

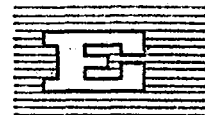
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COMMISSION ON HUMAN RIGHTS

Thirty-fifth session

SUMMARY RECORD OF THE 1488th MEETING

held at the Palais des Nations, Geneva,
on Tuesday, 20 February 1979, at 4 p.m.

Chairman:

Mr. BEAULNE

(Canada)

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Status of the International Covenants on Human Rights

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session will be consolidated in a single corrigendum to be issued shortly after
the end of the session.

The meeting was called to order at 4.25 p.m.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS IN THE OCCUPIED ARAB TERRITORIES,
INCLUDING PALESTINE (agenda item 4) (continued) (E/CN.4/1307 - 1309, E/CN.4/1339,
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1. Mr. de ANGELI (World Federation of Trade Unions), speaking at the invitation of the Chairman, said that the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories (A/33/356) confirmed his organization's conclusion that, far from improving, the situation in the occupied Arab territories, including Palestine, continued to deteriorate. The Zionist Government of Israel, claiming that the Arab territories occupied in June 1967 belonged to the Jewish "homeland", was pursuing its policy of settlement and annexation of those territories, and was thus continuing to deny the Palestinian people their fundamental right to self-determination. The occupation inevitably demoralized the civilian population of the occupied territories and violated their human rights since it involved various acts of violence, mass arrests and incarceration without charges.
2. Furthermore, in order to liquidate the Palestinian presence in Lebanon and to paralyse the Lebanese progressive forces, the Israeli aggressors had allied themselves with the reactionary and fascist elements in Lebanon. After the Camp David agreements, the imperialist, Zionist and reactionary conspiracy had reached a new stage, causing enormous losses in all sectors of the Lebanese economy, including the internal migration of nearly half a million Lebanese, who had thus been deprived of housing, food and medical care, and the emigration of some 450,000 Lebanese, most of them workers. In addition, 150,000 Lebanese workers had become unemployed. The human losses had also been enormous, with 70,000 dead and 150,000 wounded, handicapped or hospitalized. The situation was worsening and Israel still refused to withdraw its troops from Lebanon just as it refused to withdraw them from the other Arab territories which it occupied illegally.
3. WFTU, through its Congress - which included 996 delegates representing 303 trade-union organizations from 126 countries and 230 million members - and its Bureau, had condemned the fascist policy of aggression, occupation, expansionism and racial discrimination pursued by Israel, and the inhuman treatment which it inflicted on Arab detainees in the occupied territories, and had reaffirmed that the settlement of the Palestinian question, which lay at the heart of the Middle East problem, necessitated the withdrawal of Israeli troops from all Arab territories occupied since 1967, including the Arab part of Jerusalem, and the recognition by Israel of the legitimate national rights of the Palestinian people, including their right to establish their own State on their national territory under the direction of their sole legitimate representative, the Palestine Liberation Organization. On the same occasion, the WFTU had expressed support for the Front of Steadfastness and Resistance, and in particular for the Syrian Arab Republic.

4. On the eve of the International Day of Solidarity with the Palestinian People, proclaimed by the General Assembly in resolution 32/40 B, talks had been held between the WFTU secretariat and the leaders of the International Confederation of Arab Trade Unions and the National Federation of Trade Unions of Workers and Employees of Lebanon (FENASOL). Those talks had resulted in the adoption of a joint statement, in which the three signatories had urged all trade-union organizations and all progressive forces throughout the world to take every initiative in order to support the struggle of the Lebanese democratic, patriotic and progressive forces to safeguard the territorial integrity of Lebanon, its independence, its Arab character and its democratic development, and to ensure the restoration of its institutions on a balanced national basis. The signatories had also called for the satisfaction of the social and economic demands of the Lebanese working classes and the implementation of the Cairo agreements concerning the Palestinian presence in Lebanon, and had demanded the withdrawal of Israeli forces from southern Lebanon.

5. Lastly, on 15 December 1978, the Standing Secretariat of the International Trade Union Committee of Solidarity with the Workers and People of Palestine had met and decided to convene an International Trade Union Conference of Solidarity with the Workers and People of Palestine, which would be held at Damascus from 15 to 17 May 1979 and in which all trade-union organizations throughout the world had been invited to participate.

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.4/1271, 1329, 1334 and 1340)

STATUS OF THE INTERNATIONAL COVENANTS ON HUMAN RIGHTS (agenda item 21) (continued) (E/CN.4/1329; A/33/40)

6. Mrs. VIRE-TUOMINEN (Women's International Democratic Federation), speaking at the invitation of the Chairman, said that she would devote her statement to agenda item 8. Since its establishment over 30 years before, her organization had always attached great importance to the implementation of the principles set forth in the Charter of the United Nations and the Universal Declaration of Human Rights. The entry into force of the International Covenant on Economic, Social and Cultural Rights and of the International Covenant on Civil and Political Rights constituted an important milestone in efforts to promote and encourage respect for human rights and fundamental freedoms.

7. Her organization was particularly pleased that the Commission had undertaken a study of the international dimensions of the right to development as a human right in relation with other human rights based on international co-operation, including the right to peace. WIDF had always considered that as long as tension, aggression and war existed, and ignorance, illiteracy, hunger and poverty were the lot of the majority of the world's population, the enjoyment of the human rights embodied in the various international instruments would encounter considerable obstacles. In that spirit, WIDF, with a view to securing and defending women's rights, was working for the elimination of colonialism and racism and for national independence, democracy and peace - conditions which formed the basis for any progress.

8. The celebration of International Women's Year in 1975 had marked the launching at the international and national levels of a campaign aimed at ensuring equal rights for men and women, and had mobilized broad sectors of public opinion to that end. WIDF was determined to derive maximum benefit from the United Nations Decade for Women in order to ensure the practical realization of equal rights for women and men, and to obtain the full integration of women in the economic, social, political and cultural life of their countries. In that context it had organized a whole series of studies, seminars and round tables on the situation of women at various social levels in all the continents. The studies had shown that in the socialist countries, the development of the personality and the quality of women corresponded to the very nature of the society concerned and that measures were constantly taken to guarantee to women optimum conditions which enabled them to reconcile their responsibilities as mothers, workers and citizens, in the interests of society as a whole. They had also shown that in many countries considerable efforts had been made to promote literacy among women, to develop their vocational training, to integrate them within the production process and to improve their living and working conditions, particularly in rural areas.

9. However, while the international community was preparing the World Conference of the United Nations Decade for Women, on the theme "Equality, development and peace", WIDF and the 129 organizations from 114 countries which were affiliated to it recognized that in many countries, the economic, social and cultural rights of women proclaimed in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights were far from being implemented, for lack of resources. Many countries in the world still had to apply the principle of "equal pay for equal work", to ensure the access of women to all levels of education and to vocational training and retraining, to guarantee them employment commensurate with training received, to ensure their right to social security and their access to culture, to reconcile their vocational activities with their duties as mothers and to protect the mother and the child. In the opinion of WIDF, the prompt adoption of the draft Convention on the Elimination of Discrimination against Women would effectively help to resolve those problems.

10. WIDF stressed the fact that women throughout the world were aware that the establishment of lasting peace, the comprehensive prohibition of nuclear weapons and of the manufacture of the neutron bomb, and of the development and production of new types and systems of weapons of mass extermination, general and complete disarmament - which would release enormous sums for the benefit of progress, and the process of political and military détente were vital imperatives for mankind and essential conditions for progress in women's rights.

11. WIDF expressed its deep concern at the situation of women in countries where democratic freedoms and individual rights were trampled underfoot and in countries dominated by racist, apartheid, fascist and dictatorial régimes. It was also deeply concerned about the attack launched against Viet Nam by expansionist circles, with hegemonistic designs, from a neighbouring country - an attack which jeopardized the most elementary rights of the Vietnamese people and constituted a flagrant violation of the principles set forth in the Universal Declaration of Human Rights.

12. WIDF welcomed the Commission's efforts to promote respect for human rights throughout the world and assured the Commission of its full co-operation. In that spirit, it urged the Commission: (a) to take account of resolution 32/142 in which the General Assembly had requested the Commission on the Status of Women to consider, as a contribution to the preparation of the World Conference of the United Nations Decade for Women, to be held in 1980, the elaboration of a draft declaration on the participation of women in the struggle for the strengthening of international peace and security, and against colonialism, racism, racial discrimination, foreign aggression and occupation and all forms of foreign domination, and of resolution E/RES/1978/29, in which the Economic and Social Council had, inter alia, invited the subsidiary bodies of the Commission to transmit their proposals with a view to the elaboration of the draft declaration; (b) to set up a special group of experts to analyse the implementation of Declaration on the Protection of Women and Children in Emergency and Armed Conflict, in the struggle for peace, self-determination, national liberation and independence; and (c) to request Member States to include women and men acquainted with the specific problems of women in committees, expert groups and national commissions considering the various problems relating to human rights.

13. Mr. M'BAYE (Senegal) said that he would devote his statement to agenda item 8, which had never failed to arouse the interest of his delegation and which in its view constituted one of the most important items on the Commission's agenda.

14. The concept of economic, social and cultural rights originated from the socialist revolution of October 1917. Those rights had been enshrined for the first time in the Constitution of the Soviet Union of 1918 and had since been embodied in the constitutions of several States and in the Universal Declaration of Human Rights. Since 1975 in particular, the Commission had devoted special attention to them and, by adopting such resolutions as resolution 4 (XXXIII), it had identified two new facets of those rights: firstly, the right to development and secondly, the obstacles impeding the exercise of economic, social and cultural rights.

15. If the Commission had emphasized the international dimensions of the right to development, it was not that it wished to ignore the responsibility of States in that area, which was in fact stressed in article 8 of the Declaration on Social Progress and Development. It had done so in order to highlight the need to maintain international co-operation in development - co-operation that was essential for the exercise of the right to development.

16. His delegation expressed thanks to the Secretary-General for the comprehensive, clear and objective report which had been submitted on the subject (E/CN.4/1334), and to UNESCO, which had contributed to the report.

17. In that connexion, his delegation drew the Commission's attention to the symposium which had been held in Dakar in September 1978 under the joint auspices of the International Commission of Jurists and the Senegalese association for legal studies and research, and which had brought together about 40 Africans to discuss the subject of development and human rights.

18. He suggested that the Secretary-General's study should be supplemented by a further study on the regional and national aspects of the right to development - a study whose objectives would include the following: to highlight the obligation of States in the development process; to indicate clearly the obstacles impeding the normal exercise of the right to development at the internal level (sectors of the population excluded from the preparation and implementation of plans) and at the external level (international exploitation of the resources of the developing countries, in particular by multinational corporations); to show the various aspects of the imbalance in the terms of trade and the consequences of that imbalance; to stress the effects of racial or other discrimination on the exercise of the right to development; to emphasize the concept of participation.

19. He would endeavour to define the substance of the right to development by distinguishing the following elements: health, food, housing, clothing, the right to work, social security, individual leisure and liberty. He also distinguished three levels: economic, political and moral. After referring to a paper which he had presented to the expert meeting on the subject organized by UNESCO in Paris in June 1978, he considered the bases of the right to development. In the first place there was the Charter itself: Articles 55 and 56 were explicit in that regard, and he quoted the former. The fundamental relationship which emerged from those articles had been described by Mr. Pearson in the following terms: "The concept of a world community in itself constitutes a major reason for international co-operation for development". The right to development was also recognized in other instruments. He cited the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States, adopted by the General Assembly in resolution 2625 (XXV) of 24 October 1970, and quoted the paragraph entitled "The duty of States to co-operate with one another". The Universal Declaration of Human Rights proclaimed a number of economic and social rights in articles 22 to 27. Those rights were also stressed in the international covenants on human rights. Furthermore, the constituent acts of all the specialized agencies linked to the United Nations contained a profession of faith relating to the common prosperity of mankind and the need to establish, maintain and strengthen international co-operation among nations throughout the world on the basis of the principle of universal solidarity. With regard to the bases of the right to development, he also referred to the Declaration on the Establishment of a New International Economic Order, which was embodied in General Assembly resolution 3201 (S-VI); that Declaration rejected the existing economic order, stressed that the interests of the developed countries and those of the developing countries could not be isolated from each other, and enunciated the principles which must underlie the establishment of a new international economic order. In the Charter of Economic Rights and Duties of States, which was contained in General Assembly resolution 3281 (XXIX), the right to development was conceived in particular in terms of a choice of economic system, permanent sovereignty over wealth, natural resources and economic activities, and a duty of solidarity; he quoted article 22 of that instrument.

20. There might be room for discussion as to the relative merits of, and differences in, the instruments he had mentioned as bases for the right to development; he referred to Mr. Alain Pellet, who had spoken of a "recommendatory right". He (Mr. M'Baye) saw recognition of the right to development firstly as recognition of human unity and secondly as the translation of a principle of justice into fact. The question at issue was the sharing among mankind of the powers of decision and enjoyment exercised over their common heritage. In that connexion he stressed the need to avoid splitting economic, social and cultural rights or establishing a hierarchy among them, and the need to avoid establishing a hierarchy of beneficiaries, subjects or "creditors" of the right to development - according to the term preferred.

21. He stressed that the nature of the right to development was changing: whereas previously that right had been left to the initiative of States, the International Covenant on Economic, Social and Cultural Rights had introduced the idea that it might be reinforced by supervision. If the view of Mr. Bozović was accepted, it might even be subject to a consistent pattern of gross violations which would justify the application of the procedure laid down in Economic and Social Council resolution 1503 (XLVIII). At the present juncture, it was essential that the developed States which exerted a decisive influence on the international economic situation, and particularly on the operation of the monetary system, should assume their full responsibilities. As to whether the right to development should be regarded as an individual or collective right, that was, in his view, a primarily academic question.

22. In examining the obstacles to the exercise of the right to development, he emphasized first and foremost the close relationship between that right and the right to peace. Wars tied up considerable capital which, used in other ways, would promote development. In a paper which he intended to submit to the Commission on the subject of southern Africa, he would show how the Salisbury régime was compelling neighbouring countries to divert enormous sums from other uses to military defence. The right to peace was enshrined in the Charter and had been proclaimed in Commission resolution 5 (XXXII). In that connexion, the idea expressed by Mr. Tichonov of the USSR Academy of Sciences might be taken up: one must go beyond a negative concept of the right to peace and create conditions capable of ensuring peace. Conversely, the exercise of the right to development might serve as a brake on war. The achievement of the economic, social and cultural conditions set out in the Charter and in the International Covenant on Economic, Social and Cultural Rights would constitute the most effective means of promoting peace. In that connexion, he quoted the idea expressed by Pope Paul VI: "Development is the new name for peace". In support of that view, he referred to the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States, to article 15 of the Charter and to the Proclamation of Teheran, which stressed that denials of human rights resulted in human misery and engendered reactions which could lead to ever growing hostilities.

23. The disputes which constituted the main obstacle to the enjoyment of the right to development resulted in the final analysis from non-recognition of the principle of equality either among individuals or among States. If, as Emanuel Kant had wished, every State acted as if it were both lawmaker and subject, mankind would live in harmony; in the meantime, evidence must be given of the faith and good will required to promote the right to development, the enjoyment of which would make it possible for mankind to live together in a less hostile world.

24. Mr. JAHN (Federal Republic of Germany) said that the two covenants relating to human rights were the first instruments of a truly universal nature in contemporary international law. Hitherto, there had been instruments relating to specific fields, such as the 1949 Geneva Conventions, the Convention on the Prevention and Punishment of the Crime of Genocide or the International Convention on the Elimination of All Forms of Racial Discrimination, or again instruments restricted to well-defined regions such as Europe or America. Furthermore, the entry into force of the covenants reflected a genuine desire to translate them into the reality of international law; however, insufficient progress had so far been made in the process of ratification. In particular, very few States had for the moment accepted the procedure for complaints against States provided for in article 41 of the International Covenant on Civil and Political Rights and the procedure for individual complaints provided for in the Optional Protocol, although the tenth instrument of ratification which had been deposited on 28 December 1978 would enable article 41 of the International Covenant on Civil and Political Rights to enter into force in March 1979.

25. The two covenants permitted the representatives of each contracting party to question other signatory States about their jointly assumed obligations, and that constituted joint responsibility with regard to human rights. Furthermore, with regard to the implementation of the Universal Declaration of Human Rights, the efforts being made by the Commission to ensure the implementation of the procedure provided for in Economic and Social Council resolution 1503 (XLVIII) were gratifying. The report of the Human Rights Committee (A/33/40) showed how it was possible to detect shortcomings in the implementation of human rights and to induce Member States to remedy them; he wished to take the present opportunity to thank the experts serving on that Committee. On the other hand, the Economic and Social Council had so far been unable to apply a similar procedure to economic, social and cultural rights. It had not yet considered the 20 reports submitted by Member States on the subject and had preferred to establish a working group, whose composition had been the subject of extensive discussion. He hoped that a start would be made on the consideration of reports from States as soon as the Council's spring session opened. He would be grateful if the Secretariat would indicate when the analytical summary requested in Council decision 1978/9 would be available.

26. The Federal Republic of Germany not only fulfilled its obligations and submitted its reports, but also endeavoured to create among its citizens an awareness and understanding of the values inherent in those obligations; thus its report on civil and political rights had been reproduced in pamphlet form and 300,000 copies had been distributed throughout the country, particularly in schools.

27. In conclusion, he expressed regret that lack of personnel and resources in the Division of Human Rights prevented it from carrying out the necessary preparatory work for the sessions of the Human Rights Committee and the Economic and Social Council; his delegation had raised that question in the Committee for Programme and Co-ordination. It noted with satisfaction that in resolution 33/51 the Assembly had drawn the attention of the Secretary-General to the question and would submit a proposal on the subject to the Commission at its current session.

28. Mr. van BOVEN (Director, Division of Human Rights), replying to the question which had just been asked by the representative of the Federal Republic of Germany, said that the Division had already drafted the report requested in Economic and Social Council decision 1978/9. The report would be sent to New York on 21 February for processing and publication, and would be available to the Council at its summer session.

29. Mr. LOPATKA (Poland) said that the report of the Secretary-General (E/CN.4/1329) clearly indicated the progress achieved with regard to the international covenants on human rights. The report of the Human Rights Committee (A/33/40) showed that the implementation of the International Covenant on Civil and Political Rights was proceeding correctly. There were now 56 States parties to the International Covenant on Economic, Social and Cultural Rights and 53 States parties to the International Covenant on Civil and Political Rights. Poland had ratified both instruments in March 1977 and his Government attached great importance to the realization of the principles enunciated therein. Its first report on the implementation of the International Covenant on Civil and Political Rights should have been submitted in June 1978. However, in a desire to ensure complete objectivity and honesty, the text prepared by the Polish Government had been submitted for consideration to various bodies including the Supreme Council of Jurists, the Association of Polish Jurists, the Committee on Juridical Science and the Polish Academy of Science. The text had been analysed by certain commissions of the Polish Parliament and would also be analysed by the Council of State. It would be submitted to the Secretary-General in the near future. His delegation hoped that, at the present session, the Commission on Human Rights would, as at the previous session, appeal to all States to become parties to the international covenants on human rights as soon as possible, after adapting their internal law and legislation for that purpose.

30. The CHAIRMAN said that, if there was no objection and in accordance with rule 69 of the rules of procedure, he would give the floor to the observer for Norway, who had asked to make a statement.

31. Mr. BJØRNEBYE (Observer for Norway) said that the activities of the Human Rights Committee had already given rise to precise questions concerning the interpretation of the various articles of the International Covenant on Civil and Political Rights. The solutions which the Committee and the States parties found for those questions would no doubt constitute an important source of reference for the Commission on Human Rights and the other international bodies concerned with human rights.

32. With regard to economic, social and cultural rights, the questions seemed to arise in less precise terms, even though they related to fundamental issues. The way in which the Economic and Social Council considered national reports had not yet developed sufficiently to remove all doubts concerning interpretation and implementation. As could be seen from document E/CN.4/1334, however, the study of those questions was under way, and his delegation looked forward to seeing that document and others become the subject of thorough examination.

33. As to the relations between human rights and development, States would first have to consider how to ensure that respect for human rights became an integral part of all development activities, both in their internal planning and in their international commitments. Like other donor countries, Norway would have to consider the integration of human rights in development assistance activities.

34. The second important aspect of the same problem concerned the course of action of the organizations in the United Nations system, although document E/CN.4/1334 referred only to action to be taken by the Commission. The relationship between human rights and development was such a complex and important problem that it called for the full attention of almost all the organizations in the United Nations system. His delegation was greatly concerned about the over-all responsibility of the Economic and Social Council: the practical implications of that responsibility would have to be considered as a priority issue by the international community.

35. Mr. DAVIS (Australia) paid a tribute to the work done in September 1977 by the seminar which had been organized in Barbados by the International Commission of Jurists and the Organization of Commonwealth Caribbean Bar Associations. Some of the participants in the seminar had expressed the view that development should be understood as the development not only of the State or society but also of the individual, and that the creation of opportunities for the individual was as essential to the realization of the full range of rights as the development of the economy of the society or the State. His delegation had noted with interest that the conclusions of the report of the Secretary-General (E/CN.4/1334) were not dissimilar. Most analysts of the concept of development considered, however, that it related to the economic and social development of States. That concept was to be found in the relevant General Assembly resolutions and declarations, and in the Declaration and Programme of Action on the Establishment of a New International Economic Order. If that was all that was meant by development, the right to development could not be said to be a human right exercisable by individuals. It was interesting to note that the Secretary-General considered that the right to development existed as a human right and should thus operate at the level of the individual. His delegation hoped that the Commission would give careful consideration to the report of the Secretary-General before reaching final conclusions on the existence or scope of the right to development as a human right.

36. He should perhaps remind the Commission that Australia had supported General Assembly resolution 32/130, which affirmed the need to examine human rights questions globally, taking into account both the over-all context of the societies in which they presented themselves and the obligation to promote the dignity of the human personality together with the development and well-being of society as a whole. The resolution comprised a delicately-balanced package, and his delegation hoped that the decisions to be taken on the Secretary-General's report during the current year would not affect that balance, since the true dimensions of the right to development as it affected the individual had not yet been fully explored.

37. At the seminar in Dakar (September 1978), it had been stated that the right to development not only existed, but was both a collective and an individual right. The question had been raised whether the elaboration of the right to development served any useful purpose if its constituent elements were already part of international law. That point was not dissimilar from the view expressed at the expert meeting organized by UNESCO in June 1978, at which a number of experts had regarded the right to development as a synthesis of a large number of human rights. One of them had stated that development appeared less as a separate right than as the totality of the means which would make economic and social rights effective for the masses of people who were grievously deprived of them. The idea had been expressed that the need for a separate elaboration of the right had arisen out of the lack of respect for some existing rights and the need to reiterate and enforce them. The right had been said to derive from the need for justice, at both the national and the international levels. It had been said to draw its strength from the duty of solidarity which was reflected in international co-operation. It had also been claimed that it had been established by the various instruments of the United Nations and the specialized agencies.

38. Those were important considerations and time would be required in order to study them. The conclusions reached would depend on having a common definition or concept of development when speaking of the "right to development". If that right was to be recognized, it must be determined whether it was a State right, a collective right or an individual right. The development of the individual had a different meaning from State or national development. Both implied growth, expansion and improvement, but in the State context, the consideration of development in the United Nations had been more complex and implied not only a raising of general living standards and an increasing productive capacity, but also possible transformations in the economic and social structure and a more equitable distribution of the benefits of growth. To speak of individual development and of national development was therefore to speak of very differing concepts.

39. One of the difficult problems relating to the concept of the right to development was that it comprised no time scale. The International Covenant on Economic, Social and Cultural Rights imposed an obligation on States parties to take steps with a view to achieving progressively the full realization of the rights recognized therein. The question arose whether the right to development implied that States had a duty to take steps with a view to furthering progressive development, perhaps in the sense that development should be at an accelerating pace.

40. Another difficulty was that while the Charter, the Covenants and the relevant conventions established a variety of economic, social and cultural rights, development as referred to in those instruments was not conceived as a specific right, but rather as an objective or the means to an end. The question was whether the right to development was implicit in the Charter, the Covenants and the conventions and, if so, what contribution to the establishment of that right was made by the various declarations and resolutions and by the practice of the international community.

41. The report of the Secretary-General referred to the need to regard popular participation as an integral part of the development process - a reference which underlined the fact that in respect of development the individual had both rights which must be exercised and duties which must be fulfilled if development was to be meaningful. His delegation was anxious to contribute to a better definition of the issue and would do so as and when opportunities arose.

42. On the question of the realization of economic, social and cultural rights, it was clear that the international community had not yet solved, or even realistically approached, the problems arising from the newly-perceived interdependence of the various human rights. Some might think that the devotion of particular agenda items to issues such as the realization of economic, social and cultural rights was designed to accord priority to the realization of that group of rights. General Assembly resolution 32/130, however, accorded priority not only to the establishment of the new international economic order but also to matters involving flagrant violation of human rights. Similarly, since all human rights were interdependent, the efforts which must be made to promote economic, social and cultural rights must be accompanied by a broad attack on all forms of violations of human rights or on any inadequacy in their realization. It might be arguable that economic, social and cultural rights could be denied to people only through inadequate realization of such rights. That was why the Commission's task in that field was to seek the best ways of achieving the progressive realization of those rights rather than to pursue violations. From that perspective, the assertion that the implementation of economic, social and cultural rights might be too burdensome, both economically and socially, for some developing countries might be disputed. Since all Governments theoretically derived their authority from the people, they were obliged, within their limited resources, to find ways of enhancing the opportunities of their people to develop their personalities through the exercise of civil and political freedom and through the satisfaction of fundamental requirements in the economic, social and cultural fields.

43. His delegation considered that the balance between the concepts in General Assembly resolution 32/130 created no new or specific priorities for the Commission in the economic or social fields. It should be recalled that the resolution was directed towards progress on all human rights issues. That did not mean that certain economic, social or cultural shortcomings could allow derogation from civil or political rights, but it might mean that the realization of certain forms of rights could be pursued more vigorously, at the expense of rapid progress towards other goals, and in the interest of certain absolute requirements. The people of South Africa could hardly be blamed for their willingness to sacrifice short-term economic advantages in the interests of the struggle against apartheid.

44. The work done by Mr. Ganji on the question of economic, social and cultural rights was interesting, but the development of human rights concepts had made many of his conclusions and observations out of date. Certain work carried out elsewhere, and the reports published by UNCTAD, UNDP and UNIDO, meant that it was perhaps unnecessary to devote further attention to Mr. Ganji's study. The Commission's tasks could best be accomplished by devoting more time to consideration of the Secretary-General's report before examining the dimensions of the issue in detail. In the meantime, Governments, specialized agencies and non-governmental organizations might be requested to state their opinions on the views expressed in the report.

The meeting rose at 6 p.m.