted that right. That temporary impediment must not halt the Commission.

54. According to one view, the right should reflect social and political reality, or else reality would turn against it; according to another view, the right was an instrument that could influence reality. In his opinion, those two views were not incompatible. In a developed society, the right must rather follow reality, whereas in a developing society it must precede reality and change attitudes. History provided examples of the introduction of new principles into social reality, and in that connection he drew attention to the principles of liberty, equality and fraternity proclaimed by the French revolutionaries of 1789. In contemporary reality, the principle of liberty corresponded to civil and political rights and that of equality to economic, social and cultural rights, which called for the provision of services by the public authorities; the principle of fraternity corresponded to rights that might be called "third-generation rights" calling for solidarity among men and nations and for generally increased well-being. Even if such principles were at first theoretical, time and perseverance brought them into practice. Thus, at the time of adoption of the Universal Declaration of Human Rights in 1948, no mention had been made of the right of peoples to self-determination; a few years later, however, Utopia had become a reality with the emancipation of many States, and that right had been firmly proclaimed in the two International Covenants on Human Rights. The right to development would follow the same path: it was already unanimously recognized, although until a short time earlier it had had few champions. There was obviously still a long way to go before the principle of solidarity was established as the sole guide for relationships among States. Within States themselves, the principle of solidarity had taken a long time to mature: a few decades earlier, sickness had entailed dependence on charity, whereas the victims of illness now enjoyed social security. International assistance would become a right, just as it had been possible to transform charity into justice within States. Just as national construction rested on brotherhood, so co-operation among States would be based on solidarity that justified the right to development.

55. Mr. NGONDA (Zaire) said it was regrettable that little progress had been made towards the objectives of the International Covenant on Economic, Social and Cultural Rights. The economic and social situation of several countries was now critical; some of them were on the verge of bankruptcy. The purchasing power of peoples was diminishing, illiteracy was on the increase and medical attention was no longer guaranteed. One of the reasons for that situation was the current international economic system, which channelled the wealth of the less developed countries into the developed countries. The countries that had created that system were continuing a policy of exploitation that had begun at the time of colonization.

56. In such a context, the right to development called for the establishment of a new international economic order. That required more from the developed countries than humanitarian gestures surrounded by publicity: those countries must provide continuing bilateral and multilateral assistance to enable the developing countries to develop their agriculture, industries, transport, sources of energy, domestic and international trade, etc. The developed countries admittedly had their problems: they were suffering from relentless inflation and growing unemployment. In order to combat those ills, however, they should not intensify protectionism but should, on the contrary, stimulate world trade by ensuring access to markets for commodities from developing countries. The growth and prosperity of those countries would contribute to world economic recovery.

57. Since the fifth United Nations Conference on Trade and Development, four major topics had dominated that organization's discussions: the commodity trade; protectionism and structural changes; monetary and financial questions; and economic co-operation among developing countries. Some progress had been made under the Integrated Programme for Commodities, particularly as concerned the financing of the Common Fund; much, however, remained to be done with regard to commodity agreements. The transfer of technology was another important area, in which action must be taken in accordance with the objectives of the Programme of Action adopted at the Vienna Conference on Science and Technology for Development: strengthening of the scientific and technological capacity of the developing countries, restructuring of international relations in the field of science and technology, strengthening of the role of the United Nations in scientific co-operation, and provision of increased financial resources for that purpose. At the international level, steps should also be taken to ensure genuine control over the activities of the transnational corporations. In the monetary and financial field, steps must be taken to ensure active and effective participation by the developing countries in decision making. Above all, if only a part of the billions of dollars wasted on the arms race was released for development purposes, the growing gap between the rich and the poor countries would be greatly reduced.

58. At the interregional, regional and subregional levels, the United Nations and the developed countries must help the developing countries to establish a global system of trade preferences in order to protect their industries against unfair competition by the transnational corporations, and also to establish co-operation among State trade bodies in the marketing of products of common interest and the co-ordination of plans for purchasing, sales, promotion, exports, negotiations, etc. The developing countries must also be helped to establish transnational marketing enterprises operating in accordance with the laws of the country in which they were established and having a legal status guaranteeing them the necessary freedom and room for manoeuvre. Lastly, at the national level, all countries should be able to enjoy their right to independence and self-determination without foreign interference, their right to full sovereignty over their natural resources and their right to choose the system of development best suited to the needs of their peoples.

59. The scrupulous application of the measures he had specified would make it possible to save peoples from poverty, ignorance, hunger and disease, and free them from the consequences of the existing unjust international economic order. A new international economic order would make it possible for people to receive a reasonable wage, to obtain housing for themselves and their families, to enjoy good health and to have a healthy and adequate diet; those must be the aims of the right to development.

60. Mr. DAVIS (Australia) thanked the Deputy Director of the Division of Human Rights for his presentation of a methodology for the implementation of economic, social and cultural rights, and for the specific policy options which he had proposed to that end. The concept of the right to development had been launched some years previously with the purpose of adding a moral dimension to the debates on a new international economic order. That right, however, had remained largely symbolic; the time had now come to give it practical meaning. That view was widely shared at the present session, and a willingness to take constructive steps was perceptible. A number of interesting proposals had been advanced: his delegation saw particular merit in the proposal, mentioned by the representative of Senegal, that a group of experts should be established to meet between sessions and report in the following year. Such a group of experts, if established, should have access to numerous



sources of information, including studies by the secretariat, reports on seminars, reports of States parties on the implementation of the Covenants, records of the Commission and the General Assembly documents relating to international development strategies, and so on.

61. There were essentially two sides to the question of the right to development: on the one hand, human rights and, on the other, development. With respect to the first, the introduction of the concept of the "right to development" should serve to enhance the commitment of Governments to the promotion and protection of human rights, a commitment taken for granted in the Covenants. Hitherto the Commission had focused essentially on defining the standards to be attained by Governments; the introduction of the concept of the right to development made it necessary to move beyond normative principles to the enunciation of practical measures. In doing so, allowance would have to be made for the great diversity of cultures, political systems and stages of development in the world.

62. As for development, the other aspect of the right to development, the best way of defining it was perhaps to refer to the international development strategies. That would reveal the differences between the strategy for the 1970s and that for the 1980s. The first emphasized transformations in social and economic structures; the second emphasized development as an integral process, embodying both economic and social objectives. His delegation believed that those two approaches should complement each other. On the one hand, the experience of the developing countries during the previous decade had shown that development both required and produced changes in structure: such changes could give rise to political unrest. On the other hand, progress towards development was more likely to be sustained if all individuals were made to feel that they were participating in the process on an equal basis, both as agents and as beneficiaries, without being discriminated against because of their race, ethnic origin, sex or language.

63. The emergence of the right to development reflected the interdependence of human rights and development. The debates in the United Nations about development focused chiefly on relations between States; in fact, the growing interdependence between States and the overall evolution of international relations exerted a considerable influence on development at the national level. However, his delegation felt that the Commission must retain, as a fundamental point of reference in its debates, the relationship of the individual to the State.

64. Mr. ROBEL (Observer for the World Confederation of Labour) said that appalling statistics showed how greatly the majority of mankind suffered from hunger, sickness, ignorance and unemployment, without guarantees of even the most elementary rights. In many countries, regardless of their political or social systems, the non-existence or limitation of political, civil and trade-union rights made that situation still worse. Systems and ideologies were imposed on developing countries, the right to self-determination was denied to certain peoples, nations were stripped of sovereignty over their own resources and the existing system of international economic relations was unjust: all those facts worsened the denial of basic rights. In South Africa in particular, apartheid, bolstered by economic Powers and trans-national corporations, deprived the black majority, in its own country, of its political, economic and social rights. In many other countries, the activities of ruthless dictatorships and local privileges aggravated the effects of external forces.

65. Under the existing economic order, economic and monetary systems founded on laissez-faire principles favoured the strong and harmed the weak; economic laissez-faire tended to encourage exploitation and to widen the gap between rich and poor. Even financial institutions within the United Nations system helped to accentuate a pattern of development which was harmful to the greater part of mankind. Those institutions, particularly IMF, imposed on the developing countries conditions such as currency devaluation, the elimination of subsidies for essential consumer goods, wage freezes, the reduction of public spending particularly through the dismissal of civil servants, and the assignment of a dominant role to the private sector. Such constraints prevented countries from choosing their own process of development and stifled trade-union rights and individual freedoms.
66. Three examples would illustrate that situation. Firstly, in Bolivia the military régime in power - one of the most murderous dictatorships of present times - had, at the request of IMF, cut off subsidies for basic necessities, with the result that prices had risen by up to 70 per cent. The same régime had abolished several thousand jobs in the public sector. Strikes organized in protest against those measures had been answered by an intensification of repression, and several thousand persons had been imprisoned. Secondly, in Turkey, the measures called for by IMF had increased inflation, worsened the 1980 trade deficit as compared with that of 1979, and had swollen unemployment; there too, several thousand workers had been imprisoned for having demanded respect for their rights. Thirdly, in Haiti the World Bank and IDA supported the policies of President Duvalier, which had resulted in an intensification of repression within the country since December 1980. Those who dared to protest against violations of human rights were arrested and deported.
67. The negotiations undertaken with the aim of establishing a new economic order had yielded precious few results; that was due above all to the lack of political will on the part of the rich countries. The breakdown of the North-South dialogue reflected their desire to maintain the status quo. Similarly, the arms race entailed enormous costs. In the opinion of his organization, disarmament was a precondition for the establishment of the new economic order: it would enable resources to be freed in order to solve food problems, and the food weapon would no longer be used to impose on developing countries policies contrary to their interests. As to the monetary system, a conference on international monetary and financial affairs, which had been called for at Arusha, would be essential in order to modify it.
68. He welcomed the recent adoption of the African Charter of Human Rights by the Conference of African Ministers of Justice. States must respect without discrimination the right of workers and their trade-union organizations to take part in the management of economic, social and cultural affairs, particularly in defining development objectives and in supervising the implementation of that right. Lastly, he requested the Commission to intervene so that all persons unjustly deprived of their rights might recover them; to follow attentively the implementation of the measures it had taken to strengthen the straggle against apartheid; to study the effects of the activities and policies of the international financial institutions on development and on human rights; to seek more effective means of ensuring practical co-ordination of the activities of the various organizations in the United Nations system in implementing human rights within the process of development; and to analyse the adverse effects of the arms race and the possibilities of using military resources for peaceful purposes which would guarantee human rights.

69. Mr. BOEL (Denmark) introduced draft resolution E/CN.4/L.1567 on the status of the International Covenants on Human Rights (agenda item 22) on behalf of the delegations of Canada, Costa Rica and Senegal as well as his own delegation, and the delegations of Cyprus and the United Kingdom, which had joined the sponsors. In introducing item 22, the Deputy Director of the Division of Human Rights had mentioned that four more countries had ratified or acceded to the International Covenants. However, it was regrettable that many countries had not yet endorsed those instruments or the Optional Protocol; for that reason the sponsors invited them to do so, and to make the declaration provided for in article 41 of the International Covenant on Civil and Political Rights.

70. The aim of operative paragraph 3 of the draft resolution was to give the Division of Human Rights the means effectively to assist the Human Rights Committee and the Economic and Social Council in performing their respective functions under the Covenants. Document A/35/40 showed that the Human Rights Committee had established a useful dialogue with States parties, which were represented with increasing frequency at a high level when reporting to the Committee. Furthermore, the sponsors had taken note of Council decision 1981/102 concerning the composition, organization and administrative arrangements of the sessional working group on the implementation of the International Covenant on Economic Social and Cultural Rights. Again in 1981, at the Council's organizational session the working group had had insufficient time to discuss the matter in depth, but it would resume such discussion at the first regular session in 1981. In operative paragraph 3, the sponsors expressed the hope that additional progress could be made at that session. Furthermore, concern that the public should be informed of questions relating to human rights was reflected in the third preambular paragraph, which recalled Council resolution 1980/30, and in operative paragraphs 8 and 10. He expressed the hope that draft resolution E/CN.4/L.1567, which in substance reflected the previous resolutions on the same subject, would be adopted by consensus.

The meeting rose at 7.35 p.m.