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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

Report of the Third Committee

Rapporteur: Mr. Carles CASAJUANA (Spain)

I. INTRODUCTION

1. At its 3rd plenary meeting, on 23 September 1988, the General Assembly, on the recommendation of the General Committee, decided to include in its agenda the item entitled:

"Alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms:

- "(a) 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;
- "(b) Impact of property on the enjoyment of human rights and fundamental freedoms;
- "(c) Right to development;
- "(d) Development of public information activities in the field of human rights"

and to allocate it to the Third Committee.

2. The Committee considered the item jointly with item 105 at its 36th to 38th, 42nd and 46th meetings, on 8, 9, 15 and 17 November 1988. An account of the Committee's discussion is contained in the relevant summary records (A/C.3/43/SR.36-38, 42 and 46).

3. For its consideration of the item, the Committee had before it the following documents:

(a) Report of the Secretary-General on the world public information campaign on human rights (A/43/711);

(b) Comprehensive report of the Secretary-General on the implementation of General Assembly resolution 42/118 (A/43/721);

(c) Report of the Secretary-General on 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 (A/43/739);

(d) Letter dated 19 February 1988 from the Chargé d'affaires a.i. of the Permanent Mission of Paraguay to the United Nations addressed to the Secretary-General (A/43/163 and Corr.1);

(e) Letter dated 31 May 1988 from the Permanent Representative of Kuwait to the United Nations addressed to the Secretary-General (A/43/384-S/19915);

(f) Letter dated 15 August 1988 from the Chargé d'affaires a.i. of the Permanent Mission of the Philippines to the United Nations addressed to the Secretary-General (A/43/538);

(g) Letter dated 29 September 1988 from the Permanent Representative of Colombia to the United Nations addressed to the Secretary-General (A/43/668);

(h) Letter dated 6 October 1988 from the Permanent Representative of Zimbabwe to the United Nations addressed to the Secretary-General (A/43/709);

(i) Note verbale dated 25 October 1988 from the Permanent Mission of Bulgaria to the United Nations addressed to the Secretary-General (A/43/759);

(j) Report of the Working Group of Governmental Experts on the Right to Development (E/CN.4/1988/10).

4. At the 36th meeting, on 8 November, the Under-Secretary-General for Human Rights made an introductory statement.

II. CONSIDERATION OF PROPOSALS

A. Draft resolution A/C.3/43/L.31

5. At the 42nd meeting, on 15 November, the representative of the United States of America introduced a draft resolution (A/C.3/43/L.31) entitled "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".

6. At its 46th meeting, on 17 November, the Committee adopted draft resolution A/C.3/43/L.31 without a vote (see para. 25, draft resolution I).

B. Draft resolution A/C.3/43/L.32

7. At the 42nd meeting, on 15 November, the representative of the German Democratic Republic introduced a draft resolution (A/C.3/43/L.32) entitled "The impact of property on the enjoyment of human rights and fundamental freedoms".

8. At its 46th meeting, on 17 November, following a procedural debate during which statements were made by the representatives of Bulgaria, Peru, India, the Federal Republic of Germany, Mexico and the Netherlands, as well as by the Secretary and the Chairman (see A/C.3/43/SR.46), the Committee adopted draft resolution A/C.3/43/L.32 by a recorded vote of 107 to 24, with 1 abstention 1/ (see para. 25, draft resolution II). The voting was as follows:

In favour: Afghanistan, Algeria, Angola, Argentina, Bahamas, Bahrain, Barbados, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burma, Burundi, Byelorussian Soviet Socialist Republic, Central African Republic, Chad, Chile, China, Colombia, Congo, Côte d'Ivoire, Cuba, Cyprus, Czechoslovakia, Democratic Yemen, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Fiji, German Democratic Republic, Ghana, Guatemala, Guyana, Haiti, Honduras, Hungary, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mexico, Mongolia, Morocco, Mozambique, Nepal, Nicaragua, Niger, Oman, 2/ Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Qatar,

1/ The delegation of Bangladesh subsequently indicated that, had it been present during the voting, it would have voted in favour of the draft resolution.

2/ The delegation of Oman subsequently indicated that it had intended not to participate in the voting on the draft resolution.

Romania, Rwanda, Saint Vincent and the Grenadines, Samoa, Sao Tome and Principe, Senegal, Sierra Leone, Singapore, Somalia, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Togo, Tunisia, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia, Zimbabwe.

Against: Australia, Austria, Belgium, Canada, Denmark, Finland, France, Germany, Federal Republic of, Greece, Iceland, Ireland, Israel, Italy, Japan, Luxembourg, Netherlands, New Zealand, Norway, Portugal, Spain, Sweden, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Malta.

9. After the adoption of the draft resolution, statements were made by the representatives of India, Peru and Kenya. Statements in explanation of vote after the vote were made by the representatives of Greece (on behalf of the States Members of the United Nations that are members of the European Economic Community) and Costa Rica (see A/C.3/43/SR.46).

C. Draft resolution A/C.3/43/L.33

10. At the 42nd meeting, on 15 November, the representative of Cuba, on behalf of Algeria, Angola, Argentina, Benin, Bolivia, Burkina Faso, Colombia, the Congo, Cuba, Cyprus, Democratic Yemen, Ecuador, Ethiopia, Ghana, India, Iraq, the Lao People's Democratic Republic, Madagascar, Mali, Mexico, Mozambique, Nicaragua, Panama, Peru, Romania, Rwanda, Sao Tome and Principe, the Syrian Arab Republic, Uganda, the United Republic of Tanzania, Viet Nam, Yugoslavia and Zimbabwe, introduced a draft resolution (A/C.3/43/L.33) entitled "Alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms".

11. At the 46th meeting, on 17 November, the representative of Greece (on behalf of the States Members of the United Nations that are members of the European Economic Community) spoke in explanation of vote before the vote (see A/C.3/43/SR.46).

12. The Committee then adopted draft resolution A/C.3/43/L.33 by a recorded vote of 112 to 1, with 25 abstentions 3/ (see para. 25, draft resolution III). The voting was as follows:

3/ The delegation of Hungary subsequently stated that it had intended to vote in favour of the draft resolution. The delegation of Bangladesh subsequently indicated that, had it been present during the voting, it would have voted in favour of the draft resolution.

In favour: Afghanistan, Algeria, Angola, Argentina, Bahamas, Bahrain, Barbados, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Central African Republic, Chad, China, Colombia, Congo, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Fiji, Gabon, German Democratic Republic, Ghana, Guatemala, Guinea, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mexico, Mongolia, Morocco, Mozambique, Nepal, New Zealand, Nicaragua, Niger, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Poland, Qatar, Romania, Rwanda, Saint Vincent and the Grenadines, Samoa, Sao Tome and Principe, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia, Zimbabwe.

Against: United States of America.

Abstaining: Australia, Austria, Belgium, Canada, Chile, Denmark, Finland, France, Germany, Federal Republic of, Greece, Iceland, Ireland, Israel, Italy, Japan, Luxembourg, Malta, Netherlands, Norway, Philippines, Portugal, Spain, Sweden, Turkey, United Kingdom of Great Britain and Northern Ireland.

13. The representatives of New Zealand, Somalia and Sweden (on behalf of the Nordic countries) spoke in explanation of vote after the vote (see A/C.3/43/SR.46).

D. Draft resolution A/C.3/43/L.34

14. At the 42nd meeting, on 15 November, the representative of Pakistan introduced a draft resolution (A/C.3/43/L.34) entitled "Right to development".

15. At the 46th meeting, on 17 November, the Chairman informed the Committee that the title of the draft resolution was revised to read "Alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms".

16. At the same meeting, following a statement by the representative of Pakistan (see A/C.3/43/SR.46), the Committee adopted draft resolution A/C.3/43/L.34 by a

recorded vote of 115 to 9, with 13 abstentions 4/ (see para. 25, draft resolution IV). The voting was as follows:

In favour: Afghanistan, Algeria, Angola, Argentina, Bahamas, Bahrain, Barbados, Benin, Bhutan, Bolivia, Botswana, Brasil, Brunei Darussalam, Bulgaria, Burkina Faso, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Central African Republic, Chad, Chile, China, Colombia, Congo, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Fiji, German Democratic Republic, Ghana, Guatemala, Guinea, Guyana, Haiti, Honduras, Hungary, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mexico, Mongolia, Morocco, Mozambique, Nepal, Nicaragua, Niger, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Qatar, Romania, Rwanda, Saint Vincent and the Grenadines, Samoa, Sao Tome and Principe, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Sri Lanka, Sudan, Swasiland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia, Zimbabwe.

Against: Belgium, Canada, France, Germany, Federal Republic of, Japan, Luxembourg, Netherlands, Portugal, United Kingdom of Great Britain and Northern Ireland.

Abstaining: Australia, Austria, Denmark, Finland, Greece, Iceland, Ireland, Israel, Italy, New Zealand, Norway, Spain, Sweden.

17. The representatives of Japan, Peru and Sweden (on behalf of the Nordic countries) spoke in explanation of vote after the vote (see A/C.3/43/SR.46).

E. Draft resolution A/C.3/43/L.35

18. At the 42nd meeting, on 15 November, the representative of Yugoslavia, on behalf of Algeria, Argentina, Bolivia, China, Colombia, Costa Rica, Cuba, Cyprus, the Dominican Republic, Ecuador, Egypt, Ethiopia, Guatemala, India, Iraq, Jamaica, Mexico, Morocco, Nicaragua, Peru, the Philippines, Rwanda, the Sudan, Tunisia, the United Republic of Tanzania, Venezuela, Yugoslavia and Zimbabwe, introduced a draft

4/ The representative of the United States of America indicated that his delegation was not participating in the action taken on the draft resolution. The delegation of Bangladesh subsequently indicated that, had it been present during the voting, it would have voted in favour of the draft resolution.

resolution (A/C.3/43/L.35) entitled "Right to development". Subsequently, Brasil joined in sponsoring the draft resolution.

19. At its 46th meeting, on 17 November, the Committee adopted draft resolution A/C.3/43/L.35 without a vote 5/ (see para. 25, draft resolution V).

20. The representative of Sweden (on behalf of the Nordic countries) explained his position after the decision (see A/C.3/43/SR.46).

F. Draft resolution A/C.3/43/L.40

21. At the 42nd meeting, on 15 November, the representative of Australia, on behalf of Australia, Bolivia, Colombia, Cyprus, Ecuador, Germany, Federal Republic of, India, Ireland, Mexico, the Netherlands, Norway, Peru, the Philippines, Senegal, Sweden and Yugoslavia, introduced a draft resolution (A/C.3/43/L.40) entitled "Development of public information activities in the field of human rights". Subsequently, Italy and Samoa joined in sponsoring the draft resolution.

22. In introducing the draft resolution, the representative of Australia orally revised it as follows:

(a) The fifth preambular paragraph, which had read:

"Believing that the fortieth anniversary of the adoption of the Universal Declaration of Human Rights the principles of which should continue to be adhered to as a fundamental source of inspiration for national and international efforts for the protection and promotion of human rights, has provided a focus and renewed impetus to the promotional activities of the United Nations system in the field of human rights";

was replaced by the following text:

"Emphasizing the importance of adherence by all Governments to the principles contained in the Universal Declaration of Human Rights and believing that the fortieth anniversary of its adoption has provided a focus and renewed impetus to the promotional activities of the United Nations system in the field of human rights";

(b) The words "of the World Public Information Campaign for Human Rights" were added at the end of operative paragraph 8.

23. At the 46th meeting, on 17 November, the representative of Australia made a statement in which she further revised the draft resolution on behalf of the sponsors by replacing, in operative paragraph 11, the words "in particular" by the word "including".

5/ The representative of the United States of America indicated that his delegation was not participating in the action taken on the draft resolution.

24. At the same meeting, the Committee adopted draft resolution A/C.3/43/L.40, as orally revised, without a vote (see para. 25, draft resolution VI).

III. RECOMMENDATIONS OF THE THIRD COMMITTEE

25. The Third Committee recommends to the General Assembly the adoption of the following draft resolutions:

DRAFT RESOLUTION I

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

The General Assembly,

Recalling its resolution 41/104 of 4 December 1986, by which it expressed the conviction that the full enjoyment by everyone of the right to own property alone as well as in association with others, as set forth in article 17 of the Universal Declaration of Human Rights, 6/ is of particular significance in fostering widespread enjoyment of other basic human rights and contributes to securing the goals of economic and social development enshrined in the Charter of the United Nations,

Recalling further Commission on Human Rights resolution 1987/17 of 10 March 1987, 7/ in which the Commission urged States, in accordance with their respective constitutional systems and in accordance with the Universal Declaration of Human Rights, to provide, where they have not done so, adequate constitutional and legal provisions to protect the right of everyone to own property alone as well as in association with others and the right not to be arbitrarily deprived of one's property,

Reaffirming the right of States and their peoples freely to choose and develop their political, social, economic and cultural systems and to determine their laws and regulations,

Recognizing the value of constructive dialogue in the national context on the ways and means by which States can promote the full enjoyment of the right of everyone to own property alone as well as in association with others,

6/ Resolution 217 A (III).

7/ See Official Records of the Economic and Social Council, 1987, Supplement No. 5 (E/1987/18 and Corr.1 and 2), chap. II, sect. A.

Recognizing also in this context the importance of enabling everyone to acquire property, alone or in association with others, by taking practical actions that assist the economic development of developing countries,

Convinced that the right of everyone to own property alone as well as in association with others, as set forth in article 17 of the Universal Declaration of Human Rights, and as reaffirmed in paragraph 4 of the Declaration on the Rights of Disabled Persons 8/ and in article 16, paragraph 1 (h), of the Convention on the Elimination of All Forms of Discrimination against Women, 9/ is of particular significance in fostering widespread enjoyment of other basic human rights,

Reaffirming, in accordance with article 29 of the Universal Declaration of Human Rights, that, in the exercise of his or her rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society,

Taking note of the report of the Secretary-General on 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, 10/

Noting that the comments of Member States, specialized agencies and other competent bodies of the United Nations system, as outlined in that report, consisted mainly of summaries of legal principles associated with the right to own property and that relatively little attention was given to the role of the right of everyone to own property, alone as well as in association with others, in ensuring the full and free participation of individuals in the economic and social systems of States,

1. Recognizes that there exist in Member States many forms of legal property ownership, including private, communal, social and state forms, each of which should contribute to ensuring effective development and utilization of human resources through the establishment of sound bases for political, economic and social justice;

2. Affirms, in accordance with article 30 of the Universal Declaration of Human Rights, that nothing in the Declaration, including the right of everyone to own property alone as well as in association with others, may be

8/ Resolution 3447 (XXX).

9/ Resolution 34/180, annex.

10/ A/43/739.

interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth therein;

3. Considers that further measures may be appropriate at the national level to ensure respect for the right of everyone to own property alone as well as in association with others and the right not to be arbitrarily deprived of one's property, as set forth in article 17 of the Universal Declaration of Human Rights;

4. Urges States, therefore, in accordance with their respective constitutional systems and in accordance with the Universal Declaration of Human Rights, to provide, where they have not done so, adequate constitutional and legal provisions to protect the right of everyone to own property alone as well as in association with other, and the right not to be arbitrarily deprived of one's property;

5. Requests the Secretary-General to seek the views of Member States, specialized agencies and other competent bodies of the United Nations system on the means whereby and the degree to which the right to own property alone as well as in association with others contributes to the development of individual liberty and initiative, which serve to foster, strengthen and enhance the exercise of other human rights and fundamental freedoms;

6. Suggests that Member States, specialised agencies and other competent bodies of the United Nations system, in the context of their remarks on the impact of the right to own property alone as well as in association with others, may wish to address, in particular, the right to own the following types of property:

(a) Personal property, including the residence of one's self and family;

(b) Economically productive property, including property associated with agriculture, commerce and industry;

7. Requests the Secretary-General to report his findings to the General Assembly at its forty-fifth session, within existing resources;

8. Decides to consider this question at its forty-fifth session under the item entitled "Alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms".

DRAFT RESOLUTION II

The impact of property on the enjoyment of human rights
and fundamental freedoms

The General Assembly,

Recalling the Universal Declaration of Human Rights, 11/ the Declaration on Social Progress and Development 12/ and the Declaration on the Right to Development, 13/ which assign property a role in the implementation of human rights and fundamental freedoms,

Recalling also its resolution 42/115 of 7 December 1987, as well as Commission on Human Rights resolutions 1987/18 of 10 March 1987 14/ and 1988/19 of 7 March 1988 15/ on the impact of property on the enjoyment of human rights and fundamental freedoms,

Recalling further Commission on Human Rights resolution 1988/20 of 7 March 1988 15/ on recovery of nations' assets illegally removed by violators of human rights,

Mindful of the obligations of States under the Charter of the United Nations to promote higher standards of living, full employment, conditions of economic and social progress and development and solutions of international economic, social, health and related problems,

Recognizing the need to promote universal respect for, and observance of, human rights and fundamental freedoms for all without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

Recognizing also that all peoples have the right to self-determination, by virtue of which they may freely determine their political status and may freely pursue their economic, social and cultural development,

Recognizing further that the right of all peoples to self-determination includes the exercise of their inalienable right to full sovereignty over all their natural wealth and resources,

11/ Resolution 217 A (III).

12/ Resolution 2542 (XXIV).

13/ Resolution 41/128, annex.

14/ See Official Records of the Economic and Social Council, 1987, Supplement 2, 5 (E/1987/18 and Corr.1 and 2), chap. II, sect. A.

15/ Ibid., 1988, Supplement No. 2 (E/1988/12), chap

Convinced that social justice is a prerequisite for lasting peace and that people can achieve complete fulfilment of their aspirations only within a just social order,

Convinced also that social development can be promoted by peaceful coexistence, friendly relations and co-operation among States with different social, economic or political systems,

Reaffirming, in accordance with article 28 of the Universal Declaration of Human Rights, that everyone is entitled to a social and international order in which the rights and freedoms set forth in the Declaration can be fully realized,

Bearing in mind that in no case may human rights and fundamental freedoms be exercised contrary to the purposes and principles of the Charter of the United Nations or to the rights and freedoms of others,

Recalling its resolution 34/137 of 14 December 1979 on the role of the public sector in promoting the economic development of developing countries, in which it emphasized the importance of an efficient public sector in the development process,

Reaffirming, in accordance with article 6 of the Declaration on Social Progress and Development, that social progress and development require the establishment, in conformity with human rights and fundamental freedoms and with the principles of justice and the social function of property, of forms of ownership of land and of the means of production which preclude any kind of exploitation of man, ensure equal rights to property for all and create conditions leading to genuine equality among people,

1. Takes note of the report of the Secretary-General; 16/
2. Reaffirms the obligation of States to take effective steps with a view to achieving the full realization of civil, political, economic, social and cultural rights;
3. Recognises that there exist in Member States many forms of legal property ownership, including private, communal and state forms, each of which should contribute to ensuring the effective development and utilization of human resources through the establishment of sound bases for political, economic and social justice;
4. Calls upon States to ensure that their national legislation with regard to all forms of property shall preclude any impairment of the enjoyment of human rights and fundamental freedoms, without prejudice to their right freely to choose and develop their political, social, economic and cultural systems;

5. Requests the Secretary-General, in preparing his report to the General Assembly at its forty-fifth session, in accordance with resolution 43/___ of _____ 1988, to take into account the present resolution;

6. Decides to consider this question at its forty-fifth session under the item entitled "Alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms".

DRAFT RESOLUTION III

Alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms

The General Assembly,

Recalling that in the Charter of the United Nations the peoples of the United Nations declared their determination to reaffirm faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and of nations large and small and to employ international machinery for the promotion of the economic and social advancement of all peoples,

Recalling also the purposes and principles of the Charter to achieve international co-operation in solving international problems of an economic, social, cultural or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion,

Emphasizing the significance and validity of the Universal Declaration of Human Rights 17/ and of the International Covenants on Human Rights 18/ in promoting respect for and observance of human rights and fundamental freedoms,

Recalling its resolution 32/130 of 16 December 1977, in which it decided that the approach to future work within the United Nations system with respect to human rights questions should take into account the concepts set forth in that resolution,

Recalling also its resolutions 34/46 of 23 November 1979, 35/174 of 15 December 1980, 36/133 of 14 December 1981, 38/124 of 16 December 1983, 39/145 of 14 December 1984, 40/124 of 13 December 1985, 41/131 and 41/133 of 4 December 1986 and 42/119 of 7 December 1987,

17/ Resolution 217 A (III).

18/ Resolution 2200 A (XXI), annex.

Taking into account Commission on Human Rights resolution 1985/43 of 14 March 1985, 19/

Reiterating that the right to development is an inalienable human right and that equality of development opportunities is a prerogative both of nations and of individuals within nations,

Recognizing that the human being is the main subject of development and that everyone has the right to participate in, as well as to benefit from, the development process,

Reiterating once again that the establishment of the new international economic order is an essential element for the effective promotion and full enjoyment of human rights and fundamental freedoms for all,

Reiterating also its profound conviction that all human rights and fundamental freedoms are indivisible and interdependent and that equal attention and urgent consideration should be given to the implementation, promotion and protection of civil and political rights and of economic, social and cultural rights,

Emphasizing the need for the creation, at the national and international levels, of conditions for the promotion and full protection of the human rights of individuals and peoples,

Recognizing that international peace and security are essential elements for the full realisation of human rights, including the right to development,

Considering that the resources that would be released by disarmament could contribute significantly to the development of all States, in particular to that of the developing countries,

Reiterating that co-operation among all nations on the basis of respect for the independence, sovereignty and territorial integrity of each State, including the right of every people to choose freely its own socio-economic and political system, is essential for the promotion of peace and development,

Convinced that the primary aim of such international co-operation must be the achievement by all human beings of a life of freedom and dignity and freedom from want,

Concerned, however, about the occurrence of violations of human rights in the world,

19/ See Official Records of the Economic and Social Council, 1985, Supplement No. 2 (E/1985/22), chap. II, sect. A.

Reaffirming that nothing in the Universal Declaration of Human Rights or in the International Covenants on Human Rights may be interpreted as implying for any State, group or person the right to engage in any activity or perform any act aimed at destroying any of the rights and freedoms proclaimed therein,

Affirming that the ultimate aim of development is the steady improvement of the well-being of the entire population, on the basis of its full participation in the process of development and a fair distribution of the benefits therefrom,

Considering that the efforts of the developing countries for their own development should be supported by an increased flow of resources and by the adoption of appropriate and substantive measures for creating an external environment conducive to such development,

Taking into account the Political Declaration adopted by the Eighth Conference of Heads of State or Government of Non-Aligned Countries, held at Harare from 1 to 6 September 1986, 20/

Bearing in mind also the stipulations of the final documents of the Conference of Foreign Ministers of the Movement of Non-Aligned Countries, held at Nicosia from 5 to 10 September 1988, 21/ particularly paragraphs 15 to 18 of the Economic Part, 22/

Emphasizing the special importance of the purposes and principles proclaimed in its Declaration on the Right to Development, 23/

Taking into account Commission on Human Rights resolutions 1988/22 and 1988/26 of 7 March 1988, 24/

Reaffirming the importance of furthering the activities of the organs of the United Nations system in the field of human rights in conformity with the principles of the Charter,

Emphasizing that Governments have the duty to ensure respect for all human rights and fundamental freedoms,

20/ A/41/697-S/18392, annex I.

21/ A/43/667-S/20212, annex.

22/ Ibid., sect. II.

23/ Resolution 41/128, annex.

24/ See Official Records of the Economic and Social Council, 1988, Supplement No. 2 (E/1988/12), chap. II, sect. A.

1. Reiterates its request that the Commission on Human Rights continue its current work on overall analysis with a view to further promoting and strengthening human rights and fundamental freedoms, including the question of the programme and working methods of the Commission, and on the overall analysis of the alternative approaches and ways and means for improving the effective enjoyment of human rights and fundamental freedoms, in accordance with the provisions and concepts of General Assembly resolution 32/130 and other relevant texts;

2. Affirms that a primary aim of international co-operation in the field of human rights is a life of freedom, dignity and peace for all peoples and for every human being, that all human rights and fundamental freedoms are indivisible and interrelated and that the promotion and protection of one category of rights should never exempt or excuse States from promoting and protecting the others;

3. Affirms its profound conviction that equal attention and urgent consideration should be given to the implementation, promotion and protection of civil and political rights and of economic, social and cultural rights;

4. Reaffirms that it is of paramount importance for the promotion of human rights and fundamental freedoms that Member States should assume specific obligations by acceding to or ratifying international instruments in this field, and, consequently, that the work within the United Nations system of setting standards in the field of human rights and universal acceptance and implementation of the relevant international instruments should be encouraged;

5. Reiterates once again that 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 individuals affected by situations such as those mentioned in paragraph 1 (e) of General Assembly resolution 32/130, paying due attention also to other situations of violations of human rights;

6. Reaffirms its responsibility for achieving international co-operation in promoting and encouraging respect for human rights and fundamental freedoms for all, and expresses its concern at serious violations of human rights, in particular mass and flagrant violations of these rights, wherever they occur;

7. Expresses concern at the present situation as regards the achievement of the objectives and goals for the establishment of the new international economic order, and at its adverse effects on the full realisation of human rights, in particular the right to development;

8. Reaffirms that the right to development is an inalienable human right;

9. Reaffirms also that international peace and security are essential elements for achieving full realisation of the right to development;

10. Recognizes that all human rights and fundamental freedoms are indivisible and interdependent;

11. Considers that all Member States must promote international co-operation on the basis of respect for the independence, sovereignty and territorial integrity of each State, including the right of every people to choose freely its own socio-economic and political system, with a view to solving international economic, social and humanitarian problems;

12. Expresses concern at the disparity existing between established norms and principles and the actual situation of all human rights and fundamental freedoms in the world;

13. Urges all States to co-operate with the Commission on Human Rights in the promotion and protection of human rights and fundamental freedoms;

14. Reiterates the need to create, at the national and international levels, conditions for the full promotion and protection of the human rights of individuals and peoples;

15. Reaffirms once again that, in order to facilitate the full enjoyment of all human rights without diminishing personal dignity, it is necessary to promote the rights to education, work, health and proper nourishment through the adoption of measures at the national level, including those that provide for the right of workers to participate in management, as well as the adoption of measures at the international level, including the establishment of the new international economic order;

16. Decides that the approach to future work within the United Nations system on human rights matters should also take into account the content of the Declaration on the Right to Development and the need for the implementation thereof;

17. Decides to include in the provisional agenda of its forty-fourth session the item entitled "Alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms".

DRAFT RESOLUTION IV

Alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms

The General Assembly,

Recalling its resolutions relating to the right to development, especially resolution 41/133 of 4 December 1986,

Reiterating the importance of the right to development for all countries, in particular the developing countries,

1. Stresses that the achievement of the right to development requires a concerted international and national effort to eliminate economic deprivation, hunger and disease in all parts of the world without discrimination, in accordance with the Declaration and the Programme of Action on a New International Economic Order, 25/ the International Development Strategy for the Third United Nations Development Decade 26/ and the Charter of the Economic Rights and Duties of States; 27/

2. Emphasizes that, to this end, international co-operation should aim at the maintenance of stable and sustained economic growth with simultaneous action to increase concessional assistance to developing countries, build world food security, resolve the debt burden, eliminate trade barriers, promote monetary stability and enhance scientific and technological co-operation.

DRAFT RESOLUTION V

Right to development

The General Assembly,

Recalling the proclamation by the General Assembly at its forty-first session of the Declaration on the Right to Development, 28/

25/ Resolutions 3201 (S-VI) and 3202 (S-VI).

26/ Resolution 35/56, annex.

27/ Resolution 3281 (XXIX).

28/ Resolution 41/128, annex.

Recalling also the resolutions of the General Assembly and the Commission on Human Rights relating to the right to development, especially Commission resolution 1988/26 of 7 March 1988, 29/ approved by the Economic and Social Council,

Reiterating the importance of the right to development for all countries, in particular the developing countries,

Mindful that, pursuant to the proclamation of the Declaration on the Right to Development, the Commission on Human Rights has entered a new phase of its deliberation on this matter, which is directed towards the implementation and further enhancement of the Declaration,

Having considered the report of the Working Group of Governmental Experts on the Right to Development 30/ and all other relevant documents submitted to the General Assembly at its forty-third session,

Aware of the interest shown by several Member States, specialized agencies and non-governmental organisations in the work of the Working Group,

1. Expresses the hope that the replies of Governments, United Nations bodies and specialized agencies and other governmental and non-governmental organizations, submitted at the request of the Secretary-General based on Commission on Human Rights resolution 1988/26 to offer their comments and views on the implementation of the Declaration on the Right to Development, will contain practical proposals for further enhancement of the Declaration;

2. Endorses the agreement reached by the Commission on Human Rights that future work on the question of the right to development should proceed step by step and in stages;

3. Calls upon the Working Group of Governmental Experts on the Right to Development, at its twelfth session, to study the analytical compilation to be prepared by the Secretary-General of all replies received in response to Commission on Human Rights resolution 1988/26, if necessary together with the individual replies themselves, and to submit to the Commission at its forty-fifth session its final recommendations on those proposals which would best contribute to the further enhancement and implementation of the Declaration at the individual, national and international levels, and especially on the views of the Secretary-General and of Governments on the means of establishing an evaluation system on the implementation and further enhancement of the Declaration;

29/ See Official Records of the Economic and Social Council, 1988, Supplement No. 2 (E/1988/12), chap. II, sect. A.

30/ E/CN.4/1988/10.

4. Calls upon the Commission on Human Rights to decide at its forty-fifth session, on the basis of its consideration of the report of the Working Group, as well as the views expressed by the members of the Commission during the session, on the future course of action on the question, in particular on practical measures for the implementation and enhancement of the Declaration;

5. Invites the Commission on Human Rights to report on the question to the General Assembly at its forty-fourth session, through the Economic and Social Council;

6. Decides to consider this question at its forty-fourth session under the item entitled "Alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms".

DRAFT RESOLUTION VI

Development of public information activities in the field of human rights

The General Assembly,

Reaffirming that activities to improve public knowledge in the field of human rights are essential to the fulfilment of the purposes of the United Nations set out in Article 1, paragraph 3, of the Charter of the United Nations and that carefully designed programmes of teaching, education and information are essential to the achievement of lasting respect for human rights and fundamental freedoms,

Recalling the relevant resolutions on this subject, in particular its resolution 42/119 of 7 December 1987 and Commission on Human Rights resolution 1988/74 of 10 March 1988, 31/

Recognising the catalytic effect of initiatives of the United Nations on national and regional public information activities in the field of human rights,

Recognising also the valuable role that non-governmental organizations can play in these endeavours,

31/ See Official Records of the Economic and Social Council, 1988, Supplement No. 2 (E/1988/12), chap. II, sect. A.

Emphasizing the importance of adherence by all Governments to the principles contained in the Universal Declaration of Human Rights 32/ and believing that the fortieth anniversary of its adoption has provided a focus and renewed impetus to the promotional activities of the United Nations system in the field of human rights,

Believing also that a world public information campaign on human rights would be a valuable complement to the activities of the United Nations further to promote and to protect human rights worldwide,

1. Takes note of the reports of the Secretary-General on the development of public information activities in the field of human rights 33/ and on the advisability of launching, within existing resources, a world public information campaign on human rights; 34/

2. Reaffirms the need for information materials on human rights to be carefully designed in clear and accessible form, to be tailored to regional and national requirements and circumstances with specific target audiences in mind and to be effectively disseminated in national and local languages and in sufficient volume to have the desired impact, and for effective use also to be made of the mass media, in particular radio and television and audio-visual technologies, in order to reach wider audiences, with priority being given to children, other young people and the disadvantaged, including those in isolated areas;

3. Appreciates the measures taken during 1988 by the Secretariat, through the Centre for Human Rights and the Department of Public Information

(a) To update, increase stocks and extend the language versions of human rights information materials, especially those on the basic United Nations human rights instruments and institutions, and, in that regard, urges the Secretariat to take measures to ensure the further production and effective dissemination of such documents in national and local languages, in co-operation with regional, national and local organizations as well as with Governments, making full and effective use of the United Nations information centres, which have a key promotional role to play in the field of human rights at the regional and national levels;

(b) To establish in the Department of Public Information a new Dissemination Division, which is revising and computerizing the Secretariat's distribution methods so as to target specific audiences better, globally and regionally, and which will assist organizations, schools and non governmental organizations to identify appropriate material for their use;

32/ Resolution 217 A (III).

33/ A/43/721.

34/ A/43/711.

(c) To expand audio-visual activities in the field of human rights, and again requests the Secretary-General to explore the possibility of co-production arrangements for future audio-visual programmes so as to achieve maximum public impact at an economical cost;

4. Encourages all Member States, in particular in order to follow up the activities of the fortieth anniversary of the adoption of the Universal Declaration of Human Rights, to make special efforts to provide, facilitate and encourage publicity for the activities of the United Nations in the field of human rights, and to accord priority to the dissemination, in their respective national and local languages, of the Declaration, the International Covenants on Human Rights ^{35/} and other international conventions and to information and education on the practical ways in which the rights and freedoms enjoyed under these instruments can be exercised;

5. Urges all Member States to include in their educational curricula materials relevant to a comprehensive understanding of human rights issues and encourages all those responsible for training in law and its enforcement, the armed forces, medicine, diplomacy and other relevant fields to include appropriate human rights components in their programmes, and, to this end, requests the Secretary-General to draw the attention of Member States to the teaching booklet on human rights, which could serve as a broad and flexible framework adaptable to national circumstances for the structuring and development of human rights teaching;

6. Notes the special value, under the advisory services and technical assistance programme, of regional and national training courses and workshops, in co-operation with Governments, regional and national organisations and non-governmental organisations, in promoting practical education and awareness in the field of human rights, and welcomes the priority given to the organisation of such activities by the Centre for Human Rights;

7. Decides to launch on 10 December 1988, the fortieth anniversary of the Universal Declaration of Human Rights, within existing resources, a World Public Information Campaign for Human Rights, under which the activities of the Organisation in the field should be developed and strengthened in a global and practically oriented fashion, engaging the complementary activities of concerned bodies of the United Nations system, Member States and non-governmental organisations;

8. Requests the Secretary-General to ensure the fullest effective deployment of the skills and resources of all concerned units of the United Nations Secretariat and to make available, within existing resources, and in particular from the budget of the Department of Public Information, adequate funding for developing practical and effective human rights information activities, including those within the programme of the World Public Information Campaign for Human Rights;

9. Calls upon the Centre for Human Rights, which has primary responsibility within the United Nations system in the field of human rights, to co-ordinate the substantive activities of the World Campaign pursuant to the direction of the General Assembly and the Commission on Human Rights, and to serve as liaison with Governments, regional and national institutions, non-governmental organisations and concerned individuals in the development and implementation of the Campaign's activities;

10. Calls upon the Department of Public Information, which has primary responsibility for public information activities, to co-ordinate the public information activities of the World Campaign and, in its responsibility as secretariat to the Joint United Nations Information Committee, to promote co-ordinated system-wide information activities in the field of human rights;

11. Emphasises the need for the United Nations to harmonize its activities in the field of human rights with those of other organizations, including the International Committee of the Red Cross, with regard to the dissemination of information on international humanitarian law and, with regard to education for human rights, the United Nations Educational, Scientific and Cultural Organization, which was requested by the General Assembly in its resolution 38/57 of 9 December 1983 to submit a report to the Assembly at its forty-third session on its human rights teaching and training programmes;

12. Urges all Member States that have not yet done so to nominate national focal points that could be supplied with copies of relevant human rights material and that might also serve as points of liaison with the United Nations in the development and implementation of the World Campaign, and requests the Secretary-General to publish the list of such focal points in his report to the General Assembly at its forty-fourth session on the implementation of the present resolution;

13. Requests the Secretary-General to submit to the Commission on Human Rights at its forty-fifth session a report on the current and proposed aims and activities of the World Campaign;

14. Requests the Commission on Human Rights, at its forty-fifth session, on the basis of the report of the Secretary-General, to give priority consideration to this question with a view to providing appropriate guidance on the aims and activities of the World Campaign;

15. Further requests the Secretary-General to submit a comprehensive report on the implementation of the present resolution to the General Assembly at its forty-fourth session for consideration under the item entitled "Alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms".