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COMMISSION ON HUMAN RIGHTS

Forty-fifth session

SUMMARY RECORD OF THE FIRST PART */ OF THE 20th MEETING

Held at the Palais des Nations, Geneva,
on Monday, 13 February 1989, at 3 p.m.

Chairman: Mr. BOSSUYT (Belgium)

later: Mrs. ILIC (Yugoslavia)

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*/ The summary record of the second part of the meeting appears as document E/CN.4/1989/SR.20/Add.1.

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The meeting was called to order at 3.10 p.m.

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

- (a) PROBLEMS RELATED TO THE RIGHT TO ENJOY AN ADEQUATE STANDARD OF LIVING; THE RIGHT TO DEVELOPMENT;
- (b) THE EFFECTS OF THE EXISTING UNJUST INTERNATIONAL ECONOMIC ORDER ON THE ECONOMIES OF THE DEVELOPING COUNTRIES, AND THE OBSTACLE THAT THIS REPRESENTS FOR THE IMPLEMENTATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS;
- (c) POPULAR PARTICIPATION IN ITS VARIOUS FORMS AS AN IMPORTANT FACTOR IN DEVELOPMENT AND IN THE FULL REALIZATION OF ALL HUMAN RIGHTS (agenda item 8) (continued) (E/CN.4/1989/3 (Chapter I, Section B, decision 3) E/CN.4/1989/9, 11, 12 and 50; E/CN.4/1989/NGO/13, 16 and 24; E/CN.4/1988/10; A/43/739)

STATUS OF THE INTERNATIONAL COVENANTS ON HUMAN RIGHTS (agenda item 18) (continued) (E/CN.4/1989/50 and 62; E/CN.4/1989/NGO/11; A/43/518; E/C.12/1988/1; CCPR/C/2/Rev.1)

1. Mr. JIMENEZ (Inter-American Press Association) said that article 19 of the Universal Declaration of Human Rights proclaimed and protected a dual right: the right to inform and the right to receive information, from any source and free of any governmental restriction. On that interrelationship the democratic system rested. It demanded a dual obligation: on the part of the media better information about human-rights violations - and not just threats to the freedom of the press - throughout the world; and on the part of international human-rights institutions the upholding, in deeds as well as in words, of freedom of expression as the essential safeguard for other human rights.
2. In that way, faith in the press would be strengthened, as would the effort to defend freedom of expression, and the tasks of investigation, fact-finding and reporting, for which the Commission had global responsibility, would be consolidated. If the news media were shut down and journalists gaoled and Governments could plan and act in secret, the work of human-rights institutions would fail, crimes would go unpunished, and Governments genuinely striving to observe or improve human rights would not be distinguished from those seeking to politicize, orchestrate or obscure them.
3. His Association, therefore, respectfully proposed that the Commission should include, as a regular item on each year's agenda, cases of violations of the freedom of the press. The Commission's support for that freedom would be of historic importance and signify a true guarantee for the media, making them in turn more vigilant in protecting all human rights as well as enhancing the investigation and disclosure of violations.

4. Such a decision would also acknowledge the singular and non-transferable role of the right to inform and be informed, on which the security of all human rights depended. To forge an indestructible alliance between press freedom and all other human rights would foster the free reporting that was the only force that tyrants understood and feared, and shed light on Governments' performances in relation to human rights. The Commission and the news media must not waste, due to lack of understanding, that immense moral arsenal. The cycle of human-rights violations was maintained whenever men had no means of expressing their suffering; but wherever free speech was possible there would always be hope.

5. The representatives of the free press would put their experience at the Commission's disposal through his Association. The latter had fought for press freedom in the Americas for 46 years, and the scope of its reporting proclaimed its impartiality in reviewing the state of that freedom in the countries concerned, regardless of ideology or political position. It investigated and considered every case.

6. In its annual report for 1988, it had noted an improvement in some countries but a deterioration in others; among the latter were violations of press freedom resulting from legislation or government decisions such as State monopoly of newsprint distribution, the trend towards licensing of journalists, manipulation of official advertising and abuses by Governments or police, including some cases of total suppression of press freedom.

7. Examples of the latter were found in Cuba, Panama, Nicaragua and, until recently, Paraguay, proving unquestionably the link between dictatorship and suppression of press freedom and, by extension, of other human rights. The situation had been the same in Chile, but the opposition's victory in the recent plebiscite had aroused new hope.

8. Press freedom suffered not only from totalitarian Governments but also from the almost limitless power of drug traffickers, intimidation by guerrillas or by paramilitary groups, or the actions of all of them in combination. He paid tribute to the journalists, officials and judges martyred in the cause of press freedom and human rights.

9. His Association remained untiringly vigilant for press freedom in the Americas, examining all plans or approaches which could adversely affect it even when ingeniously put forward through legislation. It was indifferent to nothing which involved freedom of expression, and thus contributed to the strengthening of human rights, which was essential for world peace. For that task it needed the Commission's support, which it again earnestly requested; the two bodies shared the same ideals, and he hoped that they could also share their achievements and fighting spirit.

10. Mrs. SIEGEL (International Council of Jewish Women) said that she was speaking also on behalf of many other non-governmental organizations, a number of which were members not only of the NGO human-rights committees but also of the NGO Development Committee; the representative of France, speaking at the previous meeting, had stressed the importance of such co-ordination.

11. It was almost everywhere acknowledged that the rights covered by the two International Covenants were interdependent - a view clearly expressed at the NGO Seminar on Human Rights and the Disadvantaged held in Paris to commemorate the fortieth anniversary of the Universal Declaration. It had been emphasized that no Government should use the excuse of implementing one set of rights to justify violation of the other, and that traditional attitudes could not justify violations - a point made at the previous meeting by the representative of Senegal, the Commission's Chairman at its forty-fourth session. On that subject, her organization endorsed the revised draft report of the Working Group of Governmental Experts on the Right to Development (E/CN.4/AC.39/1989/L.3), and referred the Commission to article 2 of the Declaration on the Right to Development. A number of speakers at the previous meeting had expressed their agreement about the interdependence of rights and the importance of the individual in the right to development.

12. Her organization recalled that women and girls constituted more than half of the population of the world, and recent United Nations studies showed the difficulties of changing social structures and traditional attitudes, particularly with regard to women. It welcomed the Working Group's recommendation that urgent and energetic efforts should be made to enhance the right to development, and especially regarding women's participation at the local, regional and national levels.

13. In the statement by the Sub-Committee on the Status of Women of the Special Committee of International NGOs on Human Rights (E/CN.4/AC.39/1989/1) strengthened co-ordination was urged between the Centre for Social Development and Humanitarian Affairs, particularly the Division for the Advancement of Women, at Vienna and the Centre for Human Rights at Geneva. The proposed seminar on rural women and the right to development might be organized in conjunction with that Division; such co-ordination could lead to seminars at the regional level, which women directly involved in the development process could more easily attend.

14. The organizations she represented also welcomed the recommendation for a global consultation, as described in the Working Group's report. And it was strongly recommended that Member States' replies to the proposed questionnaire should describe the participation and integration of women in development.

15. Mr. GAUBERT (International League for the Rights and Liberation of Peoples) said that, in most parts of the world, the standard of living was falling; the World Bank estimated that 950 million people lived in absolute poverty, the number having increased during the 1980s because of the depression in the third world. Conditions had worsened sharply in most sub-Saharan, Latin American and Asian countries.

16. The Permanent Peoples' Tribunal, at its session held in September 1988 to study the effect of IMF and World Bank policies on that disastrous situation, had considered as a matter of urgency the need to establish a new international economic order through a code of conduct, to acknowledge a "state of necessity" as a legitimate defence on the part of indebted countries, and the duty of restitution to the victims of poor management of the debt crisis. The Tribunal's findings and proposals for action by the world community and international organizations were summarized in documents E/CN.4/1989/NGO/13 and 42.

17. The current, very unsatisfactory, situation should be regarded as a challenge to move towards a radical reshaping of international economic and political relationships. One priority should be to launch a universal conference for the introduction of new rules, including a reshaping of the international monetary system. A major current demand was repudiation of the debt incurred by the countries of the third world.

18. It had to be remembered that many debt situations in the past among the industrialized countries had been solved through scrapping unbearable debts, thus establishing a precedent which accepted as a matter of principle that a State did not incur any international responsibility when defaulting in the payment of financial obligations if its population's well-being would be gravely impaired otherwise; that rule was drafted in article 26 of the Universal Declaration of the rights of people.

19. The Permanent Peoples' Tribunal also suggested that the third world countries' debts should be objectively screened on the basis of the application of the "state of necessity" principle. Since the welfare of a great many innocent persons had suffered, the evaluation of adequate reparation had to be considered seriously. The third-world's intolerable debt-servicing burden must be lifted immediately. The resources thus liberated could, together with savings from disarmament, be applied to meeting the needs of those whose lives were being endangered.

20. Mrs. de VOS van STEENWIJK (International Movement ATD Fourth World) paid a tribute to the late Father Joseph Wrésinski, who had addressed the Commission in the past on behalf of their movement. He had been the authentic spokesman on the international scene for poor people everywhere, had always striven for their communal welfare and had constantly pleaded their cause in the major world forums, which had come to recognize that poverty was a violation of human rights - and not of economic, social and cultural rights only.

21. Poverty, illiteracy and unemployment were depriving people of a voice in civil and political affairs, even in advanced nations. In the developing world, the exercise of certain rights at national level did not necessarily mean that certain rural or ethnic communities enjoyed such rights in equal measure; many poor communities remained unable to exercise their rights and responsibilities.

22. It was Father Joseph's persistent efforts which had first shown, for example, that there were homeless people in the European Community who were unable to exercise the right to vote, and that there were communities of people in Latin America whose births and deaths went unrecorded. He had sought, without casting blame, to draw the world's attention to the plight of such deprived peoples, since ignorance of and inattention to their situation was contrary to the indivisibility of human rights.

23. The Commission should look at poverty in the light of that indivisibility, and the Sub-Commission should consider how the matter could be studied, since the urgency was acknowledged by all. It was also essential that deprived communities should be able to collaborate in the work of international development bodies. It was on the basis of such authentic

partnership that the Wrésinski report, adopted by the French Economic and Social Council, had been prepared; that document was an information and policy handbook for action to combat poverty and promote human rights in all continents. Her movement remained at the Commission's disposal for the task involved.

24. Mr. ALVARADO (World Student Christian Federation) said that for a number of years his organization had been studying the human-rights situation in Guatemala. Since the Commission's previous session there had been substantial strides in Guatemala's economic, social and cultural situation, but human rights continued to be adversely affected. When a constitutional civilian Government had been established in that country, its citizens and the world community had expected the requisite steps to be taken to deal with the most urgent needs in education, food, housing, health and employment. Instead, however, the poverty gap in Guatemala had become much wider than in most Latin American countries; by the beginning of 1987 the percentage of the population at the poverty threshold had increased from 63 per cent to 85 per cent, and the proportion of those unable to acquire even basic foodstuffs had grown from 32 per cent to 72 per cent, so that 687,000 more families had sunk to the level of extreme poverty between 1980 and early 1987, while the number of families in the non-extreme bracket had increased by 235,000. Only 15 per cent of the population could afford the basic necessities. Moreover, as the Expert on Guatemala had noted in paragraph 35 of his report (E/CN.4/1989/39), the serious shortcoming in the enjoyment of economic, social and cultural rights produced situations conducive to violations of civil and political rights.

25. The economic, social and cultural situation could not be considered separately from other human-rights violations in Guatemala, but there were a number of aspects which had to be considered. The country's economy was based on agricultural exports, but 2 per cent of the population owned some 70 per cent of the arable land, of which 40 per cent was idle. As stated in the Collective Pastoral Letter of the Guatemalan Bishops of February 1988, the clamour for land was the loudest and most desperate call in the country, the greater part of the land being owned by a tiny minority, while most peasants had no plots of their own, a fundamental problem which prevented the people from deriving an adequate standard of living from their national resources.

26. The armed internal conflict of the last 30 years had greatly limited cultural advances and social benefits and had affected thousands of families, including a million peasants who had had to take refuge in other parts of the country. The militarization of the social life of the country meant that internal displaced persons could not be employed in factories, industry or farms, since most of them lacked the necessary documentation. Account must also be taken of the 150,000 orphans that had been created and the thousands of widows unable to find employment.

27. The precarious situation in the rural areas gave cause for concern: peasants were obliged by the army to carry out patrols from 48 to 72 hours a week, which prevented them from doing their normal work, the result being a 60 per cent reduction in family income. Despite that economic impact, 1,200,000 persons continued to be subject to such service and anyone opposing it was regarded as a collaborator of the insurgents.

28. Guatemala's external debt had risen from \$183 million in 1970 to \$2.7 billion in 1988, despite the fact that the Government's national economic plans made no provision for the comprehensive reforms that were urgently needed.

29. The gravity of the problems connected with the Guatemalan people's right to enjoy an adequate standard of living and its right to development could be seen from the facts that 5 per cent of the population accounted for 34.5 per cent of the national income; while 30 per cent of the urban population was unemployed, and the figure for the rural areas was 55 per cent. According to UNICEF, Guatemala had the highest infant mortality rate in Latin America and 82 per cent of the children below the age of 5 years were suffering from malnutrition. Out of every 1,000 live births, 80 children died before reaching the age of 1 year, and 300 before the age of 5, because of diseases that could have been prevented or simply as a result of malnutrition. Only 17 per cent of the country's 20,000 communities had access to health services. In 1970, 800 cases of malaria had been recorded in Guatemala. From 1980 onwards, an annual average of 75,000 cases had been recorded and the number of cases currently amounted to 200,000.

30. The level of education was very low: only 1.6 per cent of the population went on to university studies, 9.4 per cent secondary education and more than 42 per cent of the population aged seven or over received no education at all. UNESCO indicated that the average illiteracy rate was currently 67.4 per cent, as high as 95 per cent in the indigenous areas, and that no appropriate policies had so far been taken to resolve that serious social problem.

31. The Guatemalan population officially consisted to an extent of 65 per cent of indigenous people, and other estimates put the proportion as high as 80 per cent. It was the indigenous population whose economic, social, cultural, civil and political rights were violated. The indigenous person had been forced to adopt a new way of life that had destroyed his culture and was subject to constant persecution. He was unable fully to practise his language, customs, and traditions; and the oral transmission of his cultural heritage had been broken through genocide and ethnocide in previous years and aggravated by the military pattern continued by the civilian Government.

32. The Guatemalan Government had acceded to the International Covenant on Economic, Social and Cultural Rights on 19 May 1988. In the opinion of the Federation, the signature of the Covenant had been a meaningless act since the Government had taken no effective measures to respond to the appeal made to all States by the Commission in its resolution 1988/22.

33. In view of the situation, the Federation drew the attention of the Commission and that of the Guatemalan Government to the urgent need to ensure that the Guatemalan people could enjoy its rights and develop adequately. Lastly, in view of the persistent violations of human rights in that country it considered that the Commission should take up once again the case of Guatemala in its study under agenda item 12.

34. Mr. MOSES (Grand Council of the Crees) said that the Grand Council represented the Quebec Crees, one of the indigenous peoples related to Canada through a treaty, La Convention de la Baie James et Nord Québécoise, signed

in 1975 by the Government of Canada and the Grand Council of the Crees (of Quebec). Under the treaty, Cree rights in the territory were recognized and confirmed by Canada, in exchange for the Crees consenting to the building by the Province of Quebec and its crown corporations of the Complexe la Grand (1975), one of the largest hydro-electric projects in the world with a revenue-generating capacity of approximately \$2 billion annually.

35. La Convention de la Baie James et Nord Québécoise confirmed the concept that a State must enter into a treaty with indigenous peoples to obtain their consent before undertaking development on indigenous lands. Quebec had initially maintained that indigenous consent was not required and had started construction without consulting the Crees. The requirement that there be indigenous consent had been confirmed by a court judgement, an appeal from which had been discontinued as a term of the treaty itself.

36. It was essential that the Commission should note the requirement that a State had to obtain indigenous consent before undertaking development within indigenous lands. That precedent placed a restriction on the right to development, but it did not prevent development. It confirmed the principle that indigenous peoples had the right to benefit from and control development within their territories. It also confirmed the indigenous right to development. Under the treaty, the Government assumed special obligations to ensure the Crees an adequate standard of living in the future through the provision of community infrastructure and an extensive programme of economic development and assistance.

37. In 1982, the Canadian Constitution had been amended to recognize indigenous community rights as rights with a constitutional precedence over all other law. Constitutional guarantees notwithstanding, however, many special obligations assumed by the Government had yet to be carried out. For example, no special economic development programme under the treaty had ever been established, and the State had informed the Crees that it intended to cut off their benefits under the treaty with or without their approval. That might, however, render the treaty null and void and thus affect the right to development by the State, since the treaty obligations were reciprocal and not subject to unilateral amendment.

38. In the case of treaties between indigenous peoples and States, there was no neutral tribunal to adjudicate disputes. The Grand Council suggested that it was in the interest of States to strengthen rights to development under treaties with indigenous peoples by the establishment of an international mechanism, as recommended by the United Nations seminar on the effects of racism and racial discrimination on the social and economic relations between indigenous peoples and States.

39. The experts had recommended, inter alia, that indigenous peoples should be recognized as proper subjects of international law; and that States and all international agencies should include indigenous rights and indigenous participation as a key component of development planning, in particular in national development plans and regional and global development strategies.

40. The failure to apply the principles of article 1 of the International Covenants on Human Rights to the indigenous peoples, and particularly the failure to respect their right to self-determination, had led to their economic marginalization. In every country, the indigenous peoples were

always the poorest inhabitants; the least advantaged, with the highest infant mortality, the shortest life expectancy and the poorest quality of dwelling. No amount of so-called "improvement" had ever changed their relative position.

41. Homelessness and housing deficiencies affected a relatively larger proportion of the indigenous inhabitants in every country, reflecting the economic conditions of dispossessed peoples denied equal access to the economic resources of their countries. It was in fact, a form of racism, and he asked the Commission to take special note of the fact that indigenous peoples had not been able to realize the right to adequate shelter.

42. Mr. ONTIVEROS YULOUILA (Indian Council of South America) said that most of the indigenous peoples of South America did not yet enjoy the rights set forth in the International Covenants on Human Rights. Out of the continent's total population of 258 million, 28 million were indigenous peoples. They had been the victims of invasion and systematic deprivation of their cultural heritage, because of the continued existence of an ideology of internal colonization. They were victims of treacherous genocide as a result of colonization and of industrialization projects carried out by the Governments for the purpose of incorporating their regions into the economy of the State.

43. Most of the Latin American States had acceded to the fundamental human-rights instruments, but their provisions were not implemented in practice. That was so in the case of States where indigenous peoples comprised the majority of the population such as Bolivia, Ecuador and Peru.

44. In the case of Peru, where indigenous people constituted 75 per cent of the population, no attention was being paid to their language and their cultural identity was not recognized. Their situation was precarious and they were constantly exposed to genocide although they provided the basic support for the economy of the State and were to be found in all its vital sectors.

45. In Paraguay, the indigenous people, who had helped people of German origin in 1948 to establish settlements and to set up co-operatives, had since been dispossessed of the lands which they had occupied since time immemorial.

46. The Indian Council welcomed the fact that the Constituent Assembly in Brazil had recognized the rights of indigenous peoples. However, a process of decolonization was required both there and in the other Latin American countries. In South America, unfortunately, indigenous people were regarded as a threat to the sovereignty of the State because the authorities feared that they would rebel and change the established system. Indeed, if the rights of the indigenous peoples to their lands, languages and cultural heritage were not recognized, there might well be a serious armed uprising in South America within the next few years.

47. Noting the importance attached in the international order to European values, he said that the Spanish State, which had contributed nothing to respect for human rights, was planning to celebrate the five hundredth anniversary of its arrival in South America, an event which had led to the destruction of the culture of the indigenous peoples and a denial of their rights. The Indian Council considered that delegations from the African continent and the Asian part of the USSR should take note of that situation and should take action to prevent a Western State from celebrating the genocide of millions of indigenous persons.

48. The Commission had made a great contribution in bringing together, at a seminar held at Geneva in January 1989, Indian and non-Indian experts to examine in detail the question of the effects of racism and racial discrimination on the social and economic relations between indigenous peoples and the States in which they lived. That seminar had taken note of the fact that, in countries with an Indian majority, racial discrimination and racism existed because of the colonial system that prevailed there.

49. In conclusion, he said that the Indian Council of South America supported the work being done in the ILO to update Convention No. 107 and bring it into line with modern ethical and legal principles.

50. Mr. PERMUY (Christian Democratic International) said that, in its seventh report, the Inter-American Commission on Human Rights concluded that the 1976 Cuban Constitution reflected a totalitarian system permeating the entire economic, social and cultural structure of the country. The State was characterized by extreme intolerance of any form of dissidence and of any criticism of the system. The objective was not only to govern the country absolutely but also to supervise the conduct and thought processes of the individual. As a result, the human rights set forth in the Universal Declaration were violated on an institutional basis, thus constituting a practical obstacle to the development of the Cuban people.

51. Article 14 of the Cuban Constitution prohibited private ownership of the means of production. State confiscation had risen to extreme levels in Cuba with the so-called "revolutionary offensive". Small farmers were forced to hand over their plots and to join State co-operatives. Such confiscation had caused great harm to the people, including the imposition of a system of food rationing since 1962. The desire for economic control had reached extremes and it had become an economic crime to buy food from a farmer to supplement the meagre ration.

52. The right to adequate housing was also infringed because of the control of building materials, with the result that people were living in housing conditions which lacked privacy and damaged family life. Article 16 of the Universal Declaration, which promoted the family, was also violated by the frequent separation of spouses due to "voluntary labour" and "internationalist missions". In addition, children were separated from their parents to attend "country schools". The result was a weakening of family ties, juvenile promiscuity and a heavy abortion rate. The scarcity of housing also contributed to the large number of divorces.

53. The Cuban citizen was obliged to work for the Government, the only legal employer. Legislation had been enacted not only to detain persons for alleged anti-Government activities but also to suppress attempts to be self-employed. The right to form and join trade unions was utterly violated and those who had attempted to exercise that right had been imprisoned.

54. Although education had become much more extensive, the right to education was violated in several ways. Educational opportunities depended on a pupil's politico-ideological integration, which often determined whether or not he could go on to higher studies. If a person was admitted to higher education and lacked the required integration, he could not study subjects of political or social relevance, a violation of the provision that education should be directed to the full development of the human personality. Article 38 of the

Constitution stipulated that the purpose of education was the communist training of young generations based on the scientific concept of the world, established and developed by Marxism-Leninism, and parents were not entitled to choose the type of education to be given to their children.

55. Membership of "people's organizations" from the Pioneers in the primary schools to student, trade-union and other organizations, constituted the first level of politico-ideological integration, which was a prerequisite for functioning within Cuban society. Such organizations were another instrument for controlling the life of the citizen, and particularly his leisure time. That control was expanded and refined through school and work files. The school file contained, in addition to the usual data, biological, psychological and family information. What made it so damaging was the fact that it assessed the politico-ideological integration of the student and that of his parents or guardians and accompanied the young person until he finished his studies and entered the world of work.

56. The work file was similar to the school file and accompanied the individual until he retired or died. It indicated whether the person practised a religion, attended indoctrination meetings or participated in "voluntary work". Demerits in the file could harm the future life of the young person, including his studies, his purchase of consumer goods and his access to housing. Apart from the two files, the individual had also periodically to complete forms supplying information on all aspects of his personal life.

57. Mr. MacDERMOT (International Commission of Jurists) said that, at the forty-fourth session of the Commission on Human Rights, the International Commission of Jurists had raised the question of people's participation and the need for proper consultation with the population concerned during the planning and implementation of development projects. It had cited the Narmada River Valley Project in India as an example of a development project affecting a large number of tribal people, and had pointed to the need to include rehabilitation measures in a project of that kind. The representative of India had then explained the policy of the State of Gujerat and of the central Government to provide relief to those affected by the project, and also offered to submit further information concerning the rehabilitation of persons displaced as a result of the project.

58. While his organization appreciated the various rehabilitation programmes undertaken by the State of Gujerat and by the central Government of India, it was concerned at a recent development which seemed to indicate that those affected were not allowed to voice their grievances about the project. At the end of January 1989, the government of the State of Gujerat had published a prohibitory order under the Official Secrets Act in 12 villages surrounding the project in order to prevent the people from being misinformed about the project's effects. Eighteen persons belonging to different voluntary agencies working in the area had been arrested on 30 January 1989 for peacefully protesting against that use of that Act. From the fact that resort had been had to the Official Secrets Act, he assumed that there had been nothing illegal in the demonstration as such and it appeared that no question of national security had been involved. The validity of the order was thus questionable.

59. The Declaration on the Right to Development proclaimed that States should encourage popular participation in all spheres as an important factor in development and in the full realization of all human rights. The right to make peaceful demonstrations was a legitimate form of popular participation, and the International Commission of Jurists urged the Indian Government to persuade the state of Gujerat not to impose such curbs on the population affected by the Narmada River Valley Project, to withdraw any charges against the 18 persons belonging to the voluntary agencies and to release them unconditionally.

60. Mr. PERERA (Sri Lanka) said that the significance of the adoption of the Declaration on the Right to Development could be attributed to three fundamental factors. First, since the Declaration was designed to ensure the enjoyment of economic, social, cultural and political development by every individual and all peoples, it concerned the realization of all human rights and fundamental freedoms rather than a particular aspect of human rights. Secondly, the Declaration recognized the human person as the central subject of the development process, which was consistent with the growing legal status of the individual under international law. Thirdly, the Declaration called for effective international co-operation in providing the developing countries with appropriate means and facilities to hasten their overall development.

61. To attain those objectives, the Declaration called for action by States to create the necessary conditions for the realization of the right to development at the national level. At the international level, States bore primary responsibility for co-operating with one another in order to ensure development and to eliminate obstacles to development. The Declaration required all States to respect fully the principles of international law concerning friendly relations and co-operation among States, and called for the establishment of a new international economic order based on sovereign equality, interdependence, mutual interest and co-operation.

62. At its last meeting in January 1989, the Working Group of Governmental Experts on the Right to Development had considered the question of creating an evaluation mechanism for the implementation and development of the Declaration. As a first step in that direction, the Working Group had suggested a dialogue and exchange of views between the organs and organizations of the United Nations system which dealt with development and human-rights issues.

63. As part of its responsibility to provide the necessary national conditions for development, his Government had recently undertaken an important initiative to alleviate poverty. The goal of that initiative, known as the Jana Saviya Programme, was to improve the well-being of the individual. The Programme was therefore fully consistent with the fundamental principle of the Declaration on the Right to Development that the human person should be the main participant in and the main beneficiary of the development.

64. Mr. ILIĆ (Yugoslavia) said that Yugoslavia, which had ratified a very large number of international human-rights instruments, attached great importance to the effective functioning of the bodies established to supervise the implementation of those instruments. The conclusions and recommendations of the meeting of the persons chairing the human-rights treaty bodies, held at Geneva from 10 to 14 October 1988, would increase the effectiveness of treaty bodies, ease the burden on States parties and help avoid duplication and

overlapping. That meeting had also helped all chairpersons to gain a better understanding of the reporting and supervisory system and of each other's efforts to improve its effectiveness. Her delegation therefore supported the idea of the periodic convening of meetings of chairpersons.

65. Millions of people, especially those in the highly indebted developing countries, were living in abject poverty and were deprived of the exercise of their economic, social and cultural rights. In the last few years, the 40 least developed countries had made dramatic cut-backs in their spending on health and education, thereby depriving young people of the opportunity to assume their proper role in society. Those problems called for urgent action on the part of the international community to strengthen respect and support for economic, social and cultural rights.

66. The Committee on Economic, Social and Cultural Rights had achieved important progress in fostering dialogue with reporting Governments. In the Commission, Governments' comments on economic, social and cultural rights contributed to the general debate on that issue. There was a genuine need for a study on those rights and, in that context, the relationship between civil and political rights and economic, social and cultural rights could also be addressed. Such a study could also examine the role of international co-operation, in particular the role of international organizations, including those in the field of finance and trade, in the implementation of economic, social and cultural rights.

67. The importance of popular participation as an important factor in development and in the full realization of all human rights had been generally recognized. The debate on popular participation had addressed the question of the right to participation as a separate right, and the Commission had requested the Secretary-General to prepare a study of laws and practices by countries regarding the question of the extent to which the right to participation had been established and had evolved at the national level.

68. The Secretary-General's study (E/CN.4/1989/12) was more a compilation of replies than an analytical study. That "study" did not even consider the core issue of Commission on Human Rights resolution 1987/21, namely, the "question of the extent to which the right to participation had been established and had evolved at the national level and her delegation suggested that the material which had been submitted to the Commission should be used as a basis for a study by the Secretary-General on the question of the right to participation as a separate right.

69. The Secretary-General's report on respect for the right of everyone to own property alone as well as in association with others and its contribution to economic and social development (A/43/739) and the debates which had been held on that issue, revealed the diversity of legal régimes on property and the variety of their impact on the economic and social development of different societies. It was necessary therefore to continue and deepen the debate and studies on questions relating to the right to own property, in the context of a broader discussion on human rights.

70. Mr. TURK (Yugoslavia) said that the right to development had a catalytic effect on the implementation of all other human rights. The Declaration on the Right to Development clearly recognized that the human person was central

to the development process and that all obstacles to development must be eliminated. Consequently, development projects must be pursued in such a way as to guarantee the observance of all human rights.

71. The time had come for all States to take appropriate steps at the national level to promote the implementation of the Declaration on the Right to Development and to integrate its requirements into their relevant policies. The States should be encouraged to make the Declaration on the Right to Development available to the general public in both national and other languages. Those and other measures suggested by the Working Group of Governmental Experts in its report (E/CN.4/AC.39/1989/L.3) should help to familiarize world public opinion with the idea and content of the right to development. In addition, the Secretary-General could be asked to study the possibility of organizing seminars and establishing methods for the periodic presentation by Governments, United Nations bodies and other international organizations of their experience and specific views and comments on ways of implementing the Declaration on the Right to Development.

72. The Working Group had suggested that the Secretary-General should be invited to organize a global consultation and exchange of views with prominent experts in the fields of development and human rights in 1989 and to report to the Commission at its next session. Such a global consultation could significantly contribute to the further enhancement of the right to development and to the better co-ordination of United Nations activities in the fields of development and human rights.

73. Mr. TAYLHARDAT (Venezuela) said that it was generally agreed that the right to development was one of the inalienable rights of the human person and that the enjoyment of that right enabled the individual to develop in an environment which guaranteed him the conditions necessary for his material and spiritual well-being. That meant that the individual must be able to avail himself of certain basic services, such as education, health care, food, housing, employment and equitable remuneration. Article 28 of the Universal Declaration of Human Rights stated that everyone was entitled to a social and international order in which individual rights and freedoms could be fully realized; that required the recognition, guarantee and protection of all human rights - civil, political, economic, social and cultural.

74. The efforts of many developing countries to guarantee their peoples the conditions necessary for enjoying the right to development had been neutralized as a result of the heavy financial burden and the sacrifices required by external debt. The social repercussions of the debt crisis were becoming increasingly evident: decline in the standard of living, decreased levels of social investment, cut-backs in spending on education, health, child care and public security, and growing unemployment. The Governments of the developing countries were confronted with a dilemma: they could either pay their financial debt or else prevent the continuation of the process of general impoverishment.

75. The seriousness of the problem could be demonstrated by simple statistics taken from United Nations sources. In 1960, there had been 110 million paupers in Latin America, by 1985 that figure had risen to 170 million, and it was estimated that by 1990 the number of the region's paupers would reach 204 million. According to data from the Inter-American Development Bank, health conditions in Latin America had deteriorated during the past decade and

44 per cent of the region's labour force was unemployed or under-employed. Social spending had decreased by more than 30 per cent, spending on education had fallen by the same proportion and 68 per cent of the housing was inadequate. In short, the standard of living in Latin America had deteriorated badly, to the state it had been in a decade previously.

76. A realistic approach must be adopted to implementation of the Declaration on the Right to Development. The immediate priority was not to guarantee the right to development, but to call a halt to the regressive counter-development process engendered by the debt crisis. The achievement of that objective called for recognition of shared responsibilities and of the need for collective action. The international community as a whole must work to create basic conditions whereby all elements of society, particularly the most vulnerable sections, could benefit fully from the right to development. Furthermore, it must support the efforts made by the developing countries themselves to achieve higher levels of economic and social development.

77. His delegation was satisfied with the achievements of the Working Group of Governmental Experts on the Right to Development (E/CN.4/AC.39/1989/L.3) and supported the Working Group's recommendations. The main problem was to remove genuine obstacles to the implementation of the Declaration. Accordingly, he endorsed the recommendation that the Commission should give the topic priority, including it as a single agenda item for its forty-sixth session. In that connection, he emphasized the impossibility of considering the matter without reference to the human cost of the debt crisis, and proposed a sub-item on the effect of the external debt problem on enjoyment of the right to development.

78. In addition, the Centre for Human Rights should be asked to prepare a compilation of relevant information to serve as a basis for discussion. The conclusions of the International Labour Organisation High-Level Meeting on Employment and Structural Adjustment, would also be extremely valuable.

79. It was not for the Commission to discuss the technical and economic aspects of the problem. It was a question rather of making Governments aware of the serious social consequences, and of helping to foster international co-operation, aiming to put an end to the process of impoverishment affecting the third world.

80. Ms. KAMPA (German Democratic Republic) said that the indivisibility and interdependence of all human rights were regarded by her Government as basic premises for its policy in that field. Guaranteeing those rights meant removing all obstacles to their full enjoyment. More attention must be paid, however, to economic, social and cultural rights, which had not been accorded the same importance as civil and political ones. All members of the Commission must be prepared to redress the balance in that respect. Only by overcoming the obstacles to full enjoyment of economic, social and cultural rights in all countries, would it be possible, for example, to eliminate extreme poverty.

81. The unbalanced treatment of the issue of human rights within the United Nations could not be corrected simply by the submission of reports by States parties to the International Covenant on Economic, Social and Cultural Rights, although the work of that Committee could be a moving force with regard to universal assessment of the exercise of such rights. She welcomed the Committee's decision to devote one day per session to a general discussion

of a specific right, or of a given article of the Covenant in order to develop understanding of the issue in question. The report of the Special Rapporteur, Mr. Eide, on the right to adequate food (E/CN.4/Sub.2/1987/23), for example, could serve as a valuable basis for discussion, which would enable the Committee to study the root causes of failure to implement that right effectively. The Committee's decision to draw up general comments on the various articles and provisions of the Covenant would also do much to strengthen the rights in question.

82. The right to development was based on the right of all peoples to determine freely their political status and to choose their own forms of economic, social and cultural development. The Declaration on the Right to Development provided a viable basis for the fostering of co-operation in the promotion and guaranteeing of human rights. It confirmed that equality of development opportunity was the prerogative of both nations and individuals, and demonstrated that a firm link existed between rights and duties. Her delegation hoped that the recommendations adopted by the Working Group of Governmental Experts on the Right to Development (E/CN.4/AC.39/1989/L.3) would help to elicit more specific views on practical ways and means of enhancing and implementing the Declaration. Furthermore, it fully endorsed the recommendation that the Commission should consider the right to development as a matter of high priority under a separate agenda item.

83. As for the General Assembly's request that the Commission should consider appropriate ways and means of enhancing the effectiveness of the principle of periodic and genuine elections, the right to vote was a vital component of the right of all peoples to determine their political status and choice of economic, social and cultural development. However, no single political system or electoral method was suitable for all nations and peoples, and it might be useful to work together to produce analytical commentaries and other information for use by Governments. The Human Rights Committee should be asked to produce general comments on the rights set out in article 25 of the International Covenant on Civil and Political Rights, which could serve as a basis for the Commission's future work in that area.

84. Mrs. ILIĆ (Yugoslavia) took the chair.

85. Mrs. SANTOS PAIS (Portugal) said that, 40 years after the adoption of the Universal Declaration of Human Rights, the ideal still existed to build a world in which all people lived free from fear and poverty, enjoying equal rights and dignity and working to achieve social progress and the establishment of better living conditions. There was a growing determination to strengthen fundamental rights and freedoms and to improve well-being and tolerance. At the same time, however, the suffering of those deprived of such conditions had become increasingly manifest.

86. Since the Second World War, there had been greater international co-operation and steps had been taken to promote and protect human rights and fundamental freedoms. The adoption of the various covenants and declarations had expressed the will to inculcate those principles. It was not sufficient, however, to ratify treaties or to lay down rules at international, regional or national level. Effective, practical solutions had to be found in response to actual conditions. Efforts should also be made to increase awareness of the principles involved and of their effective application, multi-disciplinary studies being carried out to evaluate progress and to identify difficulties. Possible solutions should be advanced and more demanding objectives set.

87. She welcomed the decision by the Sub-Commission to instruct one of its experts to study the problems, policies and measures involved in the achievement of more effective enjoyment of human rights. Special attention should be paid in that context to the most vulnerable elements of society with a view to enabling them to participate in the decision-making process and to benefit equally from development.

88. All forms of co-operation and dialogue with the United Nations bodies, non-governmental organizations and the committees concerned with implementation of the conventions, were extremely valuable, given the considerable expertise and experience they had to offer. Accordingly, her delegation set great store by the meeting of chairpersons of the human-rights treaty bodies, held in October 1988. It was important to ensure that such bodies were allocated adequate resources. If they were prevented from fulfilling their mandates, adverse consequences might ensue with regard to the very rights with which they were concerned. The level of resources allocated to such activities should reflect the fact that respect for human rights was one of the objects of United Nations activities.

89. Referring to the recommendations of the Working Group of Governmental Experts on the Right to Development (E/CN.4/AC.39/1989/L.3, paras. 28-37), she endorsed the proposal to include the right to development in the world campaign for human rights, and to disseminate information in that regard. Such action would promote understanding and make individuals aware of their responsibilities and of their own importance in relation to the solving of national problems. It would also encourage active participation. Seminars, as proposed by the Working Group, would help to promote that of the most vulnerable groups in society, reducing their isolation and guaranteeing their effective enjoyment of human rights. The proposed global consultation would permit exchanges of views between experts in the field of human rights and development, furthering the implementation of the provisions of the Declaration. She endorsed the recommendation concerning the role of the consultative services, emphasizing, in particular, the importance of training for civil servants, given their involvement in the formulation or implementation of legislation or administrative measures. The Committee on Economic, Social and Cultural Rights could also play a very valuable role in connection with the activities of the consultative services in that field.

90. Diversity, high standards and creativity would be the key factors in the search for better solutions and more effective measures in the advance towards freedom and tolerance.

91. Mrs. DIEGUEZ ARIAS (Mexico) said that the revised draft report of the Working Group of Governmental Experts on the Right to Development (E/CN.4/AC.39/1989/L.3), together with the analytical compilation concerning implementation and promotion of the Declaration, showed that a better understanding had been achieved of the significance and scope of the right to development in the general context of human rights.

92. Although the Declaration on the Right to Development had been adopted only recently, the principles that it embodied had been enunciated many times previously. She was thinking, in particular, of the promotion of a more just international order, emphasizing that the enjoyment of all human rights called for a process of development within the framework of social justice. In the absence of development, special well-being was likely to be undermined, as

were political institutions and democratic processes. The imposition of conditions in international economic relations hampered the achievement of appropriate standards of living and of lasting social progress.

93. There was also a link between the right to development and the strengthening of international peace and security, including economic security. Accordingly, she welcomed the dialogue between the super-Powers and the progress made with regard to disarmament and the settlement of regional conflicts. Nevertheless, the scant importance accorded to questions of development, particularly that of the third world, was a cause for concern.

94. It would not be possible to exercise fully the right to development as long as phenomena such as colonialism, apartheid, foreign occupation and unjust economic relations persisted. While the promotion of development was the responsibility of Governments, in an interdependent world the efforts of individual countries were not in themselves sufficient. It was important to recognize the shared responsibility of the international community with regard to the world economic situation, which was denying development to large numbers of people living in conditions of dire poverty. The Commission must consider the causes of poverty in relation to the unjust international economic order.

95. The Government of her country was making structural changes in its economic policy in order to deal with its own serious problems. All the various social groups were involved in planning the national economy with a view to achieving lasting solutions and preserving social rights. The solution to such problems called also, however, for international co-operation. Accordingly, the Heads of State of the Group of Eight had established a permanent mechanism for consultation and deliberation in Latin America with that aim in view. At a recent meeting, the Heads of State had declared that a new system of international relations was emerging at a time when Latin America was undergoing far-reaching changes in its political structure. The situation called for extensive dialogue as to the orientation of international political, economic and financial relations, taking account, in particular, of questions of development and the servicing of external debt.

96. Her delegation supported the recommendations of the Working Group of Governmental Experts on the Right to Development, particularly the request that the Secretary-General should organize a world conference on the right to development. Her delegation also supported the recommendations that the right to development should be considered as a separate agenda item, and be included in the world campaign for human rights. The consultative services of the Centre for Human Rights must also include the topic in its programme of activities.

97. The United Nations would demonstrate its effectiveness in terms of its response to the problems of development. The tendency to divide the world into spheres of influence should be overcome, and the principle of democracy taken into full account in international decisions.

The summary record of the second part of the meeting appears as document E/CN.4/1989/SR.20/Add.1
