



SUMMARY RECORD OF THE 37th MEETING

Chairman: Mr. RITTER (Panama)

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The meeting was called to order at 10.20 a.m.

AGENDA ITEM 105: ALTERNATIVE APPROACHES AND WAYS AND MEANS WITHIN THE UNITED NATIONS SYSTEM FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS (continued)

- (a) INTERNATIONAL CONDITIONS AND HUMAN RIGHTS: REPORT OF THE SECRETARY-GENERAL (continued) (A/42/585 and Add.1)
- (b) NATIONAL INSTITUTIONS FOR THE PROTECTION AND PROMOTION OF HUMAN RIGHTS: REPORT OF THE SECRETARY-GENERAL (continued) (A/42/395 and E/CN.4/1987/37)
- (c) RIGHT TO DEVELOPMENT: REPORT OF THE SECRETARY-GENERAL (continued) (A/42/396 and E/CN.4/1987/10)
- (d) RESPECT FOR THE RIGHT OF EVERYONE TO OWN PROPERTY ALONE AS WELL AS IN ASSOCIATION WITH OTHERS AND ITS CONTRIBUTION TO THE ECONOMIC AND SOCIAL DEVELOPMENT OF MEMBER STATES (continued)

1. Mr. LABERGE (Canada) said that the Secretary-General's report on international conditions and human rights (A/42/585) fell far short of its goal. It contained only two paragraphs on civil and political rights and some questionable generalizations that made it a seriously incomplete and badly distorted picture of United Nations human rights concerns, and an unacceptable departure from previous reports on the subject. Corrective action was needed.

2. Public awareness of the importance of human rights must be heightened through the co-operative efforts of the entire international community and non-governmental organizations, particularly through the development of public information material for use in national and regional contexts. Many countries had trouble implementing human rights not because of any lack of good will but because of lack of training, education and facilities. Canada therefore welcomed the establishment of the United Nations Voluntary Fund for Advisory Services, which could do much to remedy that situation, and it had become an early contributor in order to provide the Fund with momentum. encourage other contributions, ensure action to place the Fund on a sound footing and clarify reporting obligations and consultative procedures. Canada also hoped that States requiring assistance would develop projects that might be eligible for funding.

3. The human rights activities of the United Nations had already been reduced by 20 per cent because of the budget crisis, but any further cuts would have a catastrophic impact. If economies were unavoidable, they should be applied in a way that respected the essential purposes and principles of the United Nations.

4. Mrs. NIKOLIC (Yugoslavia) said that the Declaration on the Right to Development expressed international recognition of the importance of development and must be understood as meaning that development was a human right and a prerequisite for the realization of all human rights. Development in that sense meant a comprehensive economic, political and cultural process aimed at improving

(Mrs. Nikolic, Yugoslavia)

the welfare of all individuals, and one that took into account the indivisibility and interdependence of all human rights. Realization of the right to development was a long-term process and it was necessary to work out methods for promoting it, identifying the key obstacles to its implementation and ways for removing them and improving the work of the Commission on Human Rights. Heightened public awareness of human rights problems was essential. The Declaration should therefore be disseminated as widely as possible, and a complete bibliography of literature on the right to development should be prepared, periodically updated and disseminated widely so that thinking about that right could be deepened. A seminar on the realization of the right to development should also be organized in 1989 or 1990 to enable experts and others to exchange views on the subject in the light of recent experience.

5. The right to development was a general principle and not an attempt to define a universally applicable model. As recognized in the Declaration, States had the primary responsibility for creating national and international conditions conducive to the realization of that right.

6. The present working methods of the Commission on Human Rights should be improved. The Commission should debate the right to development as a priority issue and each of its sessions should accordingly be carefully prepared. The Working Group of Governmental Experts on the Right to Development should be retained and given a specific mandate to handle those preparations.

7. Mrs. MUKHERJEE (India) noted the historic importance of the Declaration on the Right to Development, but stressed that its implementation was the responsibility of Governments rather than experts. By providing a clear legal recognition of the right to development, the Declaration took an important step towards standard-setting and codification. There was now a legal basis for affirmative action and redress of past inequalities. The Declaration also showed that the international community, despite its great diversity, could join in a common effort to promote development, but that effort was being undermined by a world economic crisis that impeded the full realization of all rights. Development, of course, meant satisfying spiritual as well as material needs.

8. National institutions were among the most effective guarantees for the protection and promotion of human rights and in her own country such institutions operated within the favourable environment of an informed public opinion, a free press, an independent judiciary, a representative parliamentary democracy and a public made aware of its rights by educational institutions, the mass media and public organizations.

9. The human rights bodies of the United Nations must be made more effective. The United Nations should develop information activities and advisory services in the area of human rights in order to make the development of standards in that area meaningful. The right to development should be promoted gradually, through co-operation rather than confrontation, and the ground should be carefully prepared for substantial measures to follow initial procedural ones.

10. Mr. VARKONYI (Hungary) said that, despite the world community's considerable progress in the field of human rights, flagrant violations continued to occur. An improvement in the international situation, a global approach to interdependent problems and a common will to establish a comprehensive international security system would doubtless contribute to genuine co-operation in matters of human rights.

11. It was increasingly recognized that the upholding of human rights was not an exclusively internal affair of individual States; human rights violations in defiance of internationally recognized norms adversely affected world relations. Therefore, any action aimed at improving the enjoyment of human rights and fundamental freedoms must be based on joint, extensive efforts, including accession by all States to international human rights instruments and the alignment of domestic legislation with their provisions.

12. States must also promote a broad democratization of their internal affairs, consistent with their conditions and traditions. Joint international action should be taken to put an end to massive and flagrant violations of human rights, which posed a direct threat to world peace and security. International co-operation, both bilateral and multilateral, should be expanded in educational, cultural and medical fields. Individual travel should be unrestricted as a means to remove misunderstanding and strengthen confidence among nations. Standard international legal and administrative criteria should be agreed upon, including a uniform visa system, to foster family reunification, marriage and contacts among individuals and organizations. In all such endeavours the United Nations system could play a major role. His delegation was willing to co-operate with others and play an active part in all international forums for that purpose.

13. Mr. MEZZALAMA (Italy) said that his country firmly believed in the close connection between peace and respect for human rights; for that reason, it had supported a number of meetings and other initiatives during the past year on that theme, which was the subject of document A/42/585. That document also contained a valuable reference to the subject of terrorism, a despicable crime and a flagrant violation of basic human rights, from which his country, in particular, had suffered severely.

14. United Nations action relating to human rights reflected an interest in new sectors as well as the need to consolidate traditional measures. Over the years, the notion of the individual's human rights and their protection had transcended national boundaries, imposing increased responsibilities on States for such protection. The United Nations should adopt suitable initiatives to assist States in that regard. But care must be taken to ensure that a proliferation of international rules did not weaken the system as a whole and that the pace of progress did not leave any omission - for example, in the protection of minorities and the disabled.

15. His delegation could support a systematic study of all international human rights instruments with a view to establishing priorities, achieving co-ordination of rules and uniform interpretation, and avoiding or limiting duplication. It was in favour of specific initiatives, including dissemination of information, to

(Mr. Mezzalama, Italy)

assist States facing problems relating to domestic application of international rules; it had made a proposal for that purpose to the General Assembly at its forty-first session.

16. His country was still in favour of creating an office of High Commissioner for Human Rights, which would promote greater uniformity in the evaluation of standards, in the judgement of violations and in the general action of monitoring by the Commission on Human Rights. It hoped that the proposal to establish such an office would eventually achieve the requisite consensus.

17. The Declaration on the Right to Development, while an important step, left some doubt about what that right really meant and, as a result, what specific action could be taken. Member States would have to reach agreement about the true meaning of that right before the Declaration could be implemented.

18. Mr. PANG Sen (China) said that his Government had actively supported the drafting of the Declaration on the Right to Development and had noted the recommendations made by the Working Group of Governmental Experts on the Right to Development in its report (E/CN.4/1987/10). It hoped that States and interested organizations would be invited to indicate what measures should be taken to promote that right. It also felt that the Working Group should be enlarged, but only after extensive consultations, bearing in mind the need to ensure equitable regional representation.

19. There were a number of external and internal obstacles to the exercise of the right to development. The former consisted of all the factors which deprived a nation or people of its fundamental rights, such as the right to independence and self-determination. The burden on developing countries imposed by protectionism, the drastic fall in commodity prices, the shortage of development resources and the ever heavier debt burden likewise violated the right to development. Measures must be taken, therefore, to eliminate racism and colonialism, to secure an end to foreign domination and to improve the international economic climate.

20. In order to overcome internal obstacles, countries must adopt appropriate development strategies in the light of their respective needs and social conditions; more and more countries had come to realize the importance of such measures, and the results had been gratifying.

21. As a first step towards implementing the Declaration, the United Nations should disseminate the text as widely as possible. China would join in the efforts to enhance international co-operation to promote economic and social development.

22. Mr. FRAMBACH (German Democratic Republic) said that the duty of all Member States to promote the universal observance of human rights derived from the United Nations Charter itself. His delegation therefore opposed any attempts to misuse human rights questions to foment confrontation. The main concern should be a common search for ways of improving respect for human rights all over the world, especially where they were still being violated in a massive and flagrant manner. Such violations impaired peaceful relations with other countries and therefore

(Mr. Frambach, German Democratic Republic)

ceased to be an internal affair of the State concerned. At the same time, States had an obligation to promote the establishment of a new international economic order.

23. His delegation felt strongly that peace was the primary prerequisite for the realization of human rights; the right of peoples and individuals to live in peace was the foremost human right, particularly under current international conditions. It was imperative to banish the threat of nuclear war and ensure the survival of mankind.

24. It was obvious that the concrete ways of giving effect to international legal obligations must differ in the various social systems since human rights were a legal reflection of the position of the individual in societies. General Assembly resolution 41/132 met that requirement only to a certain extent. Although the United Nations had accomplished a great deal in standard-setting work, no agreement had been reached on the right to property because in the modern world private and public ownership of the means of production coexisted and some States had mixed systems. It was essential for States to ensure that their national legislation on all forms of property precluded any impairment of the enjoyment of human rights and fundamental freedoms; such policies would prevent a misuse of economic power by transnational corporations operating in developing countries, bring about an effective isolation of the South African régime and prevent the rights and interests of private owners of means of production from taking precedence over the rights of the working people.

25. International co-operation aimed at furthering the cause of human rights could work only if no attempts were made to impose social systems on other States. The implementation of all human rights was based on the right of peoples to self-determination and the right of States freely to determine their political status and pursue their economic, social and cultural development.

26. Mrs. MATVEEVA (Ukrainian Soviet Socialist Republic) said that a fairly harmonious system of international bodies and procedures for human rights had been established within the United Nations; the task now was to enhance its effectiveness, and not to seek to establish any parallel structures.

27. The ratification of the major human rights instruments by the largest possible number of States would not in itself bring about an immediate improvement of the human rights situation, but at least would ensure that States took responsibility for the guarantee and respect of those rights. As a result of the unfavourable international economic situation and the dire hardships imposed on populations, many States were encountering particular difficulties in ensuring the full implementation of the International Covenant on Economic, Social and Cultural Rights. International co-operation must be further strengthened in order to develop and establish an equal and just economic order.

28. Her delegation's concept of human rights was based on the interrelationship and indivisibility of civil, political and socio-economic rights. Civil and

(Mrs. Matveeva, Ukrainian SSR)

political freedoms must be respected in order to ensure true democracy, but if socio-economic rights were disregarded, all political freedoms were meaningless.

29. The realization of human rights was inseparably linked with the guarantee and codification of the rights of peoples; the entry into force of the African Charter on Human and Peoples Rights and also the adoption of the Declaration on the Right to Development were significant steps in that direction. The right to development was urgently needed by hundreds of millions of people, including many in developed countries who were unemployed, homeless or impoverished, but above all by the people of the developing countries.

30. Obvious attempts were sometimes made to use human rights questions in order to exacerbate international tension, engage in defamatory propaganda campaigns, or interfere in the internal affairs of States and put political pressure on them. While searching for imaginary human rights violations where they did not exist, some countries ignored the crimes of the South African racists and human rights violations in countries with dictatorial régimes. Global problems could be resolved only in an atmosphere of normal good-neighbourly relations which in turn depended on the success of practical steps in disarmament and eliminating the threat of nuclear war. International organizations, above all the United Nations, had a positive role to play in that respect.

31. The consideration of agenda item 105, duly taking into account different points of view, should be based above all on the provisions of the Charter, including the principle of sovereign equality and non-interference in the internal affairs of States. The positive experience accumulated in previous years should also be taken into account, including General Assembly resolution 32/130 which had accorded priority to combating gross and massive violations of human rights and fundamental freedoms.

32. Mr. GOLEMANOV (Bulgaria) said that his delegation attached primary importance to several factors related to the development of international co-operation in the field of human rights. Among those factors were the strengthening of international peace and security; the effective enjoyment of the right to development; the elimination of massive and flagrant violations of human rights; and strict compliance with the relevant international legal norms. The importance of those factors was also clearly underlined in the report of the Secretary-General on the subject of international conditions and human rights (A/42/585). In addition, successful implementation of those fundamental ideas was linked to the optimal utilization of the various organizations in the human rights field.

33. The strengthening of the existing legal base, in particular, universal adherence to the international human rights instruments, was also of primary importance for the achievement of human rights goals. Among the factors impeding progress were deliberate efforts to circumvent the relevant international legal norms, unwillingness to comply with specific international legal obligations, the arrogant desire to set wealth and power above international legality, and intolerance with respect to the exercise of legitimate rights by other equal participants in international relations.

(Mr. Golemanov, Bulgaria)

34. Despite the difficulties encountered, there were a number of achievements in the human rights field, including the elaboration and adoption of the Declaration on the Right to Development, whose implementation it was now necessary to consider. In that connection, the relevant United Nations bodies, including the Working Group of Governmental Experts and the Commission on Human Rights, had a definite role to play by identifying the conditions necessary for the promotion of the right to development and the impediments to that effort.

35. A comprehensive analysis of the right to own property required a careful comparison of all the relevant legal provisions of the various United Nations documents on that topic. Only a full consideration of that and all other questions of human rights could prevent conflict between States or the violation of the principle of indivisibility and interdependence of all human rights.

36. Miss BYRNE (United States of America) said that in recent years the consideration of the agenda item under discussion had sometimes diverted the Committee from the task of promoting and protecting human rights.

37. Ever since 1776 the United States had had a popularly elected system of Government which restricted the power of the State in favour of the individual. The people determined how and by whom they were governed through the exercise of genuine, free and periodic elections. The law obliged rulers to respect the fundamental rights of all individuals, including those who opposed not only the government of the day but the whole system as well. Individuals, groups and parties openly clashed over policies but remained dedicated to the preservation of the political and economic system. Even anti-democratic groups had the right to function despite their complete opposition to the very system which protected their rights. In a true democracy the government could not punish individuals for what they believed.

38. Her delegation had noted many times that the so-called "social and economic rights" were not equal to civil and political rights. It was the States that most scrupulously protected individual human rights that did best in achieving so-called economic and social rights. Every region of the world provided examples of graphic contrast between the accomplishments of free and enslaved peoples, as in the case of Eastern and Western Europe, the communist and non-communist countries of South-East Asia, the two Koreas and the Marxist and democratic States in the Americas.

39. The United States had not participated in the adoption of the Declaration on the Right to Development, which it considered to be vague and of no practical application. History showed that in order to develop States did not have to wait for the establishment of the "right to develop" or its granting by the United Nations, but developed largely as a result of domestic policies which encouraged the creativity and energy of the individual. Individual rights and national development went hand in hand: nations that trusted their citizens advanced and prospered; nations that feared them stagnated and grew poor.



(Miss Byrne, United States)

40. The United States was not insensitive to genuine concerns of developing countries, many of which faced great difficulties as a result of man-made or natural calamities. Since 1945 it had provided some \$305 billion in official economic assistance; in addition private American individuals and organizations gave large amounts of aid all over the world, and the United States allowed unprecedented access by the world to its enormous consumer and capital markets. According to United Nations statistics, Western States provided some 92 per cent of voluntary contributions to the United Nations system for operational activities for development and over 97 per cent of contributions to United Nations refugee, humanitarian, special economic and disaster relief activities. The socialist bloc provided about 1 per cent of contributions to the United Nations development activities, much of it in non-convertible currency, and gave nothing to disaster relief programmes. Thus the countries that talked loudly about economic development gave the least to help others achieve that development in terms of economic assistance and access to markets.

41. Regardless of a country's state of economic and social development, its Government must respect and promote basic human rights and fundamental freedoms. There was no excuse for torture, summary executions, arbitrary detentions, officially sponsored racism or concentration camps.

42. Ms. FERRIOL (Cuba) said that an important part of future United Nations work was the struggle against flagrant and massive human rights violations, which represented a serious threat to international peace and security. Those violations resulted from the existence of imperialism, colonialism, neo-colonialism, racism, apartheid, zionism, and racial discrimination. International co-operation and development and the promotion of respect for human rights must be based on principles enunciated in the Charter, including the principles of respect for sovereignty and non-intervention in the internal affairs of other States. In that connection, participants at the Meeting of Ministers and Heads of Delegation of the Non-Aligned Countries in October 1987 deplored attempts of certain countries to use the subject of human rights as a pretext for political aggression against members of that movement.

43. A comprehensive approach to the topic of international conditions and human rights must take into account the basic factors underlying the full enjoyment of all human rights and fundamental freedoms. In addition, the indivisibility and interdependence of all human rights must be recognized: civil and political rights could not be guaranteed without full enjoyment of economic, social and cultural rights. Further, individual human rights could not be separated from collective rights, such as the right to territorial integrity, non-intervention, self-determination, sovereign rights over natural resources, and the right to development.

44. Her delegation wished to highlight the particular importance of the adoption of the Declaration on the Right to Development. There were multiple problems which hindered the achievement of material well-being in the underdeveloped countries of Latin America, Africa and Asia. Those countries were often economically dependent on the industrialized countries, resulting in a perpetuation of economic and social

(Ms. Ferriol, Cuba)

inequality. In general, progress in developing countries was impeded by the current economic situation including, inter alia, the foreign debt crisis, the unjust international economic order, and protectionist measures of capitalist countries.

45. She cited the recent International Conference on the Relationship between Disarmament and Development, noting the interrelationship of that subject with the quest for the full realization of human rights and fundamental freedoms.

46. Resolution 1987/23 of the Commission on Human Rights signalled the beginning of a new stage in work to be done in the area of the right to development. Member States must voice their opinions on that resolution in order to facilitate the meeting in 1988 of the Working Group of Experts on the Right to Development.

47. Certain trends currently existed which aimed at distorting the concept of development, based on the promotion of the private sector. It should not be forgotten that every State had a primary responsibility to promote the economic, social and cultural development of its people. Developed countries were further responsible for the promotion of and contribution to the development of third world countries.

The meeting rose at 12.10 p.m.