

United Nations

GENERAL  
ASSEMBLY

THIRTY-SECOND SESSION

Official Records\*



THIRD COMMITTEE  
53rd meeting  
held on  
Tuesday, 22 November 1977  
at 10.30 a.m.  
New York

SUMMARY RECORD OF THE 53rd MEETING

Chairman: Mr. PEDERSEN (Denmark)

later: Mrs. MAIR (Jamaica)

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Distr. GENERAL  
A/C.3/32/SR.53  
24 November 1977

ORIGINAL: ENGLISH

The meeting was called to order at 10.55 a.m.

AGENDA ITEM 76: ALTERNATIVE APPROACHES AND WAYS AND MEANS WITHIN THE UNITED NATIONS SYSTEM FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS: REPORTS OF THE SECRETARY-GENERAL (continued) (A/10235; A/32/61, 178, 179; A/C.3/32/L.17, L.25/Rev.1, L.28, L.32, L.33)

1. Mr. BROHI (Pakistan) said that, while there seemed to be a consensus on the abstract definition of human rights, difficulties arose with regard to their enforcement. Even the consensus as to what a particular "right" implied then began to break down. The reason why the International Covenants on Human Rights had taken years of debate was that they had been designed with a view to enforcement.
2. Each abstract human right was perceived differently by different individuals or peoples. Attitudes towards human rights ranged between two extreme positions; one underlined the importance of the rights of individuals, even at some cost to society, and the other underlined the importance of the development of society, even at the expense of the rights of certain individuals. That dichotomy was illustrated by the two International Covenants. The International Covenant on Civil and Political Rights was based on the philosophy that "that government is best which governs least". Those rights were, in a sense, "negative" rights requiring the State to refrain from action that might encroach on the freedom or well-being of the individual. On the other hand, the concept - of more recent origin - underlying the International Covenant on Economic, Social and Cultural Rights emphasized the positive action whereby the State could promote the greatest good of the greatest number of citizens. The problem at both the national and the international levels was to reconcile those sets of rights.
3. Another problem, particularly for "democratic" Governments, was that they could undertake action to promote human rights only through their national legislatures and other, often cumbersome organs of State. Such Governments were sometimes unable to meet the standards to which they subscribed, or to undertake international obligations. In developing countries especially, the inability of Governments with democratic structures to promote economic and social welfare often complicated their ability to adhere to acknowledged standards of civil and political rights. Insufficient account had been taken of those complexities; instead, the debates had been marked by mutual denunciations by the opposing sides.
4. In theory, the implementation of human rights and fundamental freedoms would promote international peace and security. Yet human rights could also be exploited for the purpose of intervening in the domestic affairs of States. Every new proposal in the United Nations for human rights enforcement machinery had been countered mainly on the ground that it would subvert the sovereignty of States and disrupt the entire international order.

(Mr. Brohi, Pakistan)

5. It could hardly be denied that the concern for human rights felt by the peoples of the world had been exploited by certain Governments for political advantage. An election promise to protect the rights of all individuals was understandable, but was it right thereafter to apply the standards selectively? It was equally hollow for a Government to act as a champion of national liberation and human freedom in various parts of the world while its own socio-economic system did not provide those liberties. Some Governments seemed to be motivated not so much by the desire to see justice done as by a concern to ensure that it appeared to be done. Such a cosmetic concern for human rights would merely dehumanize humanity. In the United Nations, too, it could be said that the energies of all its political organs were being expended more in enforcing the rights of man than in advancing his humanity. Preoccupation with fundamental human rights could soon become a fetish, unless imbued with a spirit of humility.

6. The practical enforcement of human rights depended on the underlying values of each society. To some, the right to freedom of expression was more important than the right to work; to others, it was the reverse.

7. States sometimes disagreed as to the priorities for fulfilling their obligations. A State could argue that it had no obligation to comply with standards which it did not recognize. Furthermore, over-emphasis on the need for practical compliance with uniform human rights standards might erode even the existing consensus with regard to the general scope and content of a particular right. That consensus should somehow be maintained. Moral and political persuasion was more effective than recrimination in achieving compliance with obligations that had been assumed.

8. The first task was, therefore, to achieve an agreed norm by which to evaluate the promotion of human rights on a universal basis. The preoccupation with human rights as if they were independent of economic and political conditions might divide humanity in the name of unity. The widest measure of consensus was necessary for any mechanism adopted for the promotion of human rights; a proposal adopted by a slim majority would only contribute to greater division.

9. Despite the wording of agenda item 76, he considered that there was only one approach to the promotion of human rights - one that provided a harmonious blend between the different principles and preconceptions of Member States. Pakistan was therefore co-sponsoring draft resolution A/C.3/32/L.17, which proposed the adoption of a conceptual framework for the consideration of human rights questions. That was an essential step towards reconciling the existing divergent approaches.

10. The first concept was that human rights were indivisible; none of them could be considered in isolation. The relevance of a particular human right could be evaluated only in the light of the stage reached by a particular society. Secondly,

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it could be agreed that all human rights, whether civil and political or economic and social, were - from the standpoint of their enforcement - equal and constituted an indivisible value system. To assert that political freedom should be accorded priority was merely to adopt a doctrinaire approach. Thirdly, it was evident that civil and political liberties, which normally represented a higher stage in socio-political development, could best be promoted once basic human needs had been met. It was understandable that the Governments of developing countries, facing the basic problem of hunger and deprivation, might feel compelled to place a low priority on civil and political liberties. Fourthly, the fulfilment of human rights standards in any society should be judged in the context of a world that was fundamentally unequal in its political structures and economic standards.

11. There were two other and more specific considerations. The first was the importance of eliminating violations of the human rights of entire peoples. The problem therefore arose of determining at what stage the violations assumed sufficient gravity to be of international concern. The criteria laid down in Economic and Social Council resolution 1503 (XLVIII) had obvious shortcomings. He did not believe that objective and uniform criteria could be established for determining grave and massive violations of human rights. Yet history had shown that a State which was guilty of human rights violations domestically was also, in most cases, the source of international tension and conflict. It was therefore no accident that primary attention continued to be paid to eliminating apartheid and colonialism. The international conscience was firmly against the policy of apartheid because the South African racist régime resolutely adhered to that doctrine and refused to admit that its rejection would promote equality, dignity and human welfare.

12. The protection of "group rights" was of special significance in evolving a common approach to the whole subject of human rights. In that context, a group should be viewed as having a personality and therefore "rights" of its own. The worst remaining manifestations of deprivation of the rights of such "groups", nations or peoples were apartheid, racial discrimination and other forms of colonial and foreign oppression and exploitation of entire peoples. The transition to a common approach towards human rights would be difficult while such anachronistic situations persisted. Without political liberation, it was futile to speak of a people's political liberties or civil rights.

13. Lastly, without the rectification of global economic disparities it would be unrealistic to expect the universal achievement of the standards for economic and social rights set out in United Nations instruments. The promotion of human rights on a global basis could not be achieved in a world of economic injustice and inequality. How could a Government profess concern for human rights if it clung to international economic structures that perpetuated poverty in the poorer

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countries? The emphasis on the new international economic order was not based on a mere materialistic determination of social evolution. It was part of a wider, long-term endeavour - to evolve a new order in which peoples were safe from external threats to their survival and well-being, in which there was mutual respect for the cultural, social and political values and systems of each State and where change was brought about by the free interplay of ideas and not through aggression or interference in the domestic affairs of States.

14. In the meantime, the United Nations could make a positive contribution to the promotion of human rights. Rather than seeking to establish new machinery, it should concentrate on collecting and disseminating information regarding the progress made by Member States in fulfilling their obligations. An annual survey should give both the positive and the negative indications: for example, it would indicate the judicial procedures evolved in certain States in conformity with their international obligations. That approach would be more constructive than one which sought public condemnation of some States on a selective basis. As he had suggested at the 1968 Teheran Conference, emphasis should first be placed on education as a means of unifying the peoples of the world in a common approach to human rights. His delegation hoped that the study which would be prepared by the Commission on Human Rights under the terms of draft resolution A/C.3/32/L.17 would initiate that process.

15. Ms. BEAGLE (New Zealand) welcomed the wide-ranging discussion of human rights issues under item 76 and the continuing consultations involving a large number of delegations from all regional groups. Under other items, too, there had been greater efforts than ever before to find new and constructive approaches to human rights issues.

16. The high level of activity in the Committee seemed to reflect the intense upsurge of interest shown by world public opinion in human rights issues, coinciding with the entry into force of the International Covenants on Human Rights. Those instruments could be regarded as the ultimate standard-setting instruments, leaving no doubt as to the nature of the rights which the United Nations had the duty to promote or as to the legitimacy of its concern in the face of what were clearly gross violations of human rights.

17. Yet, the gap between the definition of human rights standards and their implementation was often very wide. All Member States must make a determined effort to produce approaches based on an understanding of different traditions, values, stages of development and cultural and social systems; a new consensus on human rights must be forged with a view to implementing human rights instruments.

18. As a Pacific country, New Zealand was well aware of the needs and aspirations of developing countries with social and cultural traditions different from its own. It was conscious that many newly independent States had fought for self-determination and were now fighting for economic survival, which made it

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understandable that they might approach the task of promoting human rights with different priorities and with a different emphasis. From its own experience, her country was convinced of the essential link between economic, social and cultural rights and civil and political rights. The observance of civil and political rights was not dependent on the prior realization of economic, social and cultural rights. Nevertheless, her Government accepted that everyone had a primary right to food and shelter. There were, at the same time, certain other fundamental rights - in particular those embodied in articles 3, 4 and 5 of the Universal Declaration of Human Rights - which must be guaranteed to all people in all countries. It was encouraging that many third world countries accepted that principle.

19. New Zealand's commitment to the principle of non-discrimination in the exercise of human rights was a basic concept of a society characterized by a belief in individual liberty, in equal rights for all citizens and in their right to participate by means of free and democratic processes in formulating their society; by the rejection of racial prejudice, racial discrimination and colonialism; by a commitment to combat poverty, ignorance and disease; and by a belief in international co-operation to remove the causes of war, to promote tolerance and to combat all injustices. Perhaps the overriding principle underlying its national life was that of respect for human dignity, a principle which it believed to be universal and indivisible. Wherever that fundamental principle was violated, the international community had a right to speak out against it. New Zealand believed strongly that international progress in human rights, as in other fields, could not be made if every country bound itself to the rate of the slowest. Progress was vital, because continuing violations of human rights impeded progress in other areas of international relations.

20. Many groups in New Zealand society had been participating in the consideration of alternative national approaches for improving the enjoyment of human rights, and new legislation had been prepared for adoption by Parliament at its current session. Under that legislation, a national Commission of Human Rights would be established to deal with complaints of racial, religious or sexual discrimination. The legislation would codify the country's traditional respect for human rights. Having substantially completed the task of ensuring that its laws and juridical system were capable of enforcing the obligations imposed by the International Covenants on Human Rights, New Zealand expected to ratify both Covenants not later than 1978.

21. New Zealand was prepared to consider any alternative approach which might pave the way for the more effective enjoyment of human rights. It had been encouraged by the considerable advance which the current broad-based discussion represented over the limited polemical debate of previous sessions. It had appreciated the efforts of both groups of sponsors of draft resolutions to produce texts which might command wide support. It regarded draft resolution A/C.3/32/L.17 as a significant contribution, and hoped that the largest possible number of member and observer delegations to the Commission on Human Rights would participate in the over-all analysis envisaged.

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(Ms. Beagle, New Zealand)

22. New Zealand had also supported efforts to establish an office of United Nations High Commissioner for Human Rights. The recent consultations should have removed many prevailing misconceptions. The appointment of such an independent authority to co-ordinate human rights activities could instill new life and purpose into existing machinery. She welcomed the balance struck in draft resolution A/C.3/32/L.25/Rev.1, paragraph 2 (a), between traditional human rights concepts, on the one hand and the concern of the third world with massive violations of human rights and with the link between the promotion of human rights and the new international economic order, on the other. She would remind delegations which continued to have reservations about such an appointment that similar doubts had been expressed with regard to the creation of the post of United Nations High Commissioner for Refugees. Yet UNHCR had indisputably made a major contribution to the alleviation of human suffering. In her delegation's view, the appointment of a High Commissioner for Human Rights could not fail to advance the promotion of human rights, not least in the areas of special concern to the third world.

23. In view of the importance of local law and social mores in the implementation of existing international human rights instruments, New Zealand saw considerable merit in regional action to promote human rights. It would welcome further discussion of that subject in its own Pacific region, where it was not practical to impose a Western European administrative structure on Polynesian social, cultural and legal traditions. Her Government's interest in that idea, which it noted was shared by Fiji, did not, of course, imply its acceptance of any variation in internationally agreed standards: rather, New Zealand recognized the expediency of working towards a common goal on the basis of mutual recognition of similar problems in a certain region.

24. In conclusion, she paid a tribute to the work of international and national non-governmental organizations in the human rights field. Organizations such as Amnesty International made a vital contribution by arousing public concern and identifying problems, often in cases where Governments felt unable to speak out. The thirtieth anniversary of the Universal Declaration of Human Rights in 1978 would provide an excellent opportunity, at the international, regional and national levels, to take stock of what remained to be done and to promote education and dissemination of information, which were fundamental if the root causes of human rights violations were ever to be eliminated.

25. Mr. YEPES ENRIQUEZ (Ecuador) said that every individual possessed certain inherent human rights which were completely independent of social, economic, cultural or legal circumstances. His country had incorporated into its domestic law the provisions of the relevant international instruments designed to ensure the implementation of those rights, and supported all steps to improve their implementation even further.

26. His Government had accordingly studied the draft resolutions before the Committee very carefully, and regretted that the only one to which it could give its full and unconditional support was draft resolution A/C.3/32/L.28, calling for the universal and unlimited implementation of Economic and Social Council resolution 1503 (XLVIII). The other three, while generally acceptable as far as

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their basic ideas were concerned, shared a common defect in that they laid down pre-conditions for the very operation of the machinery which they purported to establish. The cause of human rights would hardly be furthered, for example, if one had to wait for the fulfilment of the conditions stipulated in draft resolution A/C.3/32/L.17, paragraph 1 (c). Under the provisions of draft resolution A/C.3/32/L.25/Rev.1, paragraph 4, to take another example, a murder committed by a savage still living in the state of nature could not be considered a violation of the victim's human rights because it would have been committed precisely on the basis of the savage's cultural and religious values. That article would prevent the High Commissioner from ever operating effectively in the territories of those countries which were so strongly opposing his right to exist in the first place. Again, the reference to "appropriate guarantees of equity and discretion" in draft resolution A/C.3/32/L.32, paragraph 2, implied considerable distrust, from the outset, of the work of the proposed group of experts.

27. Much controversy had arisen over the relative importance of economic rights on the one hand and political and social rights on the other. However, given the reality of the daily violation on a vast scale of the most elementary human rights, including the right to life, it was the Committee's duty to ensure universal respect for human rights. If it succeeded in doing so, much of the struggle against hunger, poverty and ignorance would be won.

28. Mr. LEPRETTE (France) said that the United Nations had worked since its very inception towards the universal recognition of inalienable and inherent human rights. An important landmark had been the Universal Declaration of Human Rights, which had become a beacon for all international bodies. The successes achieved in the field of decolonization testified to the great influence of the Declaration. However, in spite of the progress achieved, even in the face of often unfavourable political circumstances, through such international instruments as General Assembly resolution 1514 (XV) and the International Covenants on Human Rights, much remained to be done. Torture, political persecution, racism, apartheid, war and terrorism continued to restrict or jeopardize human freedoms in many parts of the world. In too many cases, efforts to ensure better living and working conditions had faltered or failed because new doctrines, often bearing a totalitarian stamp, were increasingly threatening the exercise of trade union rights, the right to choose an occupation and decide where to work and freely to enjoy the fruits of one's labour, and the enjoyment by individuals of their economic, social and cultural rights as a whole. Even more alarming was the tendency to exempt States from the responsibility to ensure the exercise of individual rights in the name of the obligation to provide for collective rights.

29. The question was what the United Nations could do to enhance the exercise and promotion of human rights. The international instruments he had mentioned were in the process of being supplemented by others such as the draft Conventions on the elimination of discrimination against women and on the elimination of torture. ILO and UNESCO had also done important work in establishing standards relating to human rights. Not only must every human rights instrument be ratified by the greatest possible number of States, but compliance with the provisions of ratified conventions must be effectively monitored on the basis of the periodic submission of full and accurate reports from States parties on the various legal,



(Mr. Leprette, France)

administrative and other measures they had taken. If rigorously applied, that procedure could be an effective means for the promotion of human rights by the United Nations. His delegation was particularly concerned about States which refused to implement human rights instruments even after participating in their formulation and ratifying them, and it firmly rejected the thesis that the International Covenant on Civil and Political Rights could not be implemented without the fulfilment of economic, social or cultural pre-conditions. It could not accept the specious premise underlying draft resolution A/C.3/32/L.17, because economic, cultural and social development were inextricably tied to the exercise of such political freedoms as freedom of expression and the right of association, on which both the trade union movement and the co-operative movement were based. The two Covenants were indivisible. There could be no new economic order without the implementation of civil and political rights.

30. With respect to the existing United Nations bodies concerned with human rights, consideration had, of course, been given to traditional ways of improving their work, such as increasing the number of sessions of the Commission on Human Rights or improving its pace of work and ensuring that it gave priority at each session to items not dealt with at the preceding session. As to investigations of allegations against sovereign Member States, his delegation felt that the basic rules of investigation must be more strictly observed; in other words, an investigation must involve adversary proceedings and must not prejudice its own findings. Investigating bodies must be impartial, objective and discreet. The proceedings must remain confidential while the investigation was in progress and the consent of the States concerned must be obtained for on-the-spot investigations, which meant that they would have the right to reject particular investigators. The investigating groups must confine themselves to the facts and avoid expressing opinions and judgements. The rules set forth in Economic and Social Council resolution 1503 (XLVIII), if strictly observed, provided the requisite guarantees in that respect.

31. As for the establishment of new bodies in order to improve the human rights machinery of the United Nations, he noted that recourse to an individual such as the proposed High Commissioner for Human Rights was not without precedent. Special rapporteurs, for example, had often been used to co-ordinate a particular investigation, in some cases over a period of several years, and despite some reservations they had performed successfully. The Office of High Commissioner should therefore cause no concern. States would not, of course, subject themselves to the judgements of individual experts, no matter how qualified, and it was now clear that the functions of the High Commissioner would be to co-ordinate and provide his good offices without, however, interfering in any way or acting as judge in any circumstances. Furthermore, his field of activity would have to be strictly circumscribed in accordance with the principles set forth in the Universal Declaration of Human Rights, the International Covenants on Human Rights and Articles 55 and 56 of the Charter.

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32. The exercise of individual rights and freedoms was the best safeguard of collective rights. There was a clear distinction - which accounted for the existence of two different Covenants - between the concept of the exercise of freedoms and the concept of the satisfaction of needs. Of course, the two Covenants were interdependent and must be placed on the same footing, but the very idea of interdependence made it clear that distinct entities were involved.

33. Lastly, it must be stressed that concern for human rights violations should not be restricted to those cases where they occurred on a vast scale, since a quantitative criterion could not prevail over a qualitative one.

34. Before doing anything else, however, the Committee must resolve a number of contradictions relating to human rights which often impaired the credibility and effectiveness of the United Nations. One major contradiction was between the universality which was recognized as attaching to principles and the discriminatory selectivity which was practised in their implementation. A second flagrant contradiction resulted from the incompatibility between the increasing tendency to recommend the adoption of international enforcement measures, sometimes going beyond the provisions of the instrument itself, and the equally frequent practice of objecting to such action on the ground of interference in the internal affairs of the States parties. Resolving those contradictions was the most urgent matter to which the United Nations must address itself because of the harm they did to the cause of human rights.

35. Mr. DIEZ (Chile) said human rights and fundamental freedoms were a key element in the United Nations Charter because they were, inter alia, prerequisites for international peace and security. The United Nations had scored some successes in implementing human rights, especially in the area of decolonization, but the substance of the problem was complex because human behaviour and social relationships were complex. The rights of the individual must take precedence over those of the State, but because of modern conditions the role of the State was continuing to grow.

36. Certain fundamental considerations must be kept in mind in viewing the problem of human rights. First of all, human rights had to be seen within the context of the individual way of life of each nation. Secondly, the area of international jurisdiction in human rights matters must be clearly defined, so as to harmonize it with domestic jurisdiction. Thirdly, rules were required to govern the acts of international organizations in protecting individual rights in a national community.

37. Most human rights violations occurred in the relationship between the governors and the governed, and harmonious domestic coexistence between them was important not only internally but because of its external impact. The fundamental prerequisite for the enjoyment of all human rights was freedom - the freedom of people to live their lives in accordance with their own needs and with the conditions prevailing in their own countries. Unfortunately, experience had shown that such democratic freedom often fell victim to certain ideologies. Chile favoured democracy, but it rejected the notion of the supremacy of any group or race on either ethnic or ideological grounds.

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(Mr. Diez, Chile)

38. Terrorism had its origins not among the poor or the working classes but in the highest and most sophisticated intellectual and socio-economic circles. In Latin America, there was a causal relationship between organized subversive terrorism and many emergency régimes. The fundamental values of democracy must, however, be respected; democracy was incompatible with exclusive concepts such as the rejection of all opposition. The thousand-year programme for the "new order" of the Nazi era and the "classless society" which would need neither law nor State in order to subsist were conceptual expressions of a historical and political immobilism that was intrinsically contrary to all forms of democracy and detrimental to the rights and attributes of the human person.

39. The second aspect to which he wished to refer was that of the relationship between the sovereign State and the competent international bodies. The United Nations certainly had the competence to investigate alleged violations of human rights; that derived from the Charter and from the Universal Declaration of Human Rights. However, States had exclusive competence in certain areas, as had also been recognized in the Charter, which prohibited intervention in matters essentially within the domestic jurisdiction of States. The implementation of human rights was clearly a matter within the domestic jurisdiction of States, not only on the ground of national sovereignty but also because it was a logical extension of the principle of self-determination of peoples. The extent of the competence of United Nations bodies, including the Commission on Human Rights and the General Assembly itself, raised the issue of how international jurisdiction should be harmonized with national sovereignty. The question was what was the precise goal of United Nations activities in the field of human rights; was it merely fact-finding, or did it include the power to judge, and therefore to acquit or condemn? The limits of the competence of the United Nations had not been defined. However, it was essential that the sovereignty of States should be protected. It would be logical to suppose that the process of inquiry into violations of human rights would gradually be extended to cover other matters, so that eventually the investigating body, would become a parallel government of the country under investigation.

40. The third aspect involved human rights and due process. Historically, individual rights had been defined in terms of the relationship between the individual and the authorities of the society to which he belonged. The main purpose of such rights had been to limit political power by safeguarding the fundamental values of the citizen, which had been his prior to the development of political organizations. However, history had shown that human rights were invariably infringed by arbitrary acts of the authorities. Procedural rules to safeguard human rights had therefore been developed parallel to the definition of the rights themselves, thus giving rise to the concept of due process. Competent judicial organs had developed, independent of the executive both structurally and operationally, so that they could guarantee equality before the law in an effective manner. Thus, human rights, minimal in the early stages, had grown proportionately as restraints had been placed upon the sovereign.

41. At the same time, the idea had developed that it was man himself who was to be protected and that the individual must not, therefore, be subject only to the

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political authority of his Government. The international instruments in the field of human rights had legal force in themselves, but they must also be harmonized with the internal sovereignty of nations, which must continue to be the principal factor in the international order. Technological advances, the deployment of communications and the growing interdependence of States had led gradually to a movement towards unification of the world and to a growing consciousness of the community of interests which linked the human race. That process in turn had led to the growth of multinational organizations, and had reached its highest expression in the United Nations. Even if the Organization was not, from a purely legal standpoint, a supranational authority, it in fact represented a political power of substance. The relationship between the Organization and its constituent communities bore a clear resemblance to the relationships existing between national authorities and the individuals comprising the national community. States themselves thus had a true international citizenship and were "citizens" of the organized international community.

42. Viewed in that context, a civilized relationship must exist between the governed and the "State" so that, in the exercise of international power, limits would be imposed on the action which could be taken against a national community, with a view to safeguarding the rights enjoyed by the latter. In the field of human rights, any investigation into alleged violations by a national community constituted action similar to a legal indictment. Due process must therefore apply at the international as well as at the national level. It must involve the intervention of a judicial organ independent of the "executive", possessing universal competence and following procedures which would guarantee impartiality in investigation, certainty on questions of fact and the possibility of defence by the accused community. Examples of initiatives of that type were to be found in the European Communities and in the provisions of the Convention of Costa Rica currently in process of ratification. No such procedures existed in connexion with the Universal Declaration of Human Rights. The problem therefore required urgent attention by the United Nations. A national community could not permit its fundamental powers in such matters as its physical, political or economic integrity, as well as its dignity and honour, to be affected by the interference of multinational organs which were not subject to due process.

43. It was against that background that his delegation had submitted draft resolution A/C.3/32/L.32, which was specifically designed to avoid an overlapping of powers. It was important to remember that human rights extended to economic, social and cultural rights, which could only be assessed within the framework of a national community. They could not be dealt with by the Commission on Human Rights, or even by the General Assembly. It was important that the group of 10 experts called for by the draft resolution should be chosen from different geographical areas and legal systems, so that each region of the world would have its voice heard in the discussions leading to the proposed study of a system for the investigation of alleged violations of human rights. The rights of regions would thus be recognized.

44. His delegation was also prepared to vote for draft resolution A/C.3/32/L.25/Rev.1. The office of the United Nations High Commissioner for Human

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(Mr. Diez, Chile)

Rights, as described in that draft resolution, took account of some of the factors which his delegation had in mind. The office should be humanitarian and depoliticized; it should look at the cause of difficulties and at the characteristics of the country concerned. The objectives should be to co-operate and to help States in dealing with their problems.

45. Mrs. Mair (Jamaica) took the Chair.

46. Mrs. WELLS (United States of America) said that her Government considered the item under discussion to be the most important on the Committee's agenda. Substance and timing were both essential if progress was to be achieved in the field of human rights. World-wide concern at the increasing extent to which human rights were being violated had made the moment opportune for the appointment of a United Nations High Commissioner for Human Rights, as an important step towards strengthening guarantees for all the human rights set forth in international instruments.

47. The visibility and high prestige attaching to the office of High Commissioner would enable the incumbent to extend his good offices world-wide. Establishment of the office would lead to greater co-ordination of the activities of various United Nations organs concerned with human rights. The appointment would also serve to create a link between the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. The rights set forth separately in the two Covenants would thus be integrated.

48. With regard to the High Commissioner's mandate, the United Nations could create either a very weak post, which would be of no value whatsoever in protecting human rights, or an office that was too powerful and would lead to confrontation with Member States. She considered that draft resolution A/C.3/32/L.25/Rev.1 steered a skilful course between those two extremes. The High Commissioner would not be an independent investigator, as such action would lead to confrontation. His role would be advisory and would include the provision of services at the request of Governments, in accordance with the commitment of States to the Charter of the United Nations. His best work would be done privately, in co-operation with States. A further advantage of the establishment of such an office would be that the High Commissioner would be able to reduce duplication between agencies, for example in the channelling of information.

49. She agreed with the representative of Kenya that there was always a risk that the High Commissioner would go beyond his mandate, but a remedy for that situation existed, inasmuch as the General Assembly would always be in a position to abolish the post. She could appreciate that there was reluctance to try the untried, but she believed that postponement of the proposal contained in draft resolution A/C.3/32/L.25/Rev.1 would represent a denial of the urgency of human rights in the contemporary world. People everywhere were becoming increasingly aware that they lived in one world and that they needed each other. Every nation and every ideology had something to contribute to that world.

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(Mrs. Wells, United States)

50. She noted that the debate had focused on the relationship between civil and political rights on the one hand and economic, social and cultural rights on the other. Her delegation had always stressed the interdependence of all rights. It visualized a United Nations High Commissioner for Human Rights as representing a key step in joining the economic, social and cultural rights of nations to the civil and political rights of individuals.

The meeting rose at 1 p.m.