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ALTERNATIVE APPROACHES AND WAYS AND MEANS WITHIN THE UNITED NATIONS  
 SYSTEM FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND  
 FUNDAMENTAL FREEDOMS: IMPLEMENTATION OF GENERAL ASSEMBLY  
 RESOLUTIONS 34/46 AND 35/174

Present international conditions and human rights

Report of the Secretary-General

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## I. INTRODUCTION

1. In paragraph 12 of resolution 34/46 of 23 November 1979, the General Assembly requested the Secretary-General "to prepare, taking into account relevant information already available within the United Nations, and to submit to the General Assembly at its thirty-sixth session a study on the nature and extent to which the realization of human rights and fundamental freedoms is affected by present international conditions, with particular reference to situations resulting from apartheid, from all forms of racial discrimination, from colonialism, neo-colonialism and imperialism, from policies tending to divide the world into spheres of influence, from the arms race, from foreign domination and occupation, from aggression and threats against national sovereignty, national unity and territorial integrity, from refusal to recognize the fundamental rights of peoples to self-determination and of every nation to the exercise of full sovereignty over its wealth and natural resources, from intervention and interference in the internal affairs of States, particularly with reference to developing countries, as well as from the existence of the unjust system of international economic relations, taking also into account the conclusions of the seminar mentioned in paragraph 10 above". 1/

2. In paragraph 7 of its resolution 35/174 of 15 December 1980, the General Assembly requested the Secretary-General, "when preparing the study requested in paragraph 12 of resolution 34/46, to include possible solutions which will help eliminate the massive and flagrant violations of human rights and of the rights of peoples and individuals affected by situations such as those resulting from the evils mentioned in paragraph 1 (e) of resolution 32/130, and to indicate the obstacles to the establishment of the new international economic order, which is an essential element for the effective promotion of human rights and fundamental freedoms".

3. The present study has been prepared in accordance with paragraph 12 of resolution 34/46 and paragraph 7 of resolution 35/174, bearing in mind the guidelines provided in resolution 32/130 of 16 December 1977. Its primary focus is upon the nature and extent to which the realization of human rights and fundamental freedoms is affected by present international conditions. It includes a broad synthesis of the relevant information available within the United Nations system.

4. The study reflects views expressed in resolutions and conclusions adopted by bodies in the United Nations system and by international conferences, seminars and symposia. Emphasis has been placed upon describing phenomena that threaten the aspirations of individuals and peoples for full emancipation and real equality in international relations, and upon ways and means of enabling peoples everywhere to enjoy human rights and fundamental freedoms fully and without restraint.

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1/ That seminar, on the effect 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, was held at Geneva from 30 June to 11 July 1980. For the report of the seminar, see ST/HR/SER.A/8.

## II. HUMAN RIGHTS AND THE INTERNATIONAL ORDER

5. The responsibilities of the United Nations and the obligations of its Members in the field of human rights are set forth in Articles 1, 3, 5, 55, 56, 60, 62, 73 and 74 of the Charter of the United Nations.

6. The general principle that neither the exercise of these responsibilities nor the fulfilment of these obligations is sufficient to ensure the full enjoyment of human rights and fundamental freedoms by everyone in the absence of a social and international order that permits and encourages their realization is stated in article 28 of the Universal Declaration of Human Rights (General Assembly resolution 217 (III)), which reads:

"Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized."

In addition to adding a dimension of universality to the concern for human rights, this article reflects the basic goal of an international order envisaged in the Charter: a life of dignity and well-being for everyone, everywhere, and at all times, in a world where human rights and fundamental freedoms prevail and are enjoyed by all without restraint.

7. In its recognition of "the importance of maintaining and strengthening international peace founded upon freedom, equality, justice and respect for fundamental human rights", the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations (General Assembly resolution 2625 (XXV), annex), similarly places man at the heart of the international order envisaged by the Charter. That Declaration stresses the duty of States to co-operate with one another, irrespective of the differences in their political, economic and social systems, in the promotion of universal respect for, and observance of, human rights and fundamental freedoms for all, and in the elimination of all forms of racial discrimination and all forms of religious intolerance. Other international instruments, including the Declaration on the Granting of Independence to Colonial Countries and Peoples (General Assembly resolution 1514 (XV)), the United Nations Declaration on the Elimination of All Forms of Racial Discrimination (General Assembly resolution 1904 (XVIII)) and the Proclamation of Teheran, <sup>2/</sup> stress the obligation of States and of the international community to observe the provisions of the Charter of the United Nations and of the Universal Declaration of Human Rights.

8. The promotion and protection of economic, social, cultural, civil and political rights, and of the inalienable rights of peoples, represent fundamental

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<sup>2/</sup> Final Act of the International Conference on Human Rights, Teheran, 22 April to 13 May 1968, (United Nations publication, Sales No. E.68.XIV.2), chap. II.

elements upon which all human societies and social organizations are based. Moreover, human rights represent the highest embodiment of the human factor: the respect and welfare of human beings as subjects and not objects of human endeavours. They also represent objectives for all societies and social organizations.

9. The practical implications of the concept that consideration for human rights is at the core of the international order envisaged in the Charter of the United Nations were referred to in the United Nations proposed medium-term plan for the period 1980-1983, which stated:

"In the conception of the Charter, the promotion and encouragement of respect for human rights and fundamental freedoms for all was placed in direct relationship with the maintenance of international peace and security and the creation of conditions for economic and social progress and development. The interdependence between human rights, peace and development means that freedom from fear and freedom from want belong as much to the heart of the concept of human rights as political freedoms. This same interdependence assumes and requires that the wider recognition and acceptance of the human factor be made the central theme in all human endeavours. One of the most important challenges for the United Nations is the elaboration and implementation of approaches to problems and strategies for solving them, which are based on respect for human rights. Along with the new international economic order, the United Nations has to work for a new social and human order enabling peoples and individuals to enjoy the rights which are basic to their existence and development." 3/

10. The question may be asked, To what extent has the human rights approach been applied in practice to the solution of international problems arising out of present international conditions? This question has deep practical significance. If, for example, international order is perceived purely in terms of security, one may infer patterns of inter-State behaviour in which security, as the dominant and overriding concern, gives marginal importance to the human factor. If, on the other hand, it is perceived in human terms, as aiming first and foremost at realization of the basic rights of all persons and all peoples, it would follow that the promotion and protection of those rights would become the dominant goal and that human rights considerations would become a guiding and integrated factor in the conduct of inter-State relations and policies employed therein. Such a conception of international order would also influence the approach to security questions, for if it is agreed that all persons and all peoples are entitled to live in peace, for example, this could lead to intensified efforts to realize this right through consistent steps having as their object to put a halt to the arms race and to bring about disarmament. Moreover, arguments favouring security at all costs would then lose much of their force and it would become increasingly difficult to use security concerns to restrict, limit, or violate human rights and fundamental freedoms.

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3/ Official Records of the General Assembly, Thirty-third Session, Supplement No. 6 (A/33/6/Rev.1), vol. I, chap. 9.

11. While the maintenance of international peace and security is, and must remain, a primary objective of the international community and of the United Nations, it should nevertheless be recognized that peace is indivisible in its universal, regional or national dimensions, and that events occurring within a single country -- owing to internal conflicts or gross violations of human rights -- may result in human suffering of as great magnitude as those arising from some inter-State conflicts. The principle of respect for the sovereignty and independence of States should be comparable with an international order flexible enough to provide ways and means of dealing with situations involving gross violations of human rights. Otherwise, the notion of an international order may be called into question when such violations occur without an adequate response from the international community.

12. It is evident that further work is required if fundamental human dignity is to be elevated to its rightful place as the cardinal element in the conception of international order, and if this concept is to be reflected in the shaping of policies and strategies for the conduct of international relations.

### III. ORGANIZING INTERNATIONAL CO-OPERATION SO AS TO SECURE THE UNIVERSAL REALIZATION OF HUMAN RIGHTS

13. One of the purposes of the United Nations is to achieve international co-operation in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion. The accomplishments of the United Nations in this area attest to the fruitful international co-operation already achieved. International instruments such as the Universal Declaration of Human Rights, the International Covenants on Human Rights, and the International Convention on the Elimination of All Forms of Racial Discrimination, and the procedures established to supervise the application of their provisions, have contributed immensely to the shaping of the world after the Second World War. International co-operation in this field is continuing with ongoing standard-setting activities as well as supervisory and operational activities designed to promote the realization of human rights generally, and in particular to further develop procedures for responding to gross violations of human rights. Notwithstanding these achievements, the international community is still far from its goal of ensuring for everyone the realization of all human rights and fundamental freedoms.

14. It has come to be increasingly recognized in recent years that there is a need for a comprehensive and multifaceted human rights approach within the United Nations encompassing various structural and institutional aspects; corrective or remedial aspects; standard-setting; research, training, advisory services and assistance, the dissemination of information; and the full integration of human rights into all areas of human endeavours.

15. There is great need, at the international as well as at the regional, national and local levels, to integrate the human rights dimension into political, economic, social and cultural policies and programmes, so as to make the basic rights of all individuals the central objective of such policies.

16. Often the human rights dimension -- though present in a broad, general sense -- is markedly absent in practical terms at both the national and the international level. Unless this dimension is taken as the essential starting-point, international co-operation in any area will inevitably be found inadequate.

17. A serious inadequacy in international co-operation is the response to gross violations of human rights. On many occasions severe violations that take place receive little or no attention, with the result that the anguished suffering of large numbers of people may pass by without notice or concern. It could be asked whether the organs charged with the responsibility of fulfilling the Charter mandate in the field of human rights should not be so organized as to respond more adequately and effectively to human rights concerns.

18. Another inadequacy is evident in the resources available for promoting and protecting the enjoyment of human rights. This has an impact in many areas. Whenever evidence is to be gathered concerning situations involving alleged violations of human rights or fundamental freedoms, considerable manpower and resources are required. Similarly, if a Government that has experienced difficulties in the field of human rights requests assistance in order to strengthen its laws or institutions in that field, manpower and resources are needed.

19. There is also a need to promote further exchanges of information among countries concerning the promotion and protection of human rights. In resolution 32/130 of 16 December 1977, the General Assembly stated that the experience and contribution of both developed and developing countries should be taken into account by all organs of the United Nations system in their work related to human rights and fundamental freedoms. While there are procedures under which the efforts of Member States to implement their international obligations to promote and protect the enjoyment of human rights are examined by expert international bodies, this takes the form, for the most part, of a dialogue between such a body and the reporting Government. Moreover, exchanges among countries of their experiences in ensuring the realization of human rights in particular sectors should be promoted.

20. Finally, there is a need to consolidate and strengthen the legal bases contained in various international human rights instruments. Intensified efforts are required to bring about universal ratification of, or adherence to, human rights conventions. Continuing efforts to strengthen the legal character of standards in the field of human rights are required, so that their obligatory character may serve to influence policies and strategies at the international, regional, national and local levels.

#### IV. PRESENT INTERNATIONAL CONDITIONS AND HUMAN RIGHTS: AN OVERVIEW

21. A review of the international situation since the establishment of the United Nations reveals a number of positive elements that have contributed to enhancing the human condition and laying the basis for further progress in the future. The arrangements established by the Charter of the United Nations contributed to the foundation of an international order within which respect for human rights and fundamental freedoms could be promoted and encouraged. The process of

decolonization contributed to the widespread application of the principles of equal rights for all persons and self-determination for all peoples and to the recognition of their inalienable right to freedom in the exercise of their sovereignty and to the integrity of their national territory. The struggle against racial discrimination and for freedom, equality, dignity and rights for all human beings has also been a notable feature of the post-1945 world.

22. Despite these developments, the existing international conditions are far from being optimal as far as human rights are concerned. There is still, throughout the world, inadequate realization of the conditions necessary to bring about the freedom from fear mentioned in the Universal Declaration of Human Rights. The existing scale of armaments and the increasing arms race continue to pose threats to mankind. There is also an absence of conditions necessary to bring about freedom from want. For example, a large part of the world's peoples lack basic necessities such as food, shelter and health care and continue to suffer conditions far removed from any acceptable level of human decency. Throughout the international community human rights and fundamental freedoms are being continually violated. This situation is particularly acute in southern Africa where the peoples of South Africa and Namibia are simultaneously denied their rights to self-determination, equality before the law and equal protection of the law.

23. Various patterns of domination and subversion are unfortunately to be found in many areas of the world, resulting in adverse consequences for the enjoyment of human rights. Rivalries among competing political, economic and social systems often lead to situations where the interests - or perceived interests - of one group over another result in a lessening of their regard for human rights.

24. It has repeatedly been demonstrated that the existing international economic order results in situations that have serious adverse consequences for the enjoyment of human rights by persons and peoples. Yet the target set by the General Assembly in 1970 (resolution 2626 (XXV), para. 43), namely that developed countries should provide a minimum net amount of 0.7 per cent of their gross national product to the developing countries each year in the form of official development assistance, has not been realized.

25. While the principles set out in the Charter of the United Nations and in the International Covenant on Human Rights (General Assembly resolution 2200 A (XX)) provide the basis for an equitable international order capable of enhancing human conditions, the implementation of those instruments and of the policies recommended by organs such as the General Assembly and the Security Council is often inadequate. Moreover, international standards in the field of human rights, while acknowledged in principle, are often flagrantly disregarded in practice.

26. These factors point to the continuing need for intensified international co-operation in dealing effectively with those aspects of current international conditions that have harmful effects upon the full enjoyment of human rights and freedoms.



V. PRESENT INTERNATIONAL CONDITIONS AND HUMAN RIGHTS:  
SPECIFIC ASPECTS

27. A review of some specific aspects of current international conditions makes it clear that a wide variety of situations, including those mentioned in paragraph 1 (e) of General Assembly resolution 32/130 and in paragraph 12 of resolution 34/46, have serious negative effects upon the realization of the human rights of individuals and peoples, and sometimes totally negate the enjoyment of those rights. The situations may be grouped as follows: (1) patterns of inequality, such as racism, racial discrimination and apartheid; (2) patterns of alien subjugation, domination and exploitation perpetuating ties of dependency dating from the past, such as colonialism, neo-colonialism, imperialism, foreign occupation, and refusal to recognize the rights of peoples to self-determination and of every nation to full sovereignty over its wealth and natural resources; (3) threats or uses of force to establish new ties of dependency or to extend existing ones; (4) the existence of an unjust system of international economic relations; and (5) the arms race.

28. An assessment of the data available concerning the nature and extent of the effect of these and similar situations upon the realization of human rights and fundamental freedoms is presented below.

A. Patterns of inequality: racism, racial discrimination and apartheid

29. Racial discrimination, racial segregation, racial intolerance and apartheid are all manifestations of racism, a spurious doctrine based upon scientifically false claims that certain racial groups are inherently superior to, and thus entitled to dominate - or even to eliminate - others. Racism is prevalent in numerous areas of the world today, in a wide variety of forms and manifestations, despite major efforts on the part of the international community to eradicate it.

30. The incidence of racial discrimination has diminished slightly in recent years as several dependent peoples exercised their right of self-determination. But it persists in many countries and territories and assumes a number of forms, ranging from discriminatory governmental policies, prejudices and practices to subtle and unauthorized mistreatment on the part of the authorities, private persons or organizations.

31. Apartheid, which is racist domination and exploitation institutionalized, systematized, and enforced by law, appears to be confined to parts of southern Africa at present; nevertheless, it is a matter of global concern. International bodies have described it as a crime against humanity, a violation of the principles of the Charter of the United Nations, and a threat to international peace and security.

32. The basic effect of racism, racial discrimination and apartheid is to deprive victims of their human dignity. They are made objects of prejudice and hatred, held up to public ridicule and contempt, attacked, intimidated, blackmailed, terrorized, and treated as "second-class" persons in their own countries. Moreover, they are isolated from participation in the shaping of policies and programmes

which affect their lives, and are thereby reduced to a sub-human status. Thus the impact of racism, racial discrimination and apartheid upon the enjoyment of human rights and fundamental freedoms is extremely severe and totally negative.

33. The United Nations Declaration on the Elimination of All Forms of Racial Discrimination (General Assembly resolution 1904 (XVIII), art. 1); the International Convention on the same subject (General Assembly resolution 2106 A (XX), art. 1 (1)); and the International Convention on the Suppression and Punishment of the Crime of Apartheid (General Assembly resolution 3068 (XXVIII), art. II); inter alia provide comprehensive definitions and juridical measures for combating all forms of racism, discrimination and apartheid.

34. In 1968 the International Conference on Human Rights expressed deep concern about the manifestations of racial discrimination occurring in various countries and regions of the world, "which disturb the conscience of all mankind, constitute gross violations of the United Nations Charter and are contrary to the Universal Declaration of Human Rights"; and firmly condemned racial discrimination and all ideologies based on racial intolerance as gross violations of the human rights and fundamental freedoms proclaimed in that Declaration. 4/

35. In 1977 the World Conference for Action against Apartheid, in its Lagos Declaration for Action against Apartheid, set out its conclusion that "Apartheid, the policy of institutionalized racist domination and exploitation ... is a flagrant violation of the Charter of the United Nations and the Universal Declaration of Human Rights. It has resulted in immense suffering and involved the forcible moving of millions of Africans under special laws restricting their freedom of movement; and the denial of elementary human rights to the great majority of the population as well as the violation of the inalienable right to self-determination of all of the people of South Africa". 5/

36. In 1978 the World Conference to Combat Racism and Racial Discrimination characterized racism, racial discrimination and apartheid as "gross violations of human rights with, inter alia, negative effects stemming from serious inequalities in the fields of education, health, nutrition, housing, job opportunities and cultural development". 6/

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4/ Final Act of the International Conference on Human Rights, Teheran, 22 April to 13 May 1968 (United Nations publication, Sales No. E.68.XIV.2), resolution VII, para. 3.

5/ Report of the World Conference for Action against Apartheid, Lagos, 22-26 August 1977, (A/CONF.91/9), vol. I, para. 169 (5).

6/ Report of the World Conference to Combat Racism and Racial Discrimination, Geneva, 14 to 25 August 1978 (United Nations publication, Sales No. E.79.XIV.2), Declaration, para. 12.

37. At its thirty-seventh session, the Commission on Human Rights declared that all totalitarian or other ideologies and practices based on racial or ethnic exclusiveness or intolerance, hatred, terror, systematic denial of human rights and fundamental freedoms, or which have such consequences, constitute obstacles to the realization of human rights and fundamental freedoms. 7/

38. The General Assembly, the Commission, and many other organs within the United Nations system have noted that racism and, particularly apartheid, may have especially serious effects upon groups of people who also suffer discrimination on grounds other than race. Thus indigenous populations, immigrants, migrant workers and refugees are often discriminated against because of their racial or ethnic background. Women are often discriminated against because of their sex as well as of their race. Members of minorities often suffer further discrimination because of their language or religion as well as of their race. 8/

39. In the study on racial discrimination prepared by Hernán Santa Cruz, a Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, in 1969 and updated in 1976, the Special Rapporteur's conclusion, in the updated version, was: that, while racial discrimination in the political sphere did not appear to be legally sanctioned in any country or territory in the world today except in the white minority racist régimes in southern Africa, many forms of de facto discrimination still occurred throughout the world. 9/

40. As regards apartheid and racial segregation, the Special Rapporteur expressed the view that the situation, far from improving, had worsened and had become a factor threatening peace and security in southern Africa. 10/

41. The General Assembly has frequently reaffirmed its conviction that apartheid constitutes a total negation of the purposes and principles of the Charter of the United Nations and is a gross violation of human rights and a crime against humanity, seriously disturbing and threatening international peace and security. 11/

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7/ Official Records of the Economic and Social Council, 1981, Supplement No. 5, chap. XXVIII, sect. A, resolution 3 (XXXVII), preamble.

8/ See, inter alia, Report of the World Conference to Combat Racism and Racial Discrimination, Geneva, 14-25 August 1978 (United Nations publication, Sales No. E.79.XIV.2), paras. 20-24; Report of the World Conference of the United Nations Decade for Women: Equality, Development and Peace, Copenhagen, 14-30 July 1980 (United Nations publication, Sales No. E.80.IV.3 and corrigendum), resolutions 31; and General Assembly resolutions 32/120, preamble, and paras. 6 and 7; and 34/172, paras. 7 and 8.

9/ Racial Discrimination (United Nations publication, Sales No. E.76.XIV.2, paras. 919-924.

10/ Ibid., para. 918.

11/ See, inter alia, General Assembly resolutions 34/27 of 15 November 1979, preamble; and 35/39 of 25 November 1980, preamble.

and has noted "that the racist minority régime in Pretoria, through its system of institutionalized racial discrimination, exploitation and oppression, continues to deprive the majority of the South African people of avenues of peaceful and legal courses of action to secure their inalienable rights to self-determination". 12/

42. The Special Committee against Apartheid, in its 1980 report to the General Assembly, emphasized "that apartheid is not merely a gross violation of human rights, nor simply a forcible imposition of racial discrimination and segregation. It is, above all, a system of oppression, exploitation and dispossession of indigenous people of South Africa, who constitute the great majority of the population of the country, by a racist minority which holds the monopoly of political and economic power". 13/

43. The Ad Hoc Working Group of Experts of the Commission on Human Rights, in its 1981 report to the Commission covering a two-year period, found "that apartheid has remained the policy of the South African Government and that the attempt to ensure its survival has led the minority régime to continue with its repressive measures against all those, mostly blacks, who have sought to eliminate apartheid. Political repression, detention, without trial, mass removal of populations, torture of political prisoners and detainees - sometimes resulting in their unexplained death in prison - harassment of trade union leaders and students, and the exploitation of large numbers of the South African black labour force have been noticeable features of the South African situation during the period under review". (E/CN.4/1429, chap. III, sect. A).

44. It is clear from these and other relevant texts, including the Declaration and Programme of Action adopted by the World Conference to Combat Racism and Racial Discrimination, 14/ that racial discrimination, apartheid and other forms of racism continue to deprive many individuals of their inalienable right to the pursuit of equality in the economic, political, social and cultural spheres.

B. Patterns of alien subjugation, domination and exploitation perpetuating ties of dependency dating from the past

45. If progress is to be made towards a human order based on respect for human dignity, freedom, justice and peace, the underlying causes of racism must also be eradicated. These include patterns of alien subjugation, foreign domination and exploitation, perpetuation of ties of dependency dating from the past, colonialism, neo-colonialism, imperialism, foreign occupation, and refusal to recognize the fundamental rights of peoples to self-determination and of every nation to the exercise of full sovereignty over its wealth and natural resources.

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12/ General Assembly resolution 35/206 G of 16 December 1980, preamble.

13/ Official Records of the General Assembly, Thirty-fifth Session, Supplement No. 22 (A/35/22), para. 298.

14/ Report of the World Conference to Combat Racism and Racial Discrimination, Geneva, 14-25 August 1978 (United Nations publication, Sales No. E.79.XIV.2), chap. II.

46. These harmful conditions, which are among the most undesirable in the international community, exist in open defiance of long-standing principles and policies. Although they are being eradicated progressively by the ceaseless struggle of dependent peoples for full and complete independence, vestiges of them confront inhabitants of many regions of the world. Furthermore, new forces which endeavour to perpetuate inequities and undue privileges acquired by force, or to extend them frequently replace those that have been eliminated.

47. Alien subjugation, domination and exploitation invariably have a severe negative effect upon the realization of human rights and fundamental freedoms by individuals and peoples who are their victims. The Declaration on the Granting of Independence to Colonial Countries and Peoples states,

"The subjection of peoples to alien subjugation, domination and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations, and is an impediment to the promotion of world peace and co-operation." (General Assembly resolution 1514 (XV), para. 1)

48. Colonialism, neo-colonialism, imperialism, foreign occupation and refusal to recognize the fundamental rights of peoples to self-determination and of every nation to full sovereignty over its wealth and natural resources all have severe effects upon the realization of human rights and fundamental freedoms by individuals and peoples, particularly those who live in dependent countries and territories.

49. Since 1967, the General Assembly has repeatedly stated that the continuation of colonialism in all its forms and manifestations - including racism, apartheid, the exploitation by foreign and other interests of economic and human resources, and the waging of colonial wars to suppress the national liberation movements - is incompatible with the Charter of the United Nations, the Universal Declaration of Human Rights and the Declaration on the Granting of Independence to Colonial Countries and Peoples, and poses a serious threat to international peace and security. 15/ Moreover, the General Assembly has stated that any economic or other activity which obstructs efforts aimed at the elimination of colonialism violates the political, social and economic rights and interests of the peoples of the territories concerned; 16/ that any measure or pressure directed against any State while exercising its sovereign right to dispose of its natural resources constitutes a flagrant violation of the right of self-determination of peoples and the principle of non-intervention (General Assembly resolution 31/92, para. 4); that, the natural resources of all Territories under colonial and racist domination are the heritage of the peoples of those Territories, that the exploitation and depletion of these resources constitute a flagrant violation of the rights of the peoples and of the principles stated in the Charter of the United Nations and all relevant resolutions of the United Nations (General Assembly resolution 33/40, preamble).

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15/ See, in particular, General Assembly resolution 35/119, second paragraph of the preamble. See also resolutions 2326 (XXII) and 32/42.

16/ See General Assembly resolutions 2979 (XXVII), 33/40 and 34/41.

50. The Commission on Human Rights has repeatedly reiterated its profound indignation at the continued and flagrant violation of the human rights of the peoples still under colonial and foreign domination and alien subjugation or foreign occupation. It has also condemned the perpetuation of a racist minority régime in South Africa, its illegal occupation of Namibia and the denial of the inalienable rights of the Palestinian people.

51. The Commission has received two studies of various aspects of the right to self-determination prepared by Special Rapporteurs of its Sub-Commission on Prevention of Discrimination and Protection of Minorities. Both studies illustrated the nature and extent of the effect of current international conditions upon the realization of that right.

52. One Special Rapporteur, Hector Gros Espiell, noted that action taken by the entire United Nations system to secure recognition of the right of peoples under colonial domination to self-determination, had without doubt led to highly positive results. <sup>17/</sup> He also noted, however, that, despite the exceptional importance of what had been done, the problem had not yet been solved entirely, even from the political standpoint alone, nor had the right to self-determination become a reality everywhere.

53. Another Special Rapporteur, Aureliu Cristescu, reached a similar conclusion. He said that while colonialism, in the traditional sense, was nearing its end, imperialism and the policy of force and diktat continued to exist and might persist in the future, under the guise of neo-colonialism and power relationships. <sup>18/</sup>

54. These and other studies on the subject reveal that foreign domination assumes a wide variety of forms, including the creation of neo-colonial régimes within a country or territory by external manipulation of its electoral process; the creation of special interest groups within a country or territory by subversion or outside interference, the destabilization of a country or territory by acts of violence or unprovoked attacks along its borders, and the ruthless pillaging of the natural resources of a country or territory by foreign interests, including transnational corporations.

55. The Special Committee on Decolonization has repeatedly affirmed that by their depletive exploitation of natural resources, the continued accumulation and repatriation of huge profits for the enrichment of foreign settlers and the perpetration of colonial domination and racial discrimination in southern Africa,

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<sup>17/</sup> The Right to Self-Determination: Implementation of United Nations Resolutions (United Nations publication, Sales No. E.79.XIV.5), chap. II, paras. 245-250.

<sup>18/</sup> The Right to Self-Determination: Historical and Current Development on the Basis of United Nations Instruments (United Nations publication, Sales No. E.80.XIV.3), para. 687.

the activities of foreign economic, financial and other interests operating there at present constitute a major obstacle to political independence and racial equality, as well as to the enjoyment of the natural resources by the peoples of the region. 19/

56. At its thirty-seventh session, the Commission on Human Rights reaffirmed its view that occupation itself constituted a fundamental violation of the human rights of the civilian population of an occupied territory. 20/ It found, in the case of one independent country and one dependent territory, that the primary violation of human rights was foreign occupation, which prevented the peoples concerned from exercising their right to self-determination, 21/ and denounced the "bantustanization", invented and imposed by a country in southern Africa to oppose the legitimate claims of the black population to liberty and dignity, as a violation of the right to self-determination. 22/

57. From these and other relevant texts adopted by bodies within the United Nations system and from other pertinent documentation, it is clear that patterns of alien subjugation, domination and exploitation which perpetuate ties of dependency dating from the past, such as colonialism, neo-colonialism, imperialism, foreign occupation and refusal to recognize the fundamental rights of peoples to self-determination and of every nation to the exercise of full sovereignty over its wealth and natural resources, invariably impair, and often totally negate, the enjoyment by their victims of the right to self-determination and other inalienable rights of peoples, as well as the right to development and the economic, social, cultural, civil and political rights of the individuals concerned.

C. Threats or uses of force to establish new ties of dependency or to extend existing ones

58. Acts of aggression, threats against national sovereignty, national unity, and territorial integrity, and intervention and interference in the internal affairs of States are frequent occurrences in the existing system of international relations.

59. A threat to use force in international relations, even if not carried out, may, by creating fear, exert a serious negative effect upon the realization of

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19/ See, in particular, the resolution adopted by the Special Committee at its 1179th meeting, on 20 August 1980 (Official Records of the General Assembly, Thirty-fifth Session, Supplement No. 23) (A/35/23/Rev.1), chap. V, sect. B, para. 9.

20/ Official Records of the Economic and Social Council, 1981, Supplement No. 5, chap. XXVIII, sect. A, resolution 1 (XXXVII), para. 1.

21/ Ibid., resolutions 11 (XXXVII), paras. 2 and 12 (XXXVII), para. 2.

22/ Ibid., resolution 5 (XXXVII), para. 6.

human rights. The actual use of force, which all too often follows the threat, not only endangers international peace and security but may also serve as a vehicle by which to establish new ties of dependency binding countries, territories, peoples and individuals or to extend existing ones and thereby to prevent the full enjoyment of human rights and fundamental freedoms.

60. The Definition of Aggression, approved by the General Assembly in 1974, describes aggression as "the use of armed force by a State against the sovereignty, territorial integrity or political independence of another State, or in any manner inconsistent with the Charter of the United Nations". (General Assembly resolution 3314 (XXIX), annex.)

61. In recent years, acts of armed aggression have occasionally been utilized in some areas, especially in southern Africa, as a means of weakening support for liberation movements. The activities of mercenaries against developing countries and liberation movements have been condemned repeatedly by the General Assembly and the Security Council; 23/ the Assembly has also recognized that "the activities of mercenaries are contrary to fundamental principles of international law, such as non-interference in the internal affairs of States, territorial integrity and independence, and seriously impede the process of self-determination of peoples struggling against colonialism, racism, apartheid and all forms of foreign domination (General Assembly resolution 35/48, preamble).

62. Less overt forms of intervention and interference in the internal affairs of States present a growing problem in international relations. This subject was noted in a report of the Group of Experts on the Implementation of the Declaration on the Strengthening of International Security submitted to the General Assembly at its thirty-fifth session (A/35/505). 24/

63. Among the basic causes of lack of respect for the principle of non-use of force in international relations is the failure of States to settle disputes by peaceful means through international machinery established for that purpose, and their failure to take disputes to the Security Council before they develop into conflicts.

64. In resolutions on aggression and other threats or uses of force the General Assembly has consistently maintained that the use of force to deprive peoples of their national identity constitutes a violation of their inalienable rights and of the principle of non-intervention, and that the subjection of peoples to alien domination constitutes a denial of fundamental human rights. 25/

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23/ See General Assembly resolutions 2395 (XXIII), 2464 (XXIII), 2542 (XXIV), 2708 (XXV) and 3103 (XXVIII); and Security Council resolutions 405 (1977) and 419 (1977).

24/ See, in particular, paragraph 12 of the report. In accordance with General Assembly resolution 32/153, the First Committee is preparing a Declaration on the Inadmissibility of Intervention and Interference in the Internal Affairs of States.

25/ See, in particular, General Assembly resolutions 31/91, para. 2, and 35/118, third paragraph of the preamble.



65. From these and other relevant texts adopted by United Nations bodies, and from other documentation on the subject, 26/ the following conclusions may be drawn:

66. Various forms of coercion directed against the sovereignty, political independence or territorial integrity of States have been used with increasing frequency. The use of political, economic, military, psychological, financial, ideological and other forms of pressure to control, dominate and subjugate States, peoples or regions of the world and to limit their freedom to determine their political systems and pursue economic, social and cultural development without intimidation, hindrance or pressure - and thereby to establish new ties of dependency or extend existing ones - has become a persistent feature of current international relations and a serious obstacle to a more humane order based on justice, equity and peace.

67. These manifestations prevent individuals and peoples who are their victims from participating on a basis of equality in the making of decisions that affect their daily lives, thus depriving them of their essential human dignity. Such manifestations deny them equal rights with their oppressors in every area of endeavour and prevent their exercise of any economic, social, cultural, civil or political rights except within the context of dependency.

D. Existence of the unjust system of international economic relations

68. Another undesirable feature of certain international conditions is the continued existence - in spite of the General Assembly's Declaration on the Establishment of a New International Economic Order in resolution 3201 (S-VI) of 1 May 1974 - of an international economic system widely condemned as unjust because its benefits are not universal and fail to reach large segments of the world's population. A basic problem is that the developing countries, with more than 70 per cent of the world's population, account for only 30 per cent of the world's income; and that more than 800 million people in those countries live in abject poverty, many under foreign domination or occupation. Severe negative effects upon the realization of human rights resulting from the present international economic system have been pointed out not only in resolution 3201 (S-VI) but also in many decisions of United Nations bodies, conferences and seminars.

69. In 1968 the International Conference on Human Rights noted that the vast majority of mankind continued to live in poverty. It also noted with deep

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26/ See, inter alia, General Assembly resolutions 2734 (XXV); 31/91 (para. 2); 31/92 (para. 4); 34/44 (para. 9); 35/158; and 35/206 A (paras. 10 and 11); and Report of the Special Committee on Enhancing the Effectiveness of the Principle of Non-use of Force in International Relations (Official Records of the General Assembly, Thirty-fourth Session, Supplement No. 41) (A/34/41), chap. II.

concern the ever widening gap between the standards of living in the economically, developed and developing countries. 27/

70. In 1972 the United Nations Conference on the Human Environment set out, as the first principle of its Declaration, the conviction that:

"Man has the fundamental right to freedom, equality and adequate conditions of life, in an environment of a quality that permits a life of dignity and well-being, and he bears a solemn responsibility to protect and improve the environment for present and future generations." 28/

71. In 1974 the World Food Conference, in its Universal Declaration on the Eradication of Hunger and Malnutrition, recognized that the grave food crisis afflicting the peoples of the developing countries was fraught with grave economic and social implications. 29/

72. In 1975 the World Conference of the International Women's Year, in its Declaration on the Equality of Women and their Contribution to Development and Peace, observed that

"the current state of international economic relations poses serious obstacles to a more efficient utilization of all human and material potential for accelerated development". 30/

Five years later the World Conference of the United Nations Decade for Women adopted a Programme of Action in which it stated that

"the inequality of women in most countries arose, to a very large extent, from mass poverty and the general backwardness of the majority of the world's population, caused by under-development, which was a product of imperialism, colonialism and neo-colonialism and also of unjust international economic relations". 31/

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27/ Final Act of the International Conference on Human Rights, Teheran, 22 April to 13 May 1968 (United Nations publication, Sales No. E.68.XIV.2), chap. III, resolution XVII, preamble.

28/ Report of the United Nations Conference on the Human Environment, Stockholm, 5 to 16 June 1972 (United Nations publication, Sales No. E.73.II.A.14), chap. I, sect. II, principle 1.

29/ Report of the World Food Conference, Rome, 5-16 November 1974 (United Nations publication, Sales No. E.75.II.A.3).

30/ Report of the World Conference of the International Women's Year, Mexico City, 19 June to 2 July 1975 (United Nations publication, Sales No. E.76.IV.1), chap. 1, para. 18.

31/ Report of the World Conference of the United Nations Decade for Women, Copenhagen, 14 to 30 July 1980 ((United Nations publication, Sales No. E.80.IV.3), chap. I A, para. 12.

73. In 1976 the United Nations Conference on Human Settlements adopted the Vancouver Declaration on Human Settlements in which it recognized that that the circumstances of life for vast numbers of people in human settlements were unacceptable, particularly in developing countries, and that, unless positive and concrete action is taken at the national and international levels to find and implement solutions, these conditions are likely to be further aggravated. 32/

74. The Tripartite World Conference on Employment, Income Distribution and Social Progress and the International Division of Labour, convened in 1976, in accordance with a decision of the International Labour Conference, stated in its Declaration of Principles "that past development strategies in most developing countries have not led to the eradication of poverty and unemployment; that the historical features of the development processes in these countries have produced an employment structure characterized by a large proportion of the labour force in rural areas with high levels of underemployment and unemployment; that underemployment and poverty in rural and urban informal sectors and open unemployment, especially in urban areas, have reached such critical dimensions that major shifts in development strategies at both national and international levels are urgently needed in order to ensure full employment and an adequate income to every inhabitant of this One World in the shortest possible time". 33/

75. In the preamble to its resolution 32/130 of 16 December 1977, the General Assembly expressed deep concern at the continuing existence of an unjust international economic order which constituted a major obstacle to the realization of the economic, social and cultural rights in developing countries. Two years later, the Economic and Social Council, in its resolution 1979/25, expressed a similar view.

76. The International Development Strategy for the Third United Nations Development Decade, adopted by the General Assembly on 5 December 1980, summed up the situation as follows:

"... The stark reality confronting mankind today is that close to 850 million people in the developing world are living at the margin of existence - enduring hunger, sickness, homelessness and absence of meaningful employment.

"The international economy remains in a state of structural disequilibrium. It is characterized by a slower growth rate accompanied by a continuing trend of high inflation and unemployment, prolonged monetary instability, intensified protectionist pressures, structural problems and

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32/ Report of Habitat: United Nations Conference on Human Settlements, Vancouver, 31 May to 11 June 1976 (A/CONF.70/15) (United Nations publication, Sales No. E.80.IV.7), chap. I.

33/ International Labour Organisation, Declaration of Principles and Programme of Action adopted by the Tripartite World Conference on Employment, Income Distribution and Social Progress and the International Division of Labour, Geneva, 4 to 17 June 1976 (WEC/CW/E.1).

maladjustment and uncertain long-term growth prospects ... ." (General Assembly resolution 35/56, annex, sect. I, paras. 3 and 4) 34/

E. Obstacles to the establishment of the new international economic order

77. The Secretary-General reported to the General Assembly at its eleventh special session that scant progress had been made towards establishment of the new international economic order envisaged in Assembly resolution 3201 (S-VI) of 1 May 1974. 35/ In the preamble to its resolution 35/57, the Assembly indicated that it was concerned about the limited and partial progress.

78. As most developing countries urgently desire replacement of the present system of international economic relations by one based on equity, sovereign equality, interdependence, common interest and co-operation among States, and as most developed countries also support this objective, it may be asked why has there been so little progress in more than seven years.

79. A United Nations seminar, convened under the programme of advisory services in the field of human rights, recognized the importance of political will for the early establishment of the new international economic order, and called for public opinion to be made aware of the importance of the establishment of that order for the realization of human rights. 36/

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34/ See also Report of the Seminar on the Effects of the Existing Unjust International Order on the Economies of the Developing Countries and the Obstacle that this Represents for the Implementation of Human Rights and Fundamental Freedoms, Geneva, 30 June to 11 July 1980 (ST/HR/SER.A/8). Report of the Preparatory Committee for the New International Development Strategy (Official Records of the General Assembly, Thirty-fourth Session, Supplement No. 44) (A/34/44): "The international dimensions of the right to development as a human right: report of the Secretary-General" (E/CN.4/1334), chap. III C; "The regional and national dimensions of the right to development as a human right: study by the Secretary-General" (E/CN.4/1421), part I; and the reports of seminars on various aspects of the relationship between human rights and international economic relations (ST/TAO/HR.9, 21, 25, 27, 31, 34 and 43).

35/ A/S-11/5 and Corr.1 and Add.1-3, chap. XI, para. 368.

36/ Seminar on 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 (Geneva, 30 June to 11 July 1980) (ST/HR/SER.A/8), chap. IV, para. 131 (5).

80. A detailed study of the problem was undertaken recently as part of a joint effort on the part of the United Nations Institute for Training and Research (UNITAR) and the Center for Economic and Social Studies of the Third World (CEESTEM) to contribute to the activities of the United Nations system in searching for ways to establish the new order. 37/

81. Summarizing the current situation, the study stated:

"those countries for whom the current economic system has produced benefits, and who still dominate it, fear its abandonment and the substitution of something new and untried. They prefer short-term ad hoc measures to long-term basic changes. Countries for whom the system has worked only moderately well fear the loss of whatever privileges they managed to acquire through it. ... For socialist countries, changes are attractive primarily if they coincide with the economic and political goals of socialism. Finally, for countries which are the least privileged by the present system, basic structural changes are obviously in their interest. But these least developed States lack the power to effect such changes. ... Powerlessness and fear conspire to create a set of interlocking obstacles to the establishment of the new international economic order." 38/

82. With regard to political obstacles, the study noted that the lack of political will, and popular support in the developed world, were matched to some extent by negative factors within the developing countries. 39/

83. Among the social obstacles described are income maldistribution, population growth, inequitable access to food and nutrition, inadequate and inappropriate health care, illiteracy and deficient school systems, inappropriate information patterns, and the universal trend towards urbanization, which is accompanied only too frequently by the degeneration of urban and surrounding environments through pollution, inadequate sewage disposal, contaminated water supplies and over-exploitation of the surrounding lands. The study added that racial, sexual, religious and national discrimination were still rampant and frustrated attempts to achieve the social objectives of the new international economic order. 40/

84. One conclusion that may be drawn from the sources mentioned above is that the peoples of the world will engage in meaningful negotiations, reach agreement, and work together with unity and determination to create a new international economic order when they are convinced that the change will serve all of humanity; eradicate global poverty and satisfy basic human needs; improve the quality of life of all individuals and all peoples; and ensure to everyone the full realization of all human rights and fundamental freedoms.

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37/ Ervin Laszlo, Jorge Lozoya, A. K. Bhattacharya, Jaime Estevez, Rosario Green and Venkata Raman, *The Obstacles to the New International Economic Order* (New York, Pergamon Press, 1980).

38/ *Ibid.*, pp. xix and xx.

39/ *Ibid.*, pp. 2 and 3.

40/ *Ibid.*, pp. xxiv-xxv.

F. The arms race

85. In the Declaration contained in the Final Document of the tenth special session of the General Assembly, devoted to disarmament, the Assembly recognized that:

"The arms race impedes the realization of the purposes, and is incompatible with the principles of the Charter of the United Nations, especially respect for sovereignty, refraining from the threat or use of force against the territorial integrity or political independence of any State, the peaceful settlement of disputes and non-intervention and non-interference in the internal affairs of States. It also adversely affects the right of peoples freely to determine their systems of social and economic development, and hinders the struggle for self-determination and the elimination of colonial rule, racial or foreign domination or occupation (General Assembly resolution S-10/2, para. 12).

86. In the Declaration on the Preparation of Societies for Life in Peace, adopted a few months later, the Assembly stressed with utmost concern "that the arms race, in particular in the nuclear field, and the development of new types and systems of weapons, based on modern scientific principles and achievements, threaten world peace", and it invited all States to observe the principle that "a basic instrument of the maintenance of peace is the elimination of the threat inherent in the arms race, as well as efforts towards general and complete disarmament, under effective international control, including partial measures with that end in view, in accordance with the principles agreed upon within the United Nations and relevant international agreements." (General Assembly resolution 33/73, ninth paragraph of the preamble and sect. I, para. 6.)

87. In the Declaration of the 1980s as the Second Disarmament Decade the existing situation as regards the arms race was summarized in the following terms:

"International peace and security are threatened ... by the further escalation of the arms race and efforts to achieve military superiority. It is clear that, if the emerging trend continues and meaningful efforts are not made to check and reverse this trend, international tensions will be further exacerbated and the danger of war will be greater than foreseen at the time of the special session on disarmament." (General Assembly resolution 35/46, annex.)

88. The need for a revision of priorities in global resource allocation away from armaments and towards economic and social development has been obvious since the end of the Second World War. It has been considered in a series of reports on the

economic and social consequences of the arms race and related matters. <sup>41/</sup> Issues relating to the role of disarmament in promoting realization of the right to development have been considered in a report submitted to the Commission on Human Rights by the Secretary-General on the international dimensions of the right to development <sup>42/</sup> and in a study on the regional and national dimensions of that right. <sup>43/</sup> The conclusion reached in the study on the international dimensions of the right was:

"disarmament is crucial to realization of the right to development as it is to realization of the right to peace, the achievement of a new international economic order, and the promotion of respect for all human rights"  
(E/CN.4/1334, para. 229).

89. Putting an end to the arms race not only would promote the full enjoyment by all persons and peoples of the world of human rights and fundamental freedoms, but would make possible the reallocation of economic resources arising from arms-limitation agreements to accelerate the growth of the developing countries and to improve the economic position of the needy in developed as well as in developing countries. The estimated global expenditure of \$550 billion on the arms race each year represents not only the largest, but probably the only, existing economic reserve of such a magnitude that could be used for this purpose.

#### VI. POSSIBLE SOLUTIONS WHICH WILL HELP ELIMINATE MASSIVE AND FLAGRANT VIOLATIONS OF HUMAN RIGHTS AND THE RIGHTS OF PEOPLES

90. The commitment of the United Nations to search for solutions to mass and flagrant violations of human rights has been frequently emphasized by the General Assembly as well as by other organs, such as the Commission on Human Rights. In

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<sup>41/</sup> Economic and Social Consequences of the Arms Race and of Military Expenditures (United Nations publication, Sales No. E.72.IX.16); Disarmament and Development (United Nations publication, Sales No. E.73.IX.1); Reduction of the Military Budgets of States Permanent Members of the Security Council by 10 per cent and Utilization of the Funds Thus Saved to Provide Assistance to Developing Countries (United Nations publication, Sales No. E.75.I.10); Reduction of Military Budgets: Measurement and International Reporting of Military Expenditures (United Nations publication, Sales No. E.77.1.6); Economic and Social Consequences of the Arms Race and of Military Expenditures (United Nations publication, Sales No. E.78.IX.1).

<sup>42/</sup> "The International Dimensions of the Right to Development as a Human Right in Relation with Other Human Rights Based on International Co-operation, including the Right to Peace, Taking into Account the Requirements of the New International Economic Order and the Fundamental Human Needs" (E/CN.4/1334), chap. IV B.

<sup>43/</sup> "The Regional and National Dimensions of the Right to Development as a Human Right" (E/CN.4/1421), part One, sect. II.

its resolution 32/130, the General Assembly decided that, in approaching human rights questions within the United Nations system, the international community should accord, or continue to accord, priority to the search for solutions to mass and flagrant violations of human rights of peoples and persons. In its resolution 34/175, the General Assembly reaffirmed that mass and flagrant violations of human rights were of special concern to the United Nations and urged the appropriate United Nations bodies, within their mandates, particularly the Commission on Human Rights, to take timely and effective action in existing and future cases of mass and flagrant violations of human rights. The General Assembly also recognized the important role that the Secretary-General could play in situations of mass and flagrant violations of human rights. At its thirty-fifth session, the General Assembly, in its resolution 35/174, affirmed that the efforts of the United Nations and its Member States to promote and to protect civil and political rights as well as economic, social and cultural rights should continue. By its resolution 35/35 B on the importance of the universal realization of the right to self-determination, which was adopted at the same session, the General Assembly requested the Commission on Human Rights to continue to give special attention to violations of the right a self-determination and other human rights resulting from foreign military aggression, intervention or occupation. Annually, the Commission on Human Rights has considered situations involving mass and flagrant violations of human rights. By its resolution 5 (XXXIII), 44/ the Commission also decided to give attention to violations of economic, social and cultural rights as well as civil and political rights.

91. The search for solutions to mass and flagrant violations of human rights has various facets. In a world of differing socio-economic and political systems, the principles of the United Nations Charter provide the foundations for a humane, equitable and just world order. If the principles set forth in the Charter of the United Nations, as well as of relevant international instruments on human rights such as the Universal Declaration of Human Rights, were implemented universally, a radical transformation would be effectuated in international conditions which would contribute markedly to the elimination of mass and flagrant violations of human rights. The full implementation of the purposes and principles of the United Nations Charter and of the relevant international instruments on human rights is, therefore, of prime importance to the efforts of the international community in its quest for solutions to mass and flagrant violations of human rights.

92. It has also been amply demonstrated that structural inequities in the present international order serve to hamper a full realization of human rights and fundamental freedoms and contribute to the continuation of situations involving mass and flagrant violations of human rights. In its resolution 32/130, the General Assembly reaffirmed that the realization of the New International Economic Order is an essential element for the effective promotion of human rights

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44/ Official Records of the Economic and Social Council, Sixty-second Session, Supplement No. 6 (E/5927), chap. XXI.



and fundamental freedoms and should be accorded priority. Recently, in its resolution 35/174, the General Assembly again emphasized the necessity of establishing a new international economic order to ensure the promotion and full enjoyment of human rights and fundamental freedoms for all and requested the Commission on Human Rights to undertake the necessary measures to promote the right to development. Enormous resources currently utilized on armaments and on spiralling arms race, if channelled for positive purposes in assisting the needy and the disadvantaged, could contribute immensely towards alleviating the conditions that produce mass and flagrant violations of human rights.

93. A fundamental question pertains to the political will of Member States. If the will exists to implement fully the purposes and principles enshrined in the Charter of the United Nations or to bring about the structural environment necessary for the realization of human rights and fundamental freedoms, then the United Nations will have certainly advanced on the road towards providing solutions to mass and flagrant violations of human rights. It cannot be emphasized too strongly that violations of human rights take place either as a result of conditions perpetuated by Member States, or as a result of policies and practices engaged in by Member States, or with their acquiescence. The exercise of the political will necessary to change these factors can therefore be seen as being highly important in the search for solutions to mass and flagrant violations of human rights.

94. It is also necessary to engender national and international support for the provisions of relevant international instruments on human rights, and for the creation of the conditions necessary for the realization of human rights. The cultivation of opinion at all levels has deep significance in seeking permanent solutions to mass and flagrant violations of human rights. Teaching, training, education and the dissemination of information in the field of human rights are consequently matters of great importance.

95. Within the United Nations, various approaches and procedures are utilized in searching for solutions to mass and flagrant violations of human rights of peoples and persons. The Commission on Human Rights is engaged in the implementation of the International Convention on the Suppression and Punishment of the Crime of Apartheid, and in studies of the adverse consequences for human rights of assistance given to the racist régime of South Africa. The problems of racism are being dealt with in the context of the Decade for Action against Racism and Racial Discrimination as well as in the context of activities undertaken under the International Convention on the Elimination of All Forms of Racial Discrimination (General Assembly resolution 2106 A (XX)). An important step forward in combating racism in all of its forms could be achieved if States parties to the International Convention on the Elimination of All Forms of Racial Discrimination were to make the Declaration provided for under article 14 of that Convention, thereby giving the Committee on the Elimination of Racial Discrimination competence to receive and consider communications from individuals or groups of individuals claiming to be victims of racial discrimination.

96. The implementation of the right to self-determination and other activities against colonialism, foreign domination and occupation, aggression and threats

against national sovereignty, national unity and territorial integrity represent a major part of the ongoing activities of the Organization. The right to self-determination has been the subject of two important studies prepared for the Commission on Human Rights, to which reference was made earlier in the present report. As recently as at its thirty-fifth session, the General Assembly considered the question of the drafting of a declaration on the inadmissibility of intervention and interference in the internal affairs of States and, by its resolution 35/159, decided to consider this matter further at its thirty-sixth session.

97. The establishment of a new international economic order also continues to receive urgent attention from the General Assembly and various other United Nations forums, and a study is currently under way on the new international economic order and the promotion of human rights.

98. Reference may also be made to the activities of the United Nations which are designed to deal with current phenomena related to mass and flagrant violations of human rights of peoples and persons or to particular situations of mass and flagrant violations of human rights. The problems of torture, of enforced or involuntary disappearances of persons, of massive exoduses, and of nazi, fascist and neo-fascist activities and other forms of totalitarian ideologies and practices based on racial intolerance, hatred and terror are currently under examination. Various particular situations of international concern are also under consideration in different United Nations forums. The approaches of the United Nations for dealing with such phenomena, or with such situations, include good offices of the Secretary-General, diplomatic and conciliatory approaches, fact-finding, complaints procedures, public consideration in United Nations organs, and assistance measures. As has been pointed out earlier in this report, however, there is much room for improvement in the way the Organization responds to urgent situations of mass and flagrant violations of human rights.

99. The present report demonstrates that most of the great issues confronting the United Nations - issues of peace, disarmament, development and the establishment of a new international economic order - all have significant human rights implications. Unfortunately, these human rights implications are often not sufficiently highlighted. The General Assembly may wish therefore to consider ways in which awareness of the human rights dimension can be heightened and how it can be introduced, as appropriate, in deliberations on these issues within the United Nations system.

100. Periodic reviews of the world human rights situation could also be undertaken. Just as the Economic and Social Council now reviews the world social situation every four years with the assistance of the Commission for Social Development, the General Assembly, with the assistance of the Commission on Human Rights and the Economic and Social Council, may wish to undertake a comprehensive review of the world human rights situation every five years. Such a review could assess the trends and progress in the field of human rights and highlight the problems still being encountered in that field.

101. As the legal basis for a more humane order based on freedom, justice, and peace exists in the International Covenants on Human Rights and other international instruments in the field of human rights adopted by United Nations bodies, the time has come for all States, irrespective of their economic and social systems, to work together for the establishment of such an order. Correcting inequalities, redressing injustices, and accelerating economic and social development would help to eliminate massive and flagrant violations of human rights and the rights of peoples and to underscore that the primary aim of international co-operation is the well-being of the peoples of the world and the realization of their inalienable human rights.

102. The fact remains, however, that the fundamental problem affecting the search for solutions to mass and flagrant violations of human rights of individuals and peoples is the failure of Member States to live up fully to the purposes and principles of the United Nations enshrined in the Charter and to implement conscientiously the provisions of relevant international instruments on human rights.

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