

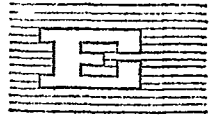
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COMMISSION ON HUMAN RIGHTS

Fortieth session

SUMMARY RECORD OF THE SECOND PART (PUBLIC)\* OF THE 41st MEETING

held at the Palais des Nations, Geneva,  
on Tuesday, 6 March 1984, at 12.30 p.m.

Chairman: Mr. KOOIJMANS (Netherlands)

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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 (continued)

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\* The summary record of the first part (closed) of the meeting appears as document E/CN.4/1984/SR.41.

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GE.84-15778 .

The public meeting was called to order at 12.30 p.m.

IMPLEMENTATION OF THE INTERNATIONAL CONVENTION ON THE SUPPRESSION AND PUNISHMENT OF THE CRIME OF APARTHEID (agenda item 16) (continued)

1. The CHAIRMAN, referring to article IX of the International Convention on the Suppression and Punishment of the Crime of Apartheid and to General Assembly resolution 31/80, said that, after consultations with the States concerned, he had appointed the representatives of the following countries to consider reports submitted by States Parties in accordance with article VII of the Convention: Mexico, Senegal, Ukrainian Soviet Socialist Republic. Pursuant to paragraph 14 of Commission resolution 1984/7, the Group of Three would meet for not more than five days prior to the Commission's forty-first session.

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 (agenda item 8) (continued) (E/CN.4/1984/L.26, L.34, L.46, L.50 and L.63; E/CN.4/1984/3: chapter I-A, draft resolution XV)

2. Ms. ILIĆ (Yugoslavia) introduced draft resolution E/CN.4/1984/L.26 on behalf of its sponsors, which had been joined by Peru. Since the text had been drawn up after consultations with other delegations and took account of various of their comments, especially by reproducing the title of General Assembly resolution 38/24, she hoped that it would be adopted by consensus.

3. Mr. SÈNE (Senegal) introduced draft resolution E/CN.4/1984/L.34 on behalf of its sponsors, which had been joined by Colombia. On the whole, the text was similar to that adopted by the Commission at its previous session and took into account substantive issues that had arisen within the framework of the analytical study of the right to development, which the Working Group of Governmental Experts was endeavouring to delimit and define in a reasonable and generally acceptable manner.

4. The preambular paragraphs of the draft resolution referred to a number of international instruments and relevant resolutions of the General Assembly and of the Commission proclaiming the right of every person to self-development and to the universal respect of human rights and fundamental freedoms. Mankind could not achieve its ideals unless the necessary conditions existed for human beings to enjoy their economic, social and cultural rights, as well as their civil and political rights. In other words, the achievement of economic, social and cultural rights at the same time as that of civil and political rights was necessary for the advancement of mankind, peace, the development of friendly relations between States, international co-operation and the full development of all. To put it another way, what was required was to overcome selfishness both among individuals and within States and to proclaim solidarity between all individuals and peoples to be a duty. In that respect, the Commission could be proud of its determination to lay the foundation of an ethical code applicable to individuals, peoples and nations and based on an all-embracing approach to human rights seeking both the protection and promotion of fundamental freedoms and the fulfilment of aspirations to development.

5. It was in that perspective that the links between human rights, disarmament and development - which, in the words of Pope John Paul VI, constituted "the new name for peace" - and the establishment of more just and equitable international relations should be viewed. While the worsening of the international economic situation was currently impinging on the developed countries, it was devastating for the developing countries, whose ability to enjoy their economic, social and cultural rights to the full was being increasingly undermined. The crisis of development sprang from the alienation, caused by poverty and distress, from which billions of human beings were suffering in the face of the affluence of the developed countries, which seemed to lack the means to understand and master their economic and social situation. Consequently, the impact of the crisis was reflected on both sides by growing feelings of frustration which were troubling contemporary society, especially in the third world. The global crisis of development was compounded by the crisis in international economic relations characterized by inequalities and disparities and especially by the need to adapt institutions and structures to a world undergoing profound changes. The claim to the right to development was therefore fully justified, if only from the moral point of view, for human beings and peoples excluded until quite recently from the historic initiative of the development process.

6. That did not mean that developing countries, although defending the concept of a new international economic order, dreamt of reversing the situation and establishing a new system which would favour them at the expense of others, since they were aware that it was impossible to serve the cause of peace and progress by obstructing or halting the development of the more advanced countries. Furthermore, that would be neither just nor desirable if the aim was to make the best possible use of the planet's available resources to promote the development of all human societies. The establishment of a new international economic order involved more than half measures and papering over the cracks: it implied a lasting and profound process for the mutual benefit of all parties so as to initiate a harmonious and integrated development which would enable all peoples and all individuals to have a life compatible with human dignity. That was to reaffirm the indivisibility and interdependence of human rights - the individual enjoyment and collective achievement of which were inseparable - the requirements of development and peace, the principle of human solidarity and co-operation among nations.

7. The Working Group of Governmental Experts had endeavoured to find concepts, norms and definitions acceptable to all so as to prepare a draft declaration on the right to development which the international community would consider fully credible. To enable the Working Group to complete its work, the Commission was invited to extend the Group's mandate to its forty-first session and to authorize it to hold two meetings of two weeks each at Geneva in 1984.

8. The sponsors of the draft resolution hoped that it would receive wide support. To that end, they had endeavoured, sometimes through negotiations, to devise a compromise text which would be acceptable to all regional groups. They regretted that their efforts had not always been successful. However, they hoped that the Commission would adopt the draft resolution by consensus in order to sustain the momentum of the promising dialogue and understanding within the Working Group.

9. He drew the Commission's attention to the fact that the word "Recalling" in the tenth preambular paragraph should be replaced by "Taking into account".

10. The CHAIRMAN said that the administrative and programme budget implications of draft resolution E/CN.4/1984/L.26 were set out in document E/CN.4/1984/L.50; those of draft resolution E/CN.4/1984/L.34 were set out in document E/CN.4/1984/L.63, and those of draft resolution XV of the Sub-Commission on Prevention of Discrimination and Protection of Minorities were set out in document E/CN.4/1984/L.46.

11. Mr. SCHIFTER (United States of America) thanked the sponsors of draft resolution E/CN.4/1984/L.26 for their flexibility in working out a text which was basically acceptable to all delegations. His delegation subscribed to its main ideas and endorsed the study referred to in operative paragraph 2, but it considered that, in the statement of administrative and programme budget implications (E/CN.4/1984/L.50), the Secretariat had somewhat over-estimated the expenditure necessary for that study by providing for the recruitment of an outside consultant at the P-4 level for six months at an estimated cost of \$34,300. Such extra expenditure was not justified and his delegation therefore proposed the addition of the following paragraph to the draft resolution:

"5. Decides that the final study requested by Economic and Social Council resolution 1983/31 is to be prepared within existing resource levels as provided in the programme budget for the biennium 1984-1985. 3/

"3/ See General Assembly resolution 38/236 A, Section 23."

The meeting rose at 1 p.m.