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SUMMARY RECORD OF THE 16th MEETING

Held at the Palais des Nations, Geneva, on  
Thursday, 16 February 1984, at 3 p.m.

Chairman:

Mr. Kooijmans

(Netherlands)

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The meeting was called to order at 3.15 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) THE RIGHT OF POPULAR PARTICIPATION IN ITS VARIOUS FORMS AS AN IMPORTANT FACTOR IN DEVELOPMENT AND IN THE REALIZATION OF HUMAN RIGHTS  
(agenda item 8) (continued) (E/CN.4/1984/12 and Add.1, E/CN.4/1984/13 and Corr.1 and 2, E/CN.4/1984/14; E/CN.4/Sub.2/1983/24 and Add.1/Rev.1 and Add.2; E/CN.4/1984/NGO/4 and 19)

STATUS OF THE INTERNATIONAL COVENANTS ON HUMAN RIGHTS (agenda item 18) (continued)  
(E/CN.4/1983/23 and 39; A/36/441 and Add.1 and 2, A/37/407 and Add.1;  
A/C.3/35/L.75)

1. Mr. SINGH (India) said that underdevelopment was one of the most serious sources of human rights violations in the world today, since human rights had little meaning in the face of degrading poverty. According to World Bank estimates, 780 million people lived in absolute poverty, their standard of living falling below any reasonable definition of human existence. Such poverty continued to increase, not only in terms of the number of people and areas affected by it but also in terms of the degree of misery.
2. Coexisting with the poor were the people of the so-called developed world, who made up about 30 per cent of the world population but accounted for some 70 per cent of world income. Approximately one third of the inhabitants of the developing world were illiterate and almost half of them suffered from hunger. The developed world controlled more than two thirds of the world's wealth, possessed 90 per cent of research and development facilities, consumed some 40 per cent of the world's non-renewable resources and contributed much of its pollution. The ever-widening gap between North and South, between high consumption and marginal subsistence, bore witness to the iniquitous and asymmetrical development of nations.
3. The existence of poverty, hunger, illiteracy and disease, the unequal distribution of the fruits of development, and the exclusion of the developing world from participation in international economic decision-making constituted a derogation from basic human rights. The human rights aspects of development had been recognized in the Charter, the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, and the International Covenant on Civil and Political Rights. The General Assembly had stated that the right to development was an integral aspect of human rights, and the Commission had established a Working Group of Governmental Experts on the Right to Development. That Group was engaged in drafting a declaration that development was a human right, as part of an international effort to gain legal recognition for the victims of underdevelopment.

4. Considerable progress had been made by the Group, which had prepared a technical consolidated text, part of the preamble having been adopted. An attempt was being made to work in a spirit of consensus, which was necessarily time-consuming. Although there were problems of emphasis, the results achieved so far gave cause for optimism, and his delegation favoured continuation of the Group's work. It was important that the governmental experts comprising the Group should be thoroughly familiar with the issue and have a full negotiating brief. The Commission should assist the Group to agree on the best possible text by providing guidelines on the conceptual parameters and practical implications of the right to development. Such action by the Commission would help to clarify some of the misconceptions which some countries had on certain aspects of the right to development.

5. There could be no dichotomy between human rights and development. Both arose from the identification of basic needs which, legally speaking, had over a period of time evolved into rights. For example, the basic human need for self-expression had given rise to the right to freedom of expression. Thus viewed in a normative sense, human rights were an integral part of the right to development, which in turn included many basic tenets of human rights.

6. Some members of the Group were reluctant to accept that nations as such should be the subject of the right to development. Yet, as was stated in the Universal Declaration of Human Rights, everyone was entitled to a social and international order in which the rights and freedoms set forth in the Declaration could be fully realized. The two International Covenants affirmed the freedom to pursue economic, social and cultural development. There was thus clear legal recognition of the fact that individuals, communities and nations were the subjects of the right to development.

7. The question also had a bearing on the content of the right to development. It was, in fact, a comprehensive right, entitling the international community to material well-being. Thus the right to adequate food was as much a part of the right to development as the right to effective participation in decision-making and execution. Development also implied social and cultural change as well as economic growth, while at the international level it implied that nations should be allowed to develop to their fullest capacity. Inherent in the right to development was the right to equity and justice in the sense of the gains of development being equitably distributed. It also implied participation in decision-making on those actions which affected the lives of nations. In particular, development must promote human dignity and recognize that man was the end of development. Each State had the right to choose its means of development, to mobilize its resources completely and to ensure the full participation of its people in the process and benefits of development. All States had the duty to eliminate obstacles that hindered such mobilization.

8. A debate had arisen as to the hierarchy and sequence for economic and social rights and political and civil rights, which to some represented human rights per se. His delegation believed in the interdependence and indivisibility of all human rights, as confirmed in General Assembly resolution 32/130. In practice, however, reality might lead developing countries to emphasize - though not at the cost of political and civil rights - economic, social and cultural rights, or the right to development. There were, however, cross-linkages between failure to realize economic and social rights and the ability to enjoy political and civil rights. Yet it would be presumptuous to say that developing countries, because of severe economic constraints, were less human rights conscious.

9. It was thought by some that the moment international responsibilities and obligations vis-à-vis the development of developing countries were recognized, the developing countries themselves would tend to focus on international responsibility rather than on bringing about distributive justice and granting participatory rights to their own people. That was far from the truth. International action was required because of the vulnerability of developing countries to international economic factors and the inequitable structure of international institutions which, instead of supporting development, often hindered it. At the same time, developing countries had clearly assumed primary responsibility for their own development. At the national level, therefore, every effort should be made to enable the people fully to enjoy the right to development.

10. Part of the reason why there seemed to be hesitation in incorporating into the text provisions relating to the international dimensions of the right to development was the reluctance on the part of developed countries to discharge their responsibilities under such provisions. It would mean not only granting development aid and removing trade barriers, but also removing the asymmetry in economic relations between North and South, as illustrated, for example, by inadequate flows of resources, particularly of a concessionary nature.

11. The present world economic crisis had dramatically demonstrated the inadequacy of the existing institutional framework to deal with the problem of development. The need to restructure international institutions had been recognized, but so far to no avail. Those who had shaped the existing international framework had an obligation towards the developing countries, which had had no say in their making and had not been equal beneficiaries of the system. Recognition of the international dimension of the right to development would rebound to the benefit of the developed countries, since their prosperity could not be fully realized without the development of the developing countries.

12. Prosperity - like peace, on which it hinged - was indivisible. The greatest challenge to mankind's sagacity was to take advantage of the phenomenon of interdependence and turn the current global crisis into an opportunity to transform the structure of international economic relations and establish a new international economic order on the basis of equality and justice. His delegation trusted that the Commission would work towards the universal acceptance of the right to development.

13. Mr. MacDERMOT (International Commission of Jurists) said that the International Commission of Jurists (ICJ) welcomed the provisional outline of the final study on popular participation, contained in the preliminary report by the Secretary-General (E/CN.4/1984/12).

14. Whether the right to participation was considered as a separate right or an amalgam of several rights proclaimed in the International Covenants, it was a concept of fundamental importance in the attainment of human rights, and was a key concept in the right to development at the national level. Popular participation should be understood as a continuing process, and went far beyond mere consultation with interested parties when plans were being drawn up. Such consultations were only the first step in participation, and became meaningful only when the persons concerned had been able to create effective organizations to act on their behalf.

15. Various regional seminars organized by ICJ had dealt with popular participation in the context of development and human rights. They had concluded that the principal reason why development programmes in the third world had in many cases achieved little in improving the situation of the most disadvantaged sectors of society had been that those sectors did not have, and often were not allowed to have, independent organizations to further their interests.

16. It was encouraging that, as the preliminary report stated, consideration would be given in the final study to the relevance of civil and political rights, such as the right to freedom of association and the right to take part in the conduct of public affairs. That illustrated the truth of the interdependence of economic, social and cultural rights and civil and political rights.

17. To be effective, participation must take place at all levels of decision-making and all stages of development. For that to happen the people concerned must be free to create their own wholly-independent associations, which must have access to all relevant information and be able to discuss projects with decision-makers. The same process must continue at the implementation stage, and in monitoring and evaluating the development process.

18. It was regrettable that such considerations had not been reflected more fully in the report of the Working Group of Governmental Experts on the Right to Development (E/CN.4/1984/13). ICJ had sought to draw the Group's attention to them. The only mention of popular participation in the technical consolidated text occurred in article 10, paragraph 1, which stated that States should take appropriate action to provide a comprehensive framework for popular participation in development and for the full exercise of the right to popular participation. That statement seemed very general.

19. The article should be enlarged to incorporate and make explicit the important principles referred to in the Secretary-General's preliminary report. The granting of certain basic civil and political rights was a precondition for any meaningful participation. Although article 5 hinted at that, it should be spelt out specifically in the article dealing with the concept of participation, that would assist those delegations which found difficulty in understanding what was meant by the right to development. In other respects ICJ supported the technical consolidated text.

20. It should be noted that non-governmental organizations had not been invited to submit information for the study on popular participation. Bearing in mind the contribution which non-governmental organizations made to development as well as to human rights, that hardly seemed to set an example in popular participation.

21. Mr. DOWEK (Observer for Israel) said that his delegation felt compelled to refer to the plight of Jews in the Soviet Union who suffered from wanton Soviet discrimination, although many in the Commission would rather not mention them in order to avoid arousing the wrath of the Superpower responsible for such protracted and systematic violations. There had been a very short period during which it had seemed that the Soviet authorities had understood that they had nothing to gain but international opprobrium from their hostility towards and discrimination against Jews, but the situation had drastically deteriorated over the past four years. The Soviet authorities were demonstrating still greater callousness than in the past, and even greater contempt for their international obligations and their own Constitution.

22. Mr. CHERNICHENKO (Union of Soviet Socialist Republics), speaking on a point of order, said that what the observer for Israel was saying was irrelevant to the items under consideration.
23. The CHAIRMAN agreed that he could see no connection between the remarks made by the observer for Israel and those items.
24. Mr. DOWEK (Observer for Israel) said that agenda item 8 clearly covered the question of the realization in all countries of economic, social and cultural rights. Such rights were denied in the Soviet Union.
25. The Soviet Government's policies had exacerbated the cruel dilemma confronting Soviet Jewry: it was impossible to live as a Jew in the Soviet Union, and it was virtually impossible for Jews to leave. For all practical purposes emigration had ceased, a mere 1,300 having been allowed to leave in 1983, compared with 51,000 in 1979. Furthermore, almost 400,000 Jews who had been sent invitations from relatives in Israel, as required by the Soviet authorities, and who had thus initiated the emigration process, remained in the Soviet Union against their will. Thousands of others were unable even to begin the tortuous emigration process, since the authorities had illegally confiscated the invitations sent to them.
26. Acute human suffering lay behind those figures. Applicants for exit visas were automatically regarded as suspect. Such "refuseniks" became social outcasts, hounded at every turn. The "refusenik" would probably be dismissed from his job and obliged to perform the most menial tasks in order to avoid prosecution for "parasitism" - the Soviet crime of being unemployed. His children might be expelled from university, where anti-Semitic discrimination in admissions had, according to official Soviet statistics, reduced the number of Jewish students by over 40 per cent over the past decade. They might also be subjected to military conscription as a punitive measure for having applied to emigrate, which would then further delay their emigration on the pretext that they allegedly possessed secret information. They might be attacked in the press, and have their telephones disconnected and their mail interfered with. They might be continually followed, arrested, their homes and persons subjected to searches and their belongings confiscated. They might be physically attacked and abused by alleged "hooligans", whom the police - in a notorious police State - were strangely unable to apprehend. "Refuseniks" were prey to the whims of the authorities and had no legal means of redress.
27. Hundreds of families had been living in excruciating uncertainty regarding their future for 5 years or more, and scores for more than 10 years. In thousands of cases, the agony of refusal was compounded by the distress caused by the division of families.
28. However, the Soviet authorities continued to find their policy of intimidation of potential visa applicants to be an insufficient deterrent and had thus regularly supplemented it by the arrest and prolonged imprisonment of leading human-rights activists. Since the preceding session of the Commission, Yuri Tarnopolsky, Lev Elbert and Alexandre Panariev had been added to the list of those imprisoned on trumped-up charges solely for insistently demanding their right to leave for Israel or to live as Jews free from fear and discrimination in

the Soviet Union. The denial of the right of Jews to join their relatives in Israel was a flagrant violation of a number of international conventions to which the Soviet Union was a party and also contravened the pledges made by the Soviet Union in signing the Final Act of the Conference on Security and Co-operation in Europe held in Helsinki. Indeed, the draconian restrictions on immigration had been cynically introduced by the Soviet authorities at a time when the results of the Helsinki Conference were being reviewed in Madrid, where Soviet representatives had self-righteously proclaimed their devotion to the Helsinki principles. In its concluding statement, the Soviet delegation had even committed its Government to more positive action regarding immigration and the reunification of families than was called for by the Final Act.

29. The apparent indifference of the Soviet leaders to criticism of their violations of international agreements went far beyond the subject of Jewish immigration. For if the Soviet Government was unwilling to honour its pledges in matters of simple humanity which in no way affected its vital interests, then in what areas could Soviet commitments be relied on? Those serious misgivings were reflected in a resolution adopted by the European Parliament on 17 May 1983, condemning the Soviet Government's blatant, institutionalized discrimination against various national and racial groups, including Jews, as well as the official penal regime in so-called "labour camps" and the Soviet Government's arbitrary interference with the privacy, families, homes and correspondence of its citizens, in contravention of article 12 of the Universal Declaration of Human Rights and article 14 of the International Covenant on Civil and Political Rights. The European Parliament had also condemned the Soviet Government's refusal to grant its citizens freedom of movement and residence within the Soviet Union and the right to emigrate from the Soviet Union, as laid down in article 13 of the Universal Declaration of Human Rights and article 12 of the International Covenant on Civil and Political Rights. The European Parliament had called upon the Soviet Government to honour its human rights obligations under the Helsinki Final Act, but that appeal had gone unheeded.

30. In April 1983, the Soviet authorities had established the "Anti-Zionist Committee of the Soviet Public", with branches in a number of Soviet cities. That Committee, headed by several quisling Jews who had become notorious for their willingness to defend official anti-Jewish policies, had already distinguished itself by the palpably mendacious character of its public statements, in which it had claimed that the emigration of Jews had ceased because Soviet Jews no longer succumbed to the Zionist temptation. That Committee was the spearhead of a shameful massive propaganda campaign camouflaged as anti-Zionist, but in reality anti-Semitic. The terms "Jew" and "Zionist" had long been interchangeable in the Soviet Union. The principal theme of the campaign had been an obscene attempt to equate the State of Israel with nazi Germany and zionism with nazism. One Soviet propagandist in particular, Lev Korneev, had produced a book entitled The Class Essence of Zionism, which had been recommended by Izvestia, the organ of the Soviet Government, and in which he unabashedly accused the Jews of having been responsible for the Tsarist pogroms and claimed that Zionist leaders and Jewish bankers had helped Hitler to prepare for the seizure of power, even though they had known of Hitler's intention to exterminate the Jews, and that Jews had collaborated with the nazis in implementing the

"final solution". Korneev also postulated the existence of a world Jewish conspiracy and asserted that Jews constituted a potential fifth column wherever they lived. The publication of such lies, however absurd, in the Soviet Union, where all printed material had been subjected to the most rigorous censorship, was a cause for anxiety about that country's policy with respect to its Jewish population. That anxiety had been further increased by a spate of newspaper articles equating the study of Hebrew and of Jewish culture with treason. The most ominous of those articles had appeared on 25 August 1983 in Sovetskaya Rossiya, the organ of the Government of the Russian Soviet Federal Socialist Republic, accusing Jewish activists of working with the intelligence services of foreign States in espionage and subversion against the USSR.

31. The study of the Hebrew language, which was essential to the practice of the Jewish religion, had been completely prohibited for Soviet Jews. Only so-called "specialized State personnel" or candidates for priesthood in the Russian Orthodox Church were permitted to enrol in the few officially-approved courses in Hebrew. Soviet Jews attempting to study or teach Hebrew quickly became targets of harsh police repression, KGB intimidation and harassment, and even physical violence. The publication and importation of Hebrew textbooks were prohibited. Not one Hebrew bible had been published in the past 50 years. Essential religious articles and Kosher foods were practically unobtainable. For more than 3 million Jews, there were less than 60 synagogues, of which more than half were located in Central Asia, where only one tenth of the Soviet Jewish population resided. There were only three remaining rabbis and no facilities existed for training others. Moreover, unlike other religious denominations, Jews were denied the possibility of organizing central or regional associations. Jews were even denied their own cemeteries, or special sections in general public cemeteries, and were thus prevented from observing the rites of burial according to the Jewish religion and tradition.

32. By their attitudes and policies, the Soviet authorities, whether or not they admitted to being tainted by anti-Semitism, created a climate which could endanger the very existence of Soviet Jews. As if that were not enough, the Soviet Union armed the worst enemies of Israel and took the lead in propagating hatred towards the Jewish people in the international arena. Israel and the Jewish people believed that, beyond realpolitik, there were sanctified principles which the Soviet Union could not afford cynically to ignore if it wished to gain international credibility and respect and to play a leading role in international affairs.

33. Despite all the differences in outlook and interests, Israel and the Jewish people sought to develop as decent and friendly a relationship with the Soviet Union as possible. The Soviet authorities should discontinue their anti-Semitic campaign before it was too late and should bring their policies towards Soviet Jewry into conformity with their international obligations and their own law. They should end the anomalous status of the Jews as the only Soviet ethnic minority forbidden to study its own language and enjoy its own culture. They should release all those unjustly imprisoned for insisting on their legitimate right to leave the Soviet Union for Israel, or to live as Jews free from discrimination in the Soviet Union. Finally, they should allow all Jews seeking to leave the USSR for Israel to do so unhindered.



34. In conclusion, he recalled that, in March 1919, Lenin himself had stated "Shame on accursed Tsarism which tortured and persecuted the Jews! Shame on those who foment hatred towards the Jews".

35. Mr. HILL ARBOLEDA (World Peace Council) said that the adoption of the Charter of Economic Rights and Duties of States in 1974 had been a great step towards a solution to the serious problems afflicting the developing countries and the establishment of a new international economic order. Nevertheless, since that time, little had been achieved with regard to implementation of the right to development, which was intimately bound up with civil, political, economic, social and cultural rights and with the rights to peace and life.

36. A country's development must be considered in the light of the fundamental needs of its citizens. For the estimated 850 million individuals living in poverty in the third world, the enjoyment of economic and social rights was synonymous with survival itself. For the 250 million men, women and children living in squalor in cities, a world of loans, direct investment and soaring trade imbalances, accentuated by the arms race and blatant military intervention, offered little hope. The world's 600 million illiterates were unable to read that, between 1967 and 1980, the external debt of the third world had increased tenfold to \$US 450 billion. The annual servicing of that debt was almost equivalent to the total exports of Latin America and the Caribbean. While 700 million people suffered from serious malnutrition, the countries of Asia, Africa and Latin America had to hand over almost \$US 30 billion annually in the form of profits on foreign investments which had quintupled in the past 10 years. Foreign capital investment was recovered in only three to five years and the process of industrialization was delayed by the presence of international capital. The share of the developing countries in world industrial production had risen from 7 per cent in the 1960s to only 9 per cent today.

37. Trade imbalances and monopolies were costing the developing countries, where the unemployed or underemployed population totalled some 300 million, almost \$US 100 billion annually. For example, raw materials for which dependent and neo-colonial producers received barely \$US 30 billion, were sold to consumers in the developed capitalist countries for \$US 200 billion. That enormous transfer of wealth from third-world countries to the capitalist system was accompanied by soaring profits for the large transnational monopolies and continued blatant military intervention. The Government of the United States persisted in expanding its military presence in Asia, Africa and Latin America. During the past 30 years, the arms race had provided the United States armaments industry with net profits of more than \$US 150 billion and had raised world-wide military expenditure to \$US 600 billion, a large proportion of it accounted for by the third world, where the precarious living conditions and employment situation were thus exacerbated.

38. In order to bring about a democratic restructuring of international relations, the developing countries had for many years called for the establishment of a new international economic order. The sovereignty and self-determination of peoples, in both the political and economic spheres, must be respected; and their right to exploit their resources independently and, when necessary, to nationalize foreign

capital must be assured. World markets must be reorganized so as to establish a fair relationship between export and import prices. The international monetary system must be reformed on a realistic basis so as to permit a flow to the developing countries of the untied financial resources needed to broaden their industrial base and improve living and working conditions. The third-world countries must be guaranteed access to scientific and technological advances. The effective implementation of those rights would be a positive step towards the solution of the increasingly serious situation regarding social, economic and cultural rights.

39. In the developing countries, the economic component of human rights was of crucial importance, since the right to freedom could not co-exist with privation and hunger. By eliminating the arms race and reducing capital investment in the production of nuclear and conventional weapons, the developed countries could devote more of their energies and resources to guaranteeing the economic, social and cultural rights of the developing countries.

40. Mr. BODDENS-HOSANG (Netherlands) said that his delegation had immediately welcomed the idea, proposed in 1981 by the delegations of France and Senegal, of taking the discussion on the right to development out of the arena of political negotiation and entrusting it to a small group of experts in the fields of international law and development. Accordingly, his delegation had sponsored subsequent Commission resolutions on the subject. Although the progress made by the Working Group of Governmental Experts on the Right to Development had been slower than expected, the possible contours of a United Nations declaration on the right to development were taking shape. The technical consolidated text prepared in 1983 at the Group's request and reproduced in annex II of its report (E/CN.4/1984/13) marked an important step forward in that it was accepted as an informal technical basis for future work. Unfortunately, the Group's work appeared to have lost momentum during its seventh session, when a general understanding had been reached with respect to only two thirds of the preamble to the draft declaration. However, it would seem unjust to measure the Group's success or failure exclusively by the number of provisions adopted. Consequently, the Group should be encouraged to continue its search for consensus on a number of problems of a fundamental nature.

41. Over the past few years, the question of popular participation and its connection with the realization of human rights had received increasing attention, as evidenced by Commission resolution 1983/14. His delegation had voted in favour of that resolution, but, in a separate vote, had voted against the words "the right to" in paragraph 2 of the Commission's text and in paragraph 1 of the draft resolution submitted to the Economic and Social Council. The reason for that negative vote had been that, in his delegation's view, the introduction of a new "right" to popular participation, without the comprehensive study that the proclamation of such a right required, would prejudice the analytical work that the Secretary-General was being asked to carry out.

42. His delegation was greatly encouraged by the careful approach adopted by the Secretary-General in his preliminary report to the Commission, contained in document E/CN.4/1984/12. In that report, the Secretary-General stated that his final study would examine the following questions: whether popular participation and the right thereto could be considered a specific human right, whether a "right" to popular participation already existed and was conceptually well-founded, or whether it could be said to be emerging within the international community and, if so, what was the nature of its content and place within the existing system of

human rights. Those were questions of vital importance for the Commission's future consideration of the matter. Meanwhile, without prejudice to the Secretary-General's findings and definitions, his Government preferred to consider the concept of popular participation as referring to all activities which were self-chosen, through the channels of representative democracy or through other channels by which the members of a society could influence public affairs. Popular participation did not mean the recruitment of the people at the base of society for the purpose of carrying out policies that had been determined at higher levels. Rather, it presupposed the right to disagree with such policies and to try to change them.

43. Popular participation was promoted by a complex of civil, political, economic, social and cultural rights already guaranteed under existing international law. However, it would be short-sighted to overlook other aspects of popular participation, such as how to overcome the impediments of ignorance, alienation and underdevelopment which stood in the way of effective participation. Governments, while they clearly had an important role to play in the promotion of participation by all segments of the population through innovative measures, structural changes and institutional reform and development, were nevertheless not entitled to arrogate to themselves the right to decide for their citizens what was best for them.

44. Meaningful popular participation was conceivable only in a pluralistic, democratic society. Only then could there be the measure of direct and indirect popular control over the State which enabled the individual effectively to claim his participatory rights. Then there was the freedom to receive and impart information. In many cases, society had become so complex that popular access to administrative information was particularly important. However, there were other aspects to that question requiring, in many cases, a radically new approach by Governments to their monopoly on information. For example, people were entitled to information about the defence capabilities and requirements of their own nations. The open democratic societies of the West differed crucially from the closed societies in other areas in that data concerning military posture, current weapons capabilities and plans for the future were readily available. Plans to deploy new nuclear weapons in western Europe were hotly debated by the general public, whereas in other societies such matters were jealously guarded secrets. Freedom of information and expression also meant that the public could perform a watch-dog function. However, the fate of the various informal and unofficial committees in eastern Europe with an interest in monitoring their Governments' compliance with the Helsinki agreements provided a sad example of the degree to which those essential elements of true popular participation continued to be restricted in some countries.

45. In an open society, an important role was played by a wide gamut of voluntary associations, ranging from nation-wide labour federations and religious communities to local action groups and neighbourhood youth groups. Such associations, while they might promote the interest of certain sectors of society, could also champion specific causes, such as the conservation of nature or the protection of the environment. They could constitute a valuable complement and corrective to established institutions. For that to be possible, however, the State must tolerate and respect dissenting opinions. The imposition of official trade unions or other surrogates for voluntary associations, and the suppression or discouragement of all forms of criticism ran counter to any true right of the individual to participate in the political, economic, social or cultural life of his country.

46. One special form of popular participation was through non-governmental organizations. Their special role in providing the Commission with information on specific areas of concern and in holding Governments to their obligations was a reflection of the growing participation of world public opinion in the issues before the Commission. It was his Government's firm belief that, if the Commission was serious about the importance of popular participation, it should facilitate and encourage the work of the non-governmental organizations at both the national and international levels.

47. Mr. BEAULNE (Canada) said the international community's joint efforts to narrow the gap between the rich and poor countries, including the activities of the Second United Nations Development Decade, had not succeeded in achieving the desired objectives. The Commission's task was to seek agreement on a definition of the right to development, although the economic and political aspects of that right were within the competence of other bodies. His delegation was aware of the problems posed by the ambiguities stemming from the various approaches to the definition; some, for example, related to rights of solidarity at domestic and ultra-national levels, thus transcending the scope of individual human rights.

48. The Working Group's report (E/CN.4/1984/13) was an improvement on that for the previous year, which had consisted chiefly of a list of heterogeneous items. The observer for Canada at the Group's meetings had welcomed its consensus approach, based on a "technical consolidated text"; however, there had been some disquieting obstacles, which could be overcome only through perseverance, realism and, above all, a clear sense of purpose at all levels of deliberation.

49. Canada had supported the resolution to establish the Working Group, since it seemed useful to explore the relationship between development and individual rights, and, if the right to development could be defined, to document it so as to bring out the essentials of the ideal of universal solidarity so often evoked in the Commission. In principle, the declaration should stress two obvious and equally important points: that sustained development at all levels would produce a climate favourable to the enhancement of individual rights; and that promotion and observance of human rights created a climate of security and justice in which individuals and groups could share in true development.

50. But to formulate such general principles raised problems which the Group had not yet solved. For example, there were the questions of what was understood by development, who could claim the right to development, and who should guarantee it. The problems were all the more complex in that the right to development was a human right - a point not convincingly reflected hitherto in the Group's deliberations. One other point must be stressed: whatever the definition achieved, a human right could be asserted only by individuals, groups of individuals or peoples. The State indeed had responsibilities in safeguarding human rights but could not, by definition, itself enjoy any "human right to development".

51. On the relationship of civil and political rights to economic, social and cultural rights, his delegation could not support any statement which detracted from the importance of the former. In any event, human rights were interdependent, and attempts to establish some sort of hierarchy of rights served no purpose.

52. Likewise, in efforts to promote a better world economic order and protect individual rights, one aim must not be subordinated to the other; the protection of

human rights could not be deemed a preliminary to or consequence of the establishment of some new order yet to be defined. Development policy could not be formulated at the expense of the protection and enjoyment of individual rights.

53. While the General Assembly's Sixth Committee had the task of defining the economic aspects of development, the Sub-Commission's approach was different. Research must be co-ordinated, and the Working Group must respect the spheres of competence of the various United Nations bodies; it should concentrate on the notion of development as a factor in the enjoyment of individual rights, leaving the question of economic aims and policies to bodies more competent in that field. It should enunciate principles that would inspire the international community, without becoming involved in inter-State economic relations, which were dealt with elsewhere. His delegation could support a renewal of the Working Group's mandate. If it was decided that the mandate should be renewed, the Group should pursue its deliberations imaginatively but also with realism and a concern for consensus, for otherwise its efforts would be aimless.

54. Mrs. GU Yijie (China) said that the Working Group, on the basis of the "technical consolidated texts" prepared at its sixth session, had achieved a general understanding at its seventh session on a number of provisions in the preamble to the draft declaration on the right to development. The results, however, still fell short of the requirements of Commission resolution 1983/15 and the desires of most member States. Since the Group had been unable to submit a complete text to the Commission at its current session, further efforts must be made to remove differences and obstacles so that the Group could make progress.

55. China, like other developing countries, hoped for an early declaration on the right to development. Since his delegation was not a member of the Group, it felt that due consideration should be given to the views it expressed in the Commission. The right to development was an inalienable human right, and that point should be stressed in the declaration. The fact that it was a human right had been generally accepted by the international community and reaffirmed in General Assembly and Commission resolutions. The main reason for the delay in drafting a declaration on that right was that a few delegations still refused to recognize it as a human right. However, the studies, reflected in documents E/CN.4/1334, 1421 and 1488 on theory, international law and practice in relation to the right to development, showed that the concept of rights in the international field ranged from rights to national independence, self-determination and international survival to specific economic, social, cultural, civil and political rights. There was no reason why the right to development should be excluded, especially since the concept was embodied in many existing human rights instruments such as the International Covenant on Economic, Social and Cultural Rights.

56. The right to development was also a natural extension of the right to self-determination, itself an essential precondition of the right to development. Without economic development, a country's political independence could not be consolidated; similarly, a country and its people could not enjoy any right to economic, social and cultural development if the country was deprived of its right to self-determination.

57. Enjoyment of the right to development was inseparable from the establishment of a new international economic order. The developing countries had first put forward the concept of the right to development as an independent right for the purpose of

freeing themselves from outside interference and achieving independent and equal development. Recent history has shown that, for developing nations to make independent economic progress, a new international economic order was essential. The Sub-Commission on Prevention of Discrimination and Protection of Minorities had made a special study of relations between such an order and the promotion of human rights, including the right to development.

58. The argument that the right to development was wholly a right of individuals was untenable. Without development of States and nations there could be no development of individuals. The black peoples of Azania and Namibia, and the millions of Palestinians driven out of their homeland, could not as individuals exercise their right to development. The right of individuals, whilst undeniable, must be seen in perspective.

59. Her delegation was in favour of renewing the mandate of the Working Group and hoped that it could speedily fulfil its mandate. Her delegation was also in favour of a further study of the right of popular participation, on which the Secretariat already prepared a preliminary report.

60. Mr. CHARRY SAMPER (Colombia) said that his delegation was in favour of renewing the mandate of the Working Group. The Group's task was complex, since it involved concepts that were new in international law. That meant that an effort should also be made to develop international law so as to reflect contemporary views. A number of factors must be considered: laws relating to individuals, such as those which concerned civil and political rights; laws relating to economic rights; and laws relating to duties, including matters of international solidarity. The question of development had long been before the United Nations. It was reflected in Article 55 of the Charter and had subsequently found expression in the Charter of Economic Rights and Duties of States and in declarations relating to the new international economic order. To agree on its definition, however, was not easy; for one thing, the various differing approaches must be recognized. The right to development seemingly presupposed peace and equality under a new international economic order. The discussions during the previous year had centred on what might be called the doctrinal aspects of the right to development, and the Working Group had reflected the views of many delegations. One view was that, although States had an obligation to promote development, the right to development was one in which individuals should participate, as part of the broader framework of freedoms. The discussions had also revealed new problems concerning topics hitherto outside the purview of international law - for example, the need for development activities to make rational use of natural resources and protect the environment, since future as well as present generations had rights in that regard.

61. The establishment of new rights would not detract from conventional rights but would strengthen them. Indeed, the interdependence of all rights was surely reflected in the interrelationship of the agenda subitems now before the Commission. In his preliminary report (E/CN.4/1984/12), the Secretary-General had stressed that the promotion of human rights and the formulation of rules required a sound legal basis. He had noted that the right to popular participation meant participation in decision-making in all spheres. He had also noted that, like all human rights, it had individual and collective aspects. Colombia endorsed the Secretary-General's approach.

62. Also relevant was the report of the Special Rapporteur on the new international economic order and the promotion of human rights (E/CN.4/Sub.2/1983/24). By its very nature, that topic involved international as well as national considerations. The importance of the new international economic order for the right to development could not be overlooked, especially in the light of the fact that the diversion of vast resources from economic development to military expenditure was not only impeding the developing countries' progress but threatening their survival.

63. The Working Group's mandate should be renewed for a further year, and its tasks should focus on specific areas, including the obligations of States and international bodies. Even if the right to development could not yet be defined, it should at least be possible to produce some guidelines, based on the right of individuals, and not of States.

64. Mr. EKBLÖM (Finland) said that development in the widest sense of the word was clearly one of the overriding concerns of all countries in most fields of human and social activity. It was therefore right that all organs of the United Nations system, including the Commission, should give it due attention. Lack of progress in economic, social and cultural development throughout the world unquestionably explained most of the shortcomings in the enjoyment of human rights. The right to social security, health and education and many other rights were closely related to the stage of development reached in society. There was much human suffering in the world as a consequence of the enormous gaps in the enjoyment of those rights.

65. The fact that different countries had reached different stages of development need not prevent the recognition and implementation of all the human rights defined in the International Covenants on Human Rights or the ratification of those Covenants, which together could be regarded as providing a development programme focusing on the freedom and well-being of every person.

66. Development programmes had been drawn up by various countries, and States Members of the United Nations had jointly formulated a number of international instruments, programmes and resolutions indicating that all States had a right to development and a duty to their citizens to promote such development. That right under international law must not be confused with the concept of a right to development as a human right. Although some rights could be exercised or enjoyed in groups or communities of individuals, human rights were primarily individual in nature. The two aspects were relevant when examining the right to development as a human right.

67. The right to development as a human right must, as a minimum, include the right of every individual to benefit fairly from over-all development in society. It could also be understood to refer to the individual advancement of human beings as they pursued their own goals in life and participated in the activities of their communities and of society as a whole. The right to development could further be regarded as a right requiring joint action by communities or groups of individuals working for common goals in a spirit of solidarity. All those aspects could be reflected in a relatively concise document to supplement the extensive normative work already undertaken by the United Nations in the field of human rights.

68. His delegation supported the preambular paragraphs provisionally adopted for the draft declaration on the right to development (E/CN.4/1984/13). Most of the work of preparing the draft declaration still lay ahead. In his delegation's view, a much shorter text than the existing technical consolidated text would suffice. If an effort was made to include in the declaration a large number of principles of international law and fundamental principles of international economic relations, which were already recognized in other instruments, the declaration as a whole might appear redundant and incapable of contributing to the continuing elaboration of an international system of human rights norms.

69. His delegation would welcome a carefully worded statement on the right to development as a human right which could make an intellectual contribution to thinking on human rights, provide a source of inspiration for development policies focusing on the needs of individual human beings and assist in clarifying the relationship between individual and collective efforts to promote the enjoyment of human rights. It was not convinced that the time and effort so far devoted to the project would meet those requirements satisfactorily, but it wished the Working Group success in its continued deliberations.

70. Sir Anthony WILLIAMS (United Kingdom) recalled that, at its preceding session, the Chairman had reminded the Commission that it was meeting against the background of a difficult world situation, and had particularly and rightly stressed the serious economic and social deprivation affecting developing and developed countries alike. In view of that bleak situation, it was not surprising that human rights bodies had paid increasing attention to the effective realization of economic, social and cultural rights and to the right to development, which the United Kingdom recognized as an important concept and an important symbol of the aspirations of developing countries.

71. His delegation had therefore followed the discussions on the subject, and particularly the discussion in the Commission and its Working Group, with close interest. Believing that the essential subject of development was the individual human person, it whole-heartedly endorsed the individual's right to development in freedom and his right to participate in and benefit from the process of development. It was, however, fully aware of the differences of view as to the concept of the right to development, which only served to show the importance of giving the most careful consideration to the meaning of that right if it was to become a useful tool for the promotion of economic, social and other rights.

72. His delegation was keenly aware of the difficulties of the Working Group of Governmental Experts on the Right to Development in endeavouring to define that concept. It appreciated the work so far carried out by the Group and had read its latest report (E/CN.4/1984/13) with considerable interest, although it was clear that much work remained to be done. Despite the fact that some members of the Group had not shown the same constructive attitude as the majority, his delegation hoped that continued consideration would result in broad agreement in the Group on the scope of the concept and its proper place in the framework of existing international instruments. It therefore supported the renewal of the Group's mandate. The Group, operating on the basis of consensus, could provide the best environment for fruitful consideration of that complex matter, and there would be a corresponding advantage in limiting the Commission's discussion on the subject.



73. His delegation regarded the consensus approach to resolutions on the right to development, increasingly followed by the Commission, as sensible, particularly in the absence of any agreed definition. The United Kingdom had supported recent Commission resolutions on the subject and would welcome the opportunity to support a similar resolution at the current session.

74. Discussion on the right to development had rightly been linked with agenda item 18 on the International Covenants. The formulation of international standards in general and the development of the concept of the right to development in particular were essentially dynamic processes. In order to advance them effectually, it was essential to start from what had already been agreed. In common with the Universal Declaration of Human Rights, the International Covenants focused primarily on the promotion and protection of the human rights of individuals. Most of their articles were designed to ensure the right of individuals to play a full part in the society in which they lived, to enjoy a fair share of its benefits and to protect their interests against abuse. All Governments had a clear and primary obligation to promote the achievement of those rights in their own societies. Ratification of the two Covenants would be one of the best ways of demonstrating a genuine determination to that end. It was thus disappointing to note in the Secretary-General's report on the status of the Covenants (E/CN.4/1984/39) that, despite the accession of five more States in 1983, less than half the States Members of the United Nations had ratified the Covenants. He urged all other States to do so in the near future.

75. In his opening address to the Commission at its current session, the Assistant Secretary-General for Human Rights had rightly pointed out that United Nations work in the field of human rights had moved into the implementation phase. The Human Rights Committee continued to make an important contribution to the implementation process through its expert examination of reports submitted by States parties to the International Covenant on Civil and Political Rights and by encouraging constructive dialogue with States parties, most of which had responded well. He urged Governments whose co-operation with the Committee had been less than whole-hearted to adopt a more constructive approach towards their reporting obligations. His delegation also valued the dialogue between the Committee and the General Assembly, which had arisen from the Committee reporting, in effect, directly to the Assembly. It shared the Committee's opposition to any change in that reporting procedure.

76. Justified concern had been expressed in the Commission and in the General Assembly about publicity for the work of the Human Rights Committee. His delegation was particularly pleased to note from the report of the Secretary-General on the status of the International Covenants on Human Rights (E/CN.4/1984/39) that appropriate arrangements had been made, within existing resources, to publish the Committee's documents in bound volumes. It also welcomed the Secretary-General's report on public information activities (E/CN.4/1984/23), which contained details of the various activities of the United Nations Information Centres regarding the Covenants and human rights in general.

77. It was unfortunate that the implementation by the Economic and Social Council of the International Covenant on Economic, Social and Cultural Rights had been less satisfactory. It was apparent that the sessional Working Group responsible for examining reports from States parties lacked, through no fault of its own, the effectiveness of its counterpart - the Human Rights Committee.

His delegation had welcomed the recent Council resolutions calling for appropriate measures, and it looked forward to building on them when the Council next considered the issue in 1985.

78. His delegation welcomed Yugoslavia's initiative in bringing to the attention of the United Nations the question of the right of popular participation in its various forms as an important factor in development and in the realization of human rights (agenda item 8 (c)), and it accepted whole-heartedly the premise of the subitem's title. The United Kingdom Government had already submitted comments to the Secretary-General on the question of popular participation in its various forms. It essentially considered that popular participation meant the genuine transfer of power to people and the involvement of people in decision-making on matters affecting their well-being. The International Covenants specifically established the right of everyone to take part in the conduct of public affairs, directly or through freely chosen representatives. Popular participation was also fundamental to the enjoyment of many of the other rights set forth in the Covenants and the Universal Declaration, such as the right to self-determination, education, freedom of association and freedom of information.

79. The International Seminar on Popular Participation, held in Yugoslavia in 1982, had demonstrated that the subject was broad and complex. The preliminary study by the Secretary-General (E/CN.4/1984/12) showed that there was also a wide diversity of views on the subject. Careful consideration should be given to a proper definition of the concept, and his delegation had noted that the question would be considered in depth in the Secretary-General's final report to be submitted at the next session.

80. His delegation appreciated the industry shown by the authors of the report on the new international economic order and the promotion of human rights (E/CN.4/Sub.2/1983/24/Add.1/Rev.1) and of the study on the right to adequate food (E/CN.4/Sub.2/1983/25). The latter concept required elucidation, and the Special Rapporteur's task was complicated by the many factors involved in it; his delegation looked forward to seeing the Special Rapporteur's **final report**. It was not convinced, however, that the study on the new international economic order advanced the debate on the subject or provided a useful basis for further discussion. It would listen with great attention to the views expressed by other delegations in that regard.

81. Mr. KHMEI (Ukrainian Soviet Socialist Republic) said that one of the issues under agenda item 8 which had rightly claimed the recent attention of United Nations bodies was the right to development. His delegation viewed with sympathy the particular interest of developing countries in working for that right. It had supported the establishment of the Working Group of Governmental Experts on the Right to Development and the subsequent extension of its mandate to allow it to produce a draft declaration. It was unfortunate that, after six sessions, the Group had been able to produce only the technical consolidated text appearing in its report (E/CN.4/1984/13), which provided no more than an informal basis for further work and was not a suitable text for consideration by the Commission. It nevertheless gave an idea of the various issues raised in the Group, and his delegation was therefore encouraged to make a number of comments.

82. Firstly, no consideration had been given in the technical consolidated text or in the Group's discussions to the meaning of development. It was generally accepted by all schools of scientific thought that the basis for social development was the production of material and spiritual wealth. The productive

forces were, on the one hand, the means of production, consisting of tools, from the simplest to the most complicated, and what was worked with those tools, including the land and its forest, water and mineral resources, and on the other, the labour of the people with their knowledge, production techniques and experience.

83. Secondly, development was a social process in which there was an interaction between the people, constituting the work force, and the means of production. His delegation was convinced that the declaration could be scientifically valid and universally acceptable only if the right to development was regarded as the right of States, countries and peoples to peaceful, free and independent development. The importance of ensuring that right lay in the fact that it governed directly the exercise of human rights, particularly economic, social and cultural rights. The right to development should take its place alongside such rights as the right to self-determination and the right to sovereignty over natural wealth and resources.

84. Thirdly, the declaration should be based on the ideas expressed in article 3 of the technical consolidated text, which should be fully expanded on the basis of existing international legal instruments on human rights and development. Many provisions concerning the right to development were already accepted norms of international law. The Working Group's task was therefore to produce a composite text of all those provisions. The starting-point for the text might be the right to social progress and development for all States, and the right and responsibility of all States freely to decide on their own social development objectives, to establish their own priorities and to decide for themselves, in accordance with the Charter of the United Nations, on the ways and means of achieving the objectives without outside interference. In view of the important role played by the means of production as a factor of development, the declaration should reaffirm as international norms: the right of all States to supervise and regulate foreign industrial enterprises and transnational corporations in their territory and to have a fair share in the production of those enterprises commensurate with the natural and human resources used; and the right of all States to institute far-reaching social and economic changes, including nationalization of the means of production, which should extend to foreign industries on their territories.

85. Those views were based on his country's experience, which went back two thirds of a century. All the rights set forth in the International Covenants were guaranteed to every citizen of the Ukrainian Soviet Socialist Republic. That applied, in particular, to the rights set forth in the International Covenant on Economic, Social and Cultural Rights, as borne out by the fact that there was no unemployment, that everyone was guaranteed housing at a rent not exceeding 3 per cent of family income, and that the income of blue- and white-collar workers and collective farm workers increased annually, as did the amount of social funds providing for free education and training, medical treatment, pensions, student grants, pre-school institutions and other benefits. All those benefits were the material expression of the exercise by the Ukrainian people of their right to development, based on development of production, for which his country had an industrial potential equal to, and according to some indicators even exceeding, the level of development of Western European countries.

86. The creation of his country's potential had begun with the victory of the Great October Socialist Revolution in 1917, and had been developed by the Ukrainian people through their own efforts, in close co-operation and on an equal footing with the peoples of the USSR. The Ukrainian Soviet Socialist Republic had on two occasions been obliged to solve problems similar to those facing the developing countries following their liberation from colonialism. The first occasion had been in the early 1920s, when the country had had to overcome the effects of the devastation caused by the First World War, three years of imperialist military intervention and civil war. The second occasion had been in the late 1940s, when the country had had to overcome the consequences of the barbarous Nazi occupation during the Second World War. Thus, of its 66 years of existence, 18 had been spent either in enduring war or in healing the wounds of war, and the achievements had been the work of less than half a century.

87. The socialist way of life was not merely a matter of material well-being, however. It took account of everything that went to make up a full human life: an agreeable social climate, a collective spirit and comradely mutual assistance, moral health and social optimism. Every member of Ukrainian society had unlimited opportunities for exercising his right to participate in development. Citizens of the Republic enjoyed full exercise of the right to elect and be elected to offices of State at all levels, and there was the broadest possible mass participation in the work of the social commissions and executive committees in a wide variety of fields. The fact that every Ukrainian could feel that he was able to participate directly in the work of the State and society could be seen in the critical attention of the masses to the work of State and public bodies and in the constructive proposals they made with a view to improving that work. Freedom of speech, freedom of the press, freedom of association, freedom to hold demonstrations and freedom of conscience were all guaranteed.

88. His country was pursuing the task defined by the theory of scientific communism and the nature and history of development of its socialist system: the task of ensuring social homogeneity and the elimination of differences between people in terms of material and spiritual wealth, regardless of social position, type of occupation or place of residence. It viewed the pursuit of those tasks as the most important aim of its society.

89. In common with all the Soviet Republics, the Ukrainian Soviet Socialist Republic regarded socialism as a society based on public ownership of the means of production, a society in which the main source of wealth was labour and which was a firm alliance of the working people. All human rights were guaranteed by the very nature of such society.

90. His delegation sympathized with the developing countries in the problems they were facing as their bitter heritage from the colonial past, and it supported their efforts to overcome those problems, to ensure their development and social progress, and to establish a new international economic order.

91. His delegation was also concerned about the human rights situation in developed capitalist countries, particularly the situation of the tens of millions of people who were unemployed, homeless, undernourished and hungry. In the United States - the richest country in the world - one person in seven was living below the poverty line and more than 2 million were homeless. The main reason for such human suffering and wasted lives was that people were deprived of their right to work. The number of unemployed in the United States never fell below 10 million, even in a period of economic upturn.

92. All States that had not yet done so should accede to the International Covenants on Human Rights. Ratification of the Covenants was the main indication of the readiness of States to take practical action in order to further respect for and development of human rights. He hoped that the parties to the Covenants would be joined by the United States, which had so far merely posed as the judge of the human rights situation in other countries.

93. At the preceding meeting, the observer for Israel had made insinuations about the Ukrainian Soviet Socialist Republic and its Jewish citizens. The Ukrainian delegation strenuously rejected those insinuations as groundless and slanderous. The observer for Israel had given vent to his anti-Soviet anger in terms used for many years by Zionist propaganda, whose aim was to divert world attention from the crimes committed by the Israeli Zionist regime against the Arab people and to cast a slur on those who supported the Arab peoples in their fight for liberation. As for the allegation that the Ukrainian Soviet Socialist Republic was anti-Semitic, it had in fact fought against anti-Semitism and would continue to do so.

The meeting rose at 5.55 p.m.