



THIRD COMMITTEE  
41st meeting  
held on  
Friday, 11 November 1983  
at 3 p.m.  
New York

SUMMARY RECORD OF THE 41st MEETING

UN LIBRARY

FEB 11 1984

Chairman: Mr. CHAVANAVIRAJ (Thailand)

UN/SA COLLECTION

CONTENTS

AGENDA ITEM 100: ALTERNATIVE APPROACHES AND WAYS AND MEANS WITHIN THE UNITED NATIONS SYSTEM FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS (continued)

- (a) STUDY ON INTERNATIONAL CONDITIONS AND HUMAN RIGHTS: REPORT OF THE SECRETARY-GENERAL (continued)
- (b) NATIONAL INSTITUTIONS FOR THE PROMOTION AND PROTECTION OF HUMAN RIGHTS: REPORT OF THE SECRETARY-GENERAL (continued)

\*This record is subject to correction. Corrections should be sent under the signature of a member of the delegation concerned *within one week of the date of publication* to the Chief of the Official Records Editing Section, room DC2-750, 2 United Nations Plaza, and incorporated in a copy of the record.

Corrections will be issued after the end of the session, in a separate fascicle for each Committee.

Distr. GENERAL  
A/C.3/38/SR.41  
25 November 1983  
ENGLISH  
ORIGINAL: FRENCH

The meeting was called to order at 3.30 p.m.

AGENDA ITEM 100: ALTERNATIVE APPROACHES AND WAYS AND MEANS WITHIN THE UNITED NATIONS SYSTEM FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS (continued) (A/38/203, A/38/325, A/38/529)

- (a) STUDY ON INTERNATIONAL CONDITIONS AND HUMAN RIGHTS: REPORT OF THE SECRETARY-GENERAL (continued) (A/38/416)
- (b) NATIONAL INSTITUTIONS FOR THE PROMOTION AND PROTECTION OF HUMAN RIGHTS: REPORT OF THE SECRETARY-GENERAL (continued) (A/38/416)

1. Mrs. CRESPO (Bolivia) noted that in paragraphs 46 and 48 of the United States reply in document A/38/511 Bolivia was mentioned among the countries dealt with by the Commission on Human Rights at its thirty-eighth session. She wished to remind the Commission that the events brought to the Commission's attention at its thirty-seventh and thirty-eighth sessions had occurred after 17 July 1980 and that at its thirty-seventh session, held at Geneva in March 1983, the Commission, after analysing the report submitted by Bolivia's Special Envoy, had decided, at the latter's recommendation and in a resolution adopted by consensus, to conclude its consideration of the case of Bolivia, the report in question having clearly shown that, after the restoration of democracy in October 1982, the constitutional Government of Bolivia had demonstrated complete respect for human rights and fundamental freedoms in accordance with the international commitments it had undertaken at the international and regional levels. Bolivia condemned any violation of human rights wherever it occurred in the world and supported any measure aimed at protecting, promoting and improving the effective enjoyment of those rights.

2. When the Bolivian Minister for Foreign Affairs had been at Headquarters in October 1983 he had deposited Bolivia's instruments of accession to the Convention on the Non-applicability of Statutory Limitations to War Crimes and Crimes against Humanity, the Slavery Convention, the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, the Convention relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness.

3. In September 1983 the Minister for Foreign Affairs had organized, in co-operation with the Office of the United Nations High Commissioner for Refugees, a seminar on political asylum and the situation of refugees, the report of which had been published and widely disseminated. In accordance with the recommendations of that Seminar, the Bolivian Government had adopted two decrees, one establishing a national refugee commission and the other setting forth the criteria to be applied in defining the status of refugees and determining the protection which the Bolivian State should provide for refugees in conformity with international legal instruments.

(Mrs. Crespo, Bolivia)

4. The Government had also decided to disseminate widely in rural areas translations into the Quechua and Aimara languages - the languages of the country's two ethnic minorities - of the International Conventions on Civil and Political Rights and on Economic, Social and Cultural Rights.

5. With regard to the question of enforced or involuntary disappearances, she said her Government had decided to establish a national commission to search for disappeared persons. Her delegation was vehemently opposed to such practices and felt that the resolutions on the subject should not be limited to a mere condemnation of the Governments guilty of such acts but should also provide for more forceful preventive measures.

6. At the end of March 1983 a Latin American conference on international policy on human rights and the restoration of democracy, organized jointly by the Bolivian Minister of the Interior, Migration and Justice and the Latin American Human Rights Association, had taken place at La Paz and had brought together eminent persons from all over Latin America. The conclusions of that conference would undoubtedly help to strengthen the efforts of other peoples struggling to secure the full enjoyment of their freedoms.

7. Her Government welcomed the support it was receiving from the United Nations Information Centre at La Paz in making known the activities it was carrying out in that field.

8. Mr. TROUVEROY (Belgium) said that in his delegation's view the topic under discussion related to two essential aspects of the work of the United Nations in the field of human rights. The first was the search for new norms, either relating to new fields or aiming at perfecting and developing existing norms. In that connection his delegation had stressed at the preceding session the need to avoid conceptual confusions. In its view, the cause of human rights as defined in the preamble to the Universal Declaration of Human Rights would not be served by treating it as an area reserved for specialists. Nor would it be served if, by reference to supposedly generous ideas or to little understood calls for imperative action, the problem - the essence of which was to provide protection against all forms of abuse of authority or power - was made to appear as a web of alleged rights, some of them having no meaning or real application, others cancelling each other out.

9. It was from that angle that his Government followed with interest the current development of the work being done, particularly by the Commission on Human Rights, in the standard-setting field: a draft convention on torture and draft conventions on the rights of the child, the rights of persons belonging to minorities and the right to development. The group of 15 experts designated by the Commission on Human Rights to study that last theme was currently meeting, and his delegation hoped that its endeavours would, within a reasonable period of time, result in the elaboration of a draft declaration that would command the widest possible support among Member States and would define a right of development as a human right the recognition of which could contribute to the flowering of the human personality. If that group of experts was not able to finish its work now, the Commission should once again renew its mandate.

/...

(Mr. Trouveroy, Belgium)

10. The second essential aspect of United Nations work in the area of human rights was the enhancement of the effectiveness of the existing institutions and machinery devoted to the promotion of human rights and, where necessary, the creation of new procedures or institutions. That was why the Belgian delegation noted with satisfaction that the Commission on Human Rights had, by its decision 1983/108, embarked on the rationalization of its agenda and that, as was shown by its resolution 1983/51, it remained open to a pragmatic approach, as specific as possible, to the problems currently before the Third Committee. He expressed the hope that, in the near future, the Commission would reach a satisfactory conclusion with regard to the question of the creation of a post of high commissioner for human rights. Such a post could make a valid contribution to the search for more rapid and more effective responses from the United Nations to mass and flagrant violations of human rights.

11. His delegation was pleased to see that in the meantime the Secretary-General had expressed his determination to continue his efforts to consider the most effective means of intervening with various Governments concerning particular human rights situations or individual cases. He also welcomed the decision taken in 1983 by the Economic and Social Council, on the recommendation of the Commission on Human Rights, to have alternates elected who would stand in for the members of the Sub-Commission on Prevention of Discrimination and Protection of Minorities if they were absent; that decision was a first step towards guaranteeing the real independence which members of the Sub-Commission should enjoy in accordance with their status. Other measures could be envisaged to that effect.

12. The Committee would soon have a chance to consider, under item 12, the report on regional arrangements for the protection of human rights which the General Assembly had asked the Secretary-General to prepare in resolution 37/172. His delegation attached great importance to that question and had been one of the sponsors of - and had introduced - the resolution. He drew attention to the links which he felt existed between that sub-item and the item currently before the Committee, because it was very important that regional development of the promotion of human rights should go hand in hand with the universal work of the United Nations to improve the effective enjoyment of such rights. The Assembly should encourage the Commission on Human Rights to consider all suggestions made in that report in connection with its work on alternative ways and means of improving the effective enjoyment of human rights and fundamental freedoms.

13. Mr. TRUCCO (Chile) did not attribute the crisis of confidence which the United Nations was currently experiencing in the field of human rights as demonstrated by its failure to make progress in the search for ways of improving protection of those rights - to a lack of legal instruments for there were many such instruments; he attributed it to the fact that a double standard was used in judging the behaviour of countries in that area: a moral standard and a political one. By moral standard he meant the authentic will to remedy situations characterized by human rights violations. The second standard, which seemed to prevail in the United Nations, was a selective, discriminatory standard, which gave primacy to ideological considerations.

(Mr. Trucco, Chile)

14. The debate which had led to the adoption by the Commission on Human Rights of the procedure for considering the admissibility of communications relating to human rights violations from individuals was significant in that respect. In August 1971, during the consideration of the item by the Sub-Commission on Prevention of Discrimination and Protection of Minorities, the strongest opposition to the introduction of the procedure had come from the Soviet Union, which stated, inter alia, that communications received from individuals who lived as "parasites" in the country of which they were nationals were inadmissible. At the close of that debate the Sub-Commission had adopted a number of principles governing the admissibility of communications; one had only to refer to those principles to see how far the United Nations had departed from them. It was essential to recall that the only criteria which guaranteed an impartial and fair examination of situations drawn to the attention of the United Nations in the area of human rights were universality and objectivity. As the delegation of Ecuador had quite rightly pointed out, countries which felt free to condemn others should begin by examining the human rights situation in their own back yard. That would improve the human rights debate and would avoid the paradoxical situation of having draft resolutions relating to human rights co-sponsored by countries whose record in that area was particularly dismal.

15. Some agencies of the United Nations system were known for their serious work. They included UNESCO, ILO and UNHCR. His delegation particularly appreciated the humanitarian work carried out by the latter and would welcome the creation of a universal and a political post of United Nations High Commissioner for Human Rights - patterned on UNHCR - whose impartiality would be a guarantee for all States. Creating such a post was the best possible means of protecting human rights. It would also have the advantage of making ad hoc procedures and special groups - which were set up on the basis of the above-mentioned selective standard - unnecessary.

16. Chile was the most striking example of how standards which were supposed to govern consideration of alleged violations of human rights were twisted. It was because of that twisting of standards that Chile, the only Member of the Organization to agree to allow a special working group of the Commission on Human Rights to visit it, had been forced to deny the competence of the so-called "Special Rapporteur on the situation of human rights in Chile" and had refused to co-operate with him. Just as Chile was prepared to co-operate with permanent apolitical United Nations bodies so it rejected the use of mechanisms which were not universal in scope.

17. His Government knew from experience that when the United Nations considered allegations of human rights violations it did not take into account the real human rights situation in the accused countries. The United Nations simply refused to recognize the progress which had been made in that area.

18. Following grave political crises caused in large measure by the interference of totalitarian régimes which he did not need to name, Chile's 150-year old tradition of democracy had been abruptly interrupted. Nevertheless the many

(Mr. Trucco, Chile)

measures which had been taken recently by the Chilean Government demonstrated that the country had returned to the path of democracy. Those measures included the call for a political dialogue made on 25 August 1983 by the Government to the opposition sectors, the permission given to a large number of exiles (3,603 people as of 24 December 1982, including opposition and trade union leaders) to return to Chile, the abolition, as of 28 August 1983, of the state of emergency and of the curfew, the oft-repeated decision of the Government to normalize life in Chile, the permission given to opposition sectors to demonstrate during the famous "days of protest", the revision of constitutional laws to regulate the activities of political parties and the electoral process, the recognition of the right of assembly and, finally, the granting of very great freedom of opinion and of expression which was evident from reading the Chilean press.

19. All those measures had had a positive impact and had been welcomed by all Chilean democratic sectors. It was likely that they would also be welcomed by countries which were really interested in human rights. Unfortunately, both abroad and in international organizations, including the United Nations, some people insisted on supporting the only Chilean political group which remained outside the dialogue by refusing systematically to observe the rules of the democratic game.

20. In taking the floor on the issue of human rights, his delegation simply wished to contribute to strengthening the role which the Organization should play in that very important field. Despite its frustrating experience in that area, Chile none the less had confidence in the United Nations and in its Secretary-General and reaffirmed the primacy of the principles which all Member States had undertaken to observe in San Francisco.

21. Mr. RUSI (Finland) said that the machinery of the United Nations to ensure the effective realization of human rights must be strengthened and the co-ordination between the various United Nations bodies concerned with human rights must be improved. The Human Rights Committee, the Committee on the Elimination of Racial Discrimination and the Sessional Working Group of Governmental Experts on the Implementation of the International Covenant on Economic, Social and Cultural Rights should all report to the Economic and Social Council at its first regular session. For its part, the Economic and Social Council should consider the reports in conjunction with the report of the Commission on Human Rights and submit a comprehensive report to the General Assembly which would allow an effective consideration of the question.

22. His delegation attached great importance to the establishment of the post of United Nations High Commissioner for Human Rights and hoped that the Commission on Human Rights would continue its consideration of the question, taking into account the suggestions made by the Subcommission on Prevention of Discrimination and Protection of Minorities.

23. Full use should be made of the good offices of the Secretary-General and his representatives. It was also very important that the Secretary-General should be able to provide rapid assistance to Governments within the framework of the

(Mr. Rusi, Finland)

programme of advisory services in the field of human rights. The Centre for Human Rights must be ensured adequate resources for its important work.

24. The United Nations must be able to respond promptly to violations of human rights. The bureau of the Commission on Human Rights must therefore be able to meet between sessions of the Commission and, if necessary, the Commission must hold emergency sessions. The Commission on Human Rights should consider that question in more detail and the Economic and Social Council should also take up that question at its first regular session.

25. In view of the important contribution made by non-governmental organizations in the protection of human rights, the United Nations and member States should try to strengthen their co-operation with those organizations and with individuals working in that field.

26. As to the right to development, his delegation stressed the need not to give priority to certain rights at the expense of others. All were equally important, as had been noted by the General Assembly in resolution 32/130 which stated that "all human rights and fundamental freedoms are indivisible and interdependent". The development of the individual required full respect for all his rights without exception; for that reason development must not be considered as a precondition for the promotion and protection of human rights, but should include the promotion and protection of those rights.

27. In that context, it should be noted that the Commission on Human Rights had a unique mandate to promote and protect human rights and in that respect it should contribute to the incorporation of human rights aspects in the formulation of international development strategies.

28. Conceived as a separate human right, the right to development might perhaps be regarded as applying to groups of individuals. It was up to the Commission on Human Rights and its Working Group of Governmental Experts on the Right to Development to demonstrate the usefulness of that concept. In that respect, his delegation had carefully studied the draft declaration on the right to development, drawn up by the Working Group, which appeared in document E/CN.4/AC.39/1983/L.2/Rev.1. Since that document did not reflect the position of all the experts on the Working Group, the Group should continue its work so as to be able to present a draft declaration approved by the Group as a whole to the Commission on Human Rights.

29. Mr. BELL (Canada) said that in Article 1 of the Charter, the international community was called upon to promote and encourage respect for human rights and for fundamental freedoms. Thus the agenda item under consideration was of particular importance, even if the General Assembly did not generally devote much time to it, and it required sustained efforts.

30. Some results had been achieved: standard-setting activities were continuing, particularly on such paramount questions as torture, new international human rights

(Mr. Bell, Canada)

instruments had recently been produced, such as the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, and the system of United Nations Special Rapporteurs had evolved and become strengthened. Moreover, rather than focusing on the human rights situation in particular countries, a particular kind of human rights violation was being considered wherever it occurred. Furthermore, an interest was being taken in new rights such as the right to development and the rights of indigenous peoples, which demonstrated that the United Nations was able to undertake innovative and practical action in the field of human rights.

31. That evolution was to a significant degree the result of an important resolution, General Assembly resolution 32/130, which Canada had supported and which had enabled the Commission on Human Rights to make an overall analysis of alternative approaches available to United Nations bodies to better fulfil their human rights obligations under the Charter. The General Assembly had not tried to give priority to any one category of human rights. Unfortunately that balance had not always been maintained. There was often a tendency to forget that the concepts and values which had evolved in respect of human rights traditionally related to the individual or, at least, to the individual as part of a social group. The primacy of the individual or of the individual as part of a social group was just as valid in the context of economic, social and cultural rights as it was in that of civil and political rights. The Secretary-General had expressed that view recently in his report on the work of the Organization.

32. His delegation, like many others, was determined to ensure that the United Nations bodies responsible for the protection and promotion of human rights operated as efficiently as possible at the current time but also, and more importantly, they should be able to develop procedures and programmes that were more effective in confronting the appalling scope and variety of human rights violations throughout the world.

33. If the United Nations bodies concerned with human rights were to be appropriately strengthened, it was important to keep an open mind and not to reject all new proposals and suggestions out of hand. The results achieved by the working group of the Commission on Human Rights responsible for making an overall analysis of United Nations bodies concerned with human rights had been rather disappointing. Perhaps the task was too intimidating or the working group had undertaken too broad an analysis instead of focusing on only one or two proposals. In any event, an assessment should be made of what could reasonably be expected from the working group, on the basis of its results so far, and the best course of its future action must be determined. While the results of the work of that group were disappointing, the new approaches adopted at the national and regional levels had proved more promising. Those new methods had often been stimulated by United Nations activity. The report of the Secretary-General on national institutions for the promotion and protection of human rights referred to a number of Canadian initiatives relating to the judicial protection of human rights, the functions of independent human rights commissions and the valuable role played by non-governmental organizations. His delegation believed that a document such as



(Mr. Bell, Canada)

the report contained in document A/38/416 was of great value because the comparative examples it contained demonstrated that no political or social system had a monopoly of truth or virtue.

34. The mills of the United Nations ground exceedingly slowly. Consequently, it must be understood that dramatic proposals for immediate innovations had little chance of success. Nevertheless, when a proposal had been before the Assembly for many years and had been subjected to detailed expert study, a moment arrived when a decision should be taken. In the view of the Canadian delegation, that applied to the proposal submitted by the representative of Costa Rica. His delegation was convinced that action on that proposal would enable the United Nations human rights machinery to respond more quickly to particularly serious human rights violations. Similarly, the proposal to hold intersessional meetings of the Commission on Human Rights, which had now been before the Third Committee for some time, would no doubt enable the Commission to consider urgent problems in a timely way.

35. His delegation believed that another matter needing attention was the reporting procedures under the various international human rights instruments. The Commission had already considered the problem in relation to the Committee on the Elimination of Racial Discrimination. However, the difficulties were not limited to that Committee and the Secretary-General had analysed the problems involved and had suggested some practical remedial proposals. Those proposals had unfortunately not received detailed consideration by the Committee and his delegation would want to see them considered in a serious way before the reporting system broke down completely.

36. In document A/38/511, the Secretary-General presented a rather bleak picture of the human rights situation in the world. In the face of the persistent and systematic violations almost everywhere of the most basic human rights, above all the right to life, the human rights obligations imposed on the international community by the Charter became the more compelling. The consideration of agenda item 100 ought therefore to be a stimulus to the Assembly for new ideas and activities. New approaches, however, must be directed towards practical impact - a condition that must always be kept in mind, for the Assembly was not an academic society nor a political party meeting but a responsible intergovernmental body with the potential to do something practical about the sufferings of millions of individuals throughout the world whose basic rights and freedoms were being flouted. The polemical tone which very often marked the human rights discussions in the Committee was not very helpful, for, as the Government of Yugoslavia stated in its reply to the Secretary-General in document A/38/511, what was lacking in those discussions was "political will" to improve the functioning of the United Nations human rights system. In his opinion, the Assembly must ask itself if it can proceed very far without that "political will".

37. In conclusion, he stated that the concept of human rights applied to individuals and not to States or abstract collectivities and that they were meant to protect individuals or groups of individuals against abusive State power. Moreover, as resolution 32/130 emphasized, all facets of human rights were

(Mr. Bell, Canada)

indivisible and interdependent. It was not possible, therefore, to adopt under agenda item 100 a perspective which concentrated on only one or two of those facets; on the contrary, it was necessary to promote a global approach. The adoption of resolution 37/199 and 37/200 clearly indicated that the great majority of delegations favoured that approach. His delegation hoped that the Committee would, once again at the current session, adopt such an all-embracing approach, for it would certainly have difficulty supporting a restrictive resolution.

38. Mr. MAZILU (Romania) said that he had carefully studied the Secretary-General's reports relating to agenda item 100 (A/38/511 and A/38/416) and he reserved the right to revert to them later.

39. With regard to the effective enjoyment of human rights at the national level, he stressed how important it was for all States to accede to the international instruments relating to human rights, to bring their laws into conformity with the provisions of those instruments and to take the necessary practical steps to implement them.

40. The profound revolutionary changes undergone by Romania had resulted in the establishment of a society based on the de jure and de facto equality of all its members, which offered the material possibility of exercising the right to work, to education and to culture and in which all citizens irrespective of race, sex or nationality participated directly and effectively in the direction of the country's public affairs.

41. At the international level, the human rights debate must concentrate on major problems truly reflecting the profound concerns of all peoples. No one questioned what, inter alia, was recognized by General Assembly resolution 37/199, namely that peace was an essential element in the full realization of human rights, including the right to development. Another such element was national and international economic and political stability. It followed that the frenzied arms race, colonialism, neocolonialism, foreign occupation and domination, and policies of force and diktat were so many obstacles to the full enjoyment of human rights. It was also obvious that an energetic struggle must be waged against racism and racial discrimination and against terrorist acts which endanger human lives.

42. He then referred to the principle, repeatedly reaffirmed by the General Assembly, that all human rights and fundamental freedoms were indivisible and interdependent and that economic, social and cultural rights were just as important as civil and political rights. That meant that in order better to ensure the effective enjoyment of human rights, it was necessary to promote the right of individuals to work, education and health, and, more generally, the right of peoples to development. The importance in that connection of the establishment of a new just and equitable international economic order was undeniable.

43. With regard to United Nations machinery, he expressed the view that the number of bodies already dealing with human rights questions was sufficient and that rather than create new ones, it would be advisable to study ways and means of

(Mr. Mazilu, Romania)

enabling them better to respond, within their terms of reference, to the requirements of international co-operation for improving the effective enjoyment of human rights and fundamental freedoms. Moreover, States were very divided on the question, and in the absence of majority support, any attempt to create new institutions was bound to remain a dead letter. In that connection, he expressed the hope that the Working Group of Governmental Experts on the Right to Development would make more rapid progress in the preparation of the draft declaration so that it could be submitted to the General Assembly at its thirty-ninth session.

44. Mr. BALUCH (Pakistan) said that his Government attached the highest importance to the promotion of human rights in Pakistan in accordance with its religious beliefs and cultural traditions and its commitments under various international instruments. The Constitution of Pakistan guaranteed the fundamental right to life and security of person, to property, and to freedom of religion, assembly and association, as well as equality of rights and the right to equal protection before the law. The citizens of Pakistan who had a distinct language or culture also had the right to preserve and promote them. The Constitution also required the Government to ensure the full participation of women in all spheres of national life and to protect marriage, the family, the mother and the child; it was also required to provide the population with the basic necessities of life such as food, housing, education and medical care. An ombudsman to defend the rights of the people against public authorities had recently been appointed.

45. Believing that the existence of peaceful conditions, a minimum level of social, economic and political development and the exercise of the right to self-determination were essential preconditions for the effective enjoyment of human rights and fundamental freedoms, the Government of Pakistan fully supported any initiative at the international level aimed at enhancing international peace and security or enabling peoples under colonial or foreign domination to exercise their right to self-determination. It had also repeatedly called for the establishment of a new just and equitable economic order, without which the developing countries could not accelerate their economic growth and thus eradicate poverty, hunger, disease and illiteracy. His Government also supported initiatives aimed at general and complete disarmament, which would not only have extremely favourable effect on international peace and security, but also release vast resources which would be extremely useful to accelerate social and economic progress throughout the world, in particular in the developing countries.

46. His Government considered that the existing United Nations machinery for improving the effective enjoyment of human rights was currently adequate, but it was prepared to give careful consideration to any constructive proposal for strengthening the capacity of the United Nations in that field; however, any proposal which did not enjoy the support of all Member States and would merely result in further divisions among the international community instead of promoting international co-operation should be avoided.

47. The Commission on Human Rights and its subsidiary bodies were doing useful work, but that did not mean that their methods of work could not be improved. His

(Mr. Baluch, Pakistan)

Government particularly hoped that the Working Group of Governmental Experts on the Right to Development would complete the elaboration of a draft declaration on the right to development as soon as possible, because it was convinced that such a declaration would play an extremely important role in the protection and promotion of human rights and fundamental freedoms.

48. He hoped that delegations would endeavour to overcome the divergencies of opinion which had divided them at the preceding session in order to be able to agree upon one draft resolution on item 100, as they had done before the thirty-seventh session.

49. Mr. PENN NHACH (Democratic Kampuchea) said that the fundamental rights of the Kampuchean people were being violated by the Vietnamese army of occupation, the aim of which was to colonize Democratic Kampuchea and realize Ho Chi Minh's project: to join in a Greater Viet Nam the three States which had made up French Indo-China. Whereas Western colonizers primarily had sought to assure the supply of raw materials and outlets for their finished products, Viet Nam was simply trying to create a vacuum by massacring the largest possible number of Kampucheans in order to replace them by its own settlers. To that end, it did not hesitate to use the most barbarous methods, including chemical products and toxic gases, and to attack refugee camps which were sheltering innocent civilians. The Kampuchean people placed all their hopes in the international community's efforts to oblige Viet Nam to withdraw all its troops from Kampuchea and thus put an end to the violations of human rights from which they were suffering. In its resolution 1983/5, the Commission on Human Rights reaffirmed that the continuing occupation of Kampuchea by foreign forces constituted the primary violation of human rights in Kampuchea at present.

50. Despite the priority it gave to the question of national liberation, the coalition Government of Democratic Kampuchea never lost sight of respect for human rights. The very survival of the Kampuchean people was at stake, and resistance to the enemy was bound up with the defence of those rights.

51. Mr. SOKALSKI (Poland) drew attention to the relationship between international conditions and human rights, which depended on international co-operation and the respect for the principle of non-interference in the internal affairs of States. He regretted that neither co-operation nor respect for that principle currently existed, which explained why the situation of human rights was so unsatisfactory.

52. The differences in ways of approaching human rights actually reflected different philosophies, represented by socialism and capitalism. Although socialism did not automatically generate human rights and fundamental freedoms, it created the conditions by theoretically and objectively ensuring the participation of citizens in the solution of social problems. Given that philosophical difference, co-operation was possible only if the necessary political will existed. The history of recent decades showed that whenever world tensions

(Mr. Sokalski, Poland)

subsided and co-operation developed, the exercise of human rights was enhanced. On the other hand, tensions and especially wars were accompanied by mass violations of human rights. It was illusory to believe that they could be eliminated merely by establishing new organs. International peace and security could better be maintained by achieving disarmament and by assuring social and economic development. Their existing international instruments must be ratified and scrupulously respected. The Universal Declaration of Human Rights was being invoked of late on every possible occasion. Although its importance could not be denied, the International Covenants on Human Rights, the idea of which had been introduced by the socialist States, should not be neglected, nor should the various General Assembly declarations set forth in resolutions 32/155, 33/73, 34/88, 36/100 and 36/103, all of which were relevant to human rights and were designed to create an international climate in which those rights could best be enjoyed. It was contrary to their provisions to pretend that a nuclear war, which struck at the right to life, liberty and security of individuals and peoples, could be controlled or won. Similarly, the various euphemisms used to disguise the brutality of an intervention or the destructive power of weapons struck at the dignity and worth of the human person enshrined in the Declaration.

53. Lastly, the United Nations must continue to set legal standards and principles such as those concerning the rights of the child or the right to development, which had gained near unanimity and which reflected the justified aspirations of peoples to political, economic and social development. If it wished to guarantee the exercise of human rights, the United Nations should begin by recognizing that it had to deal with sovereign States, which had their own laws and traditions and that human rights as a historical category varied with the level of development. Moreover, the standards established by the United Nations tended to compartmentalize human rights in a way that was not necessarily applicable to all national systems. That was why human rights had become such a sensitive area of international relations. It was therefore essential to ensure that that question could not be exploited by some in order to interfere in the internal affairs of States, exert pressure on them or create distrust of them, within and among States.

54. The two reports prepared by the Centre for Human Rights (A/38/416 and A/38/512) showed that the procedures provided for in the Covenants offered sufficient guarantees for the protection and enjoyment of human rights and freedoms. He regretted, however, in the preparation of the reports the directives of the General Assembly and the Economic and Social Council that the reports should not exceed 32 pages and that Government replies to questionnaires should not be reproduced in extenso, as they had been in document A/38/511, had been disregarded. Document A/38/416 contained inaccuracies and hasty over-simplifications. For instance, on the basis of only two or three replies from Governments the same legal status had been attributed to an entire group of States.

55. In document A/38/511, the United States reply, which was actually an exact reproduction of another document prepared for totally different purposes, contained unfounded allegations about Poland. His Government had already given the Secretary-General a detailed account of developments in Poland, and therefore did

/...

(Mr. Sokalski, Poland)

not need to respond to the allegations. He wished to stress, however, that the subject of Poland would never have come before the Commission on Human Rights had it not been for the United States. The United States concern for human rights in Poland went no further than its interest in changing its social and political system. Poland had never submitted to a foreign ultimatum and would not let itself become a battleground for those who sought to establish a precedent. The two draft resolutions on Poland which the Commission had had before it had been drafted in Washington and passed to a few European countries, over-zealous members of NATO and Washington's allies, in order to give them a semblance of credibility. Their purpose, which was political, had been, on the one hand, to punish Poland for having sought to survive the internal crisis it had been experiencing and, on the other, to aggravate international tensions. Finally, it was sheer hypocrisy to assert that the process of détente and the Madrid negotiations were being jeopardized by the internal situation in Poland or in any other country. Those difficulties were due to the confrontationist policy of the United States Government, a policy aimed at upsetting the world strategic balance and strengthening the military arsenal and ability of the United States to operate from a position of strength vis-à-vis the developing countries which manifested their desire for emancipation. One could easily see that it was precisely Poland's desire for survival that had spared Europe grave tensions.

56. Mrs. FLOREZ (Cuba) said that the Proclamation of Teheran of 1968 had given rise to a new concept of human rights which was more in line with the concerns and interests of the developing countries and which recognized that the exercise of civil and political rights could not be guaranteed unless the enjoyment of economic, social and cultural rights was ensured. That concept had matured and had led, in 1977, to the adoption by an overwhelming majority of General Assembly resolution 32/130.

57. All human rights were interrelated and indivisible and should be considered equally carefully. It was absurd to talk, as did some delegations, of individual rights in the abstract, isolating them from the collective rights from which they were derived, such as the right to self-determination, independence and territorial integrity, the principle of non-interference, the freedom to choose a social, economic and political system and the sovereignty of peoples over their natural resources. For example, it was absurd to speak of guaranteeing the civil and political rights of the black population of South Africa when it was being deprived of its basic right to independence, or to deny the effect of racial discrimination, colonialism and foreign occupation on peoples and individuals and the importance of the new international economic order for the enjoyment of human rights. There could be no peace or development without co-operation among all nations based on respect for the right of peoples to self-determination and to development.

58. She was convinced that the concept of the right to development as a human right which, despite the efforts of the Non-Aligned Movement, certain developed countries refused to accept, would finally prevail and be recognized.

59. The Working Group of Governmental Experts established by the Commission on Human Rights in 1981 to study the scope and content of the right to development had done constructive work, the results of which were encouraging and should be

(Mrs. Florez, Cuba)

approved in the resolution which the Committee would adopt on the subject. In 1982, by a clear majority, the General Assembly had adopted resolution 37/199, which had reaffirmed notions cherished by the developing countries, although a second resolution had been submitted on the same subject in that year. She hoped that in 1983, a single draft resolution would be put forward.

60. Cuba viewed the right to development as a human right, for it held that human beings should be at the centre of development, both as agents and as beneficiaries, and that development must be social as well as economic.

61. Cuba considered the establishment of new human rights bodies to be useless and inappropriate and therefore did not favour the establishment of a post of High Commissioner or of any other supranational body. On the other hand, it deemed it important to strengthen existing bodies and machinery such as the Commission on Human Rights, which played the vital role of co-ordinating the activities of the United Nations system in the field of human rights.

62. Mr. BYKOV (Union of Soviet Socialist Republics) said that consideration of item 100 could not be productive unless it took place in a constructive atmosphere, in conformity with the spirit of Article 1 of the Charter, which stipulated that the United Nations must be a centre for harmonizing the actions of nations.

63. The directions and concepts reflected in United Nations human rights activities had been defined in General Assembly resolution 32/130 which, affirming the principle of the interrelatedness and indivisibility of all human rights, stressed the need to give particular attention to mass and flagrant violations of human rights. The establishment of lasting peace was the primary requisite for the realization of a whole set of rights and freedoms, first among which was the right to life.

64. International co-operation designed to further the enjoyment of those rights and freedoms must be based on strict respect for the Charter and in particular for the principles of the sovereign equality of States and of non-interference in their internal affairs. It was also necessary to strengthen international agreements which supported that co-operation by increasing the number of States which were parties to them.

65. The Soviet Union was taking an active part in the elaboration of the draft declaration on the right to development and rejected the reservations expressed by certain delegations regarding that concept.

66. International co-operation in the human rights field had been expanded within the framework of the United Nations through a multi-faceted system of representative bodies which were concerned with those questions, in conformity with the Charter. The existing system was so extensive that it would be inappropriate to establish other machinery and procedures, as the representatives of certain States were urging. On the contrary, the system must be strengthened and the concepts formulated in resolution 32/130 must be implemented.

/...

(Mr. Bykov, USSR)

67. The Commission on Human Rights and the open-ended Working Group which it had established to consider means of improving respect for human rights were doing useful work. The actions of certain delegations which sought to short-circuit the endeavours of the Working Group made no contribution whatsoever to its success.

68. As for the proposals to establish a separate type of supranational post, for example, a post of high commissioner for human rights, the Soviet Union rejected them on the basis of the principles of the Charter, with which those proposals were clearly incompatible.

69. The nationals of a certain group of States held a monopoly of the posts in the Centre for Human Rights to the detriment of other groups, particularly the group of socialist countries which were clearly under-represented in the Centre. It was high time to rectify that clearly abnormal situation.

70. The Soviet delegation had no particular comments on document A/38/416. Document A/38/511, however, prepared by the Centre for Human Rights and purporting to be a study, contained an extract from the 1982 report on human rights issued by the United States State Department in which the United States Government presumed to judge the social system of sovereign States and to impose American methods on the rest of the world. A statement of the openly hegemonistic objectives of the United States ruling circles was interspersed with slanders against the Soviet Union and other sovereign States. The "crusade" against communism launched by the American President was now a crusade against those who rejected the policy of diktat and arbitrariness imposed by the United States. In pursuance of that imperial policy, the United States had intervened directly in Lebanon, was stifling the people of occupied Grenada and was organizing subversive actions on a large scale against Nicaragua and other independent States. The inclusion of that extract in a United Nations document was an act of provocation in the spirit of the "cold war", which aroused indignation and should be resolutely condemned. The Soviet people refused to have anyone tell them how to run their affairs in their own house.

71. Mr. PHEDONOS-VADET (Cyprus), exercising his right of reply, referred to a number of false allegations made by the Turkish representative at the Committee's 40th meeting on which he wished to put the facts straight.

72. By agreeing to what the Turkish representative had chosen to call "the voluntary exchange of population of 1975", the Government of Cyprus had simply reaffirmed the right of all Cypriots, Turkish or Greek, to move and settle anywhere in Cyprus. He referred the Committee to document S/11789.

73. To understand how the Turks guaranteed the effective enjoyment of human rights and fundamental freedoms established by law for some 1,000 Greek Cypriots still in the area occupied by the Turkish Army after the forcible expulsion of 200,000 other Greek Cypriots, members of the Committee should consult paragraph 65 of document S/12093 and paragraphs 28 to 32 of document S/12253.



(Mr. Phedonos-Vadet, Cyprus)

74. Paragraph 106 of document S/6426 shed light on the so-called "oppression and discrimination" which the Turkish Cypriots presumably suffered between 1963 and 1974. To deny that there were now 200,000 Greek Cypriot refugees in Cyprus was to try to deceive the international community when several United Nations resolutions, especially General Assembly resolution 37/253, mentioned those refugees.

75. The Government of Cyprus was trying to prevent the Turkish authorities from legalizing the theft of property belonging to Greek Cypriots. The Turkish representative called that "an economic embargo" imposed by the Greek Cypriot administration on the Turkish Cypriots (he referred the Committee to documents A/36/876-S/15130 and A/36/888-S/15256). The illegal transfer of that property to Turkish Cypriots and to Turkish settlers was of course another token of Turkish dedication to the protection of human rights (see documents A/37/791-S/15544, A/37/794-S/15648 and A/37/795-S/15652).

76. The facts reported in paragraphs 37-39 of document S/15812 about the foreign aid allegedly appropriated by the Greek Cypriots spoke for themselves.

77. In referring to Cypriot women, the Turkish representative had not seen fit to refer to the report prepared in 1976 by the European Commission on Human Rights following complaints brought by the Government of Cyprus in which the latter showed that the Turkish authorities had done nothing to prevent or punish the many rapes committed against Greek Cypriot women.

78. With regard to persons reported missing, he said he refused to let himself be drawn into polemics on a purely humanitarian problem which should be dealt with in a constructive way. The fact remained that the Turkish representative, in attacking the views expressed by the Government of Cyprus in document A/38/511 had not found it necessary to comment on the conclusions of the report of the European Commission on Human Rights on the subject mentioned earlier.

79. Since the representative of the Turkish authorities of Anatolia and Eastern Thrace had presumed to convey the views of the Turkish Cypriot community, he, the representative of Cyprus, felt duty-bound to convey the views of those in Turkey who suffered from the continuous violation of their human rights by the Ankara régime.

80. As everybody knew, the election of 6 November had been a mockery. He referred the Committee to an article in the New York Times of 19 October signed by Jeri Laber, Executive Director of the Helsinki Watch Committee.

81. Article 125 of the Turkish Penal Code provided that whoever committed an act intended to separate a part of its territory from the administration of the State should be punishable by penalty of death. That was how the Ankara régime tried to maintain Turkish domination over the non-Turkish inhabitants of Anatolia and Eastern Thrace. Yet that article did not seem to prevent the régime, in its foreign affairs, from supporting the partition of Cyprus.

(Mr. Phedonos-Vadet, Cyprus)

82. The Turkish authorities, those champions of freedom, had officially boasted on 30 November 1982 that there were 23,752 political prisoners in Turkey; specialists put the number at 55,000. Five Western European Governments had filed with the European Commission on Human Rights complaints against Turkey for torture, unfair trials and violations of freedom of thought, conscience and religion, expression, assembly and association. It would be interesting to know how the Ankara régime went about protecting the rights of the Kurds, whose existence it did not even acknowledge.

83. Mr. LOGOGLU (Turkey), raising a point of order, suggested that the Chairman of the Committee should see that delegations did not stray from the subject dealt with under the agenda item being discussed and should refrain from personal accusations.

84. Mr. PHEDONOS-VADET (Cyprus) on a point of order, pointed out that he who wanted to respect the rules of debate did not assume the role of spokesman for communities of other countries.

85. Mr. LOGOGLU (Turkey), exercising his right of reply, reminded the representative of Cyprus that the Turkish Cypriot community was entitled to present its views on questions concerning Cyprus to the Special Political Committee.

86. Mr. PHEDONOS-VADET (Cyprus), replying, said he would point out that no Government was entitled to speak in the name of a community or ethnic group of another country; if the representative of the Turkish authorities of Anatolia and Eastern Thrace insisted nevertheless on posing as the spokesman of the Turkish Cypriot community, he himself would take the liberty of defending the various oppressed minorities in Turkey.

87. Mrs. JONES (United States of America), exercising her right of reply, said that she did not see how the United States reply to the notes verbales which the Secretary-General had sent to Governments, the text of which appeared in document A/38/511, could be considered as an attempt by the United States to impose its views on other nations. Everyone was free to read whatever he liked and to make a judgement about it. Those who had attacked the United States Government on that score had doubtless been disturbed by the accuracy of its assertions. She considered it pointless to deal with each of the charges made against the United States during the general debate in the Third Committee; the fact were only too familiar.

88. Mrs. COLL (Ireland), exercising her right of reply, pointed out that Ireland, which was not a member of NATO, had been a sponsor of the draft resolution adopted by the Commission on Human Rights which the representative of Poland had claimed to have been drafted in Washington and presented by member countries of NATO. Indeed, when the draft resolution had been presented, Ireland had been accused of being naïve and over-zealous. In criticizing human rights violations, the Irish Government was not subordinating its action to any political or national imperative; it therefore rejected any accusations which did not relate to the substance of the question.

89. Mr. SOKALSKI (Poland), exercising his right of reply, said that he had never referred to the Government of Ireland by name or said that it was over-zealous. However, in view of the reaction of the Irish representative, the question arose whether that had not been the case after all.

The meeting rose at 6.40 p.m.