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SUMMARY RECORD OF THE 55th MEETING

Chairman: MR. MADAR (Somalia)

CONTENTS

AGENDA ITEM 12: REPORT OF THE ECONOMIC AND SOCIAL COUNCIL (continued)

AGENDA ITEM 102: ALTERNATIVE APPROACHES AND WAYS AND MEANS WITHIN THE UNITED NATIONS SYSTEM FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS (continued)

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The meeting was called to order at 3.40 p.m.

AGENDA ITEM 12: REPORT OF THE ECONOMIC AND SOCIAL COUNCIL (continued) (A/39/3 (Parts I and II), A/39/81, A/39/128, A/39/168 and Add.1 and 2, A/39/174 and Add.1, A/39/180 and Corr.1, A/39/185, A/39/193, A/39/407, A/39/414, A/39/443, A/39/444, A/39/445, A/39/446, A/39/447, A/39/477, A/39/496, A/39/568, A/39/570, A/39/581 and Corr.1, A/39/590, A/39/631, A/39/635, A/39/636 and A/39/694; A/C.3/39/1, A/C.3/39/4 and Corr.1 and A/C.3/39/9; A/C.3/39/WG.1/WP.1; A/C.3/39/L.32, L.34, L.41, L.42/Rev.1, L.43, L.45, L.47, L.54, L.56, L.58, L.60 and L.61)

1. Mr. PASTOR RIDRUEJO (Special Representative of the Commission on Human Rights), introducing his report on the situation of human rights in El Salvador (A/39/636), said that the political life in El Salvador during 1984 had been dominated by the presidential elections held on 25 March and 6 May 1984. The elections which had confirmed the legitimacy of the Duarte Government, had gone beyond politics and had had an effect on human rights. Although serious human rights violations persisted, the number of politically-related murders, kidnappings and disappearances had declined and there were now serious efforts towards reforming the judicial and criminal justice system of El Salvador. In addition, a dialogue had begun between the Government and the Frente Democrático Revolucionario-Farabundo Martí Liberación Nacional (FDR-FMLN).

2. However, politically-motivated murders and disappearances continued and the criminal justice system was patently inadequate. With the dialogue barely begun, the guerrillas persisted in their systematic attacks against the country's economic infrastructure and all indications were that there were a great many innocent victims. However, there had been a decline in the number of political murders that were not combat-related and he wished to emphasize the efforts of the new Government to prevent and control the criminal activities of some State organs and paramilitary organizations, in particular, the "death squads" presumably connected with or tolerated by those organizations. The new Government had also dissolved the intelligence branch of the Treasury Police and dismissed 50 local commanders. He also wished to emphasize the responsibility of the duly constituted branches of the Government to strengthen and co-ordinate their efforts towards achieving the complete eradication of the attacks by Government security forces on the life, liberty and integrity of individuals. The guerrilla organizations were also continuing to commit murders and kidnappings of civilians even though, according to most reports, they were fewer than those committed by the State organs and death squads.

3. The criminal justice situation in El Salvador today was most unsatisfactory. Even though convictions had been obtained for the murder of four American nuns in December 1980, most of the criminal violations of human rights committed in recent years against Salvadorian citizens went uninvestigated and unpunished. The dissatisfaction of some of the Salvadorian authorities with that situation was reflected in attempts to reform the Salvadorian criminal justice system, but those initiatives were unlikely to bear fruit in the short-term.

(Mr. Pastor Ridruejo)

4. He was most concerned about civilian casualties from the military operations of both sides in violation of the 1949 Geneva Conventions and the 1977 Additional Protocols on the protection of the victims of war. While the victims belonged to the so-called "masses", civilians who lived with the guerrillas and provided them with food, their legal status was that of "non-combatants" under the Conventions. Consequently, their lives should be protected. Investigation of such crimes was very difficult mainly because it was impossible to distinguish in all cases between combatants, and non-combatants. The dialogue between the Government and the guerrillas was most necessary to put an end to those painful consequences of the war. In that connection, he recalled the initiative taken by President Duarte in instructing the air support units of Government ground forces to avoid damage to civilian life or property. The guerrillas, for their part, despite several exchanges of prisoners captured by their forces, were still being charged with the deliberate murder of captured army regulars and the forced recruitment of young men and women in the towns they occupied.

5. Reverting to the dialogue now in progress between the two sides, he commended President Duarte for his move and the guerrillas for their prompt acceptance of his invitation. The dialogue should lead to a lasting negotiated peace and demonstrated the Salvadorian Government's sincere concern for respect for human rights as a matter of policy. In that connection, he referred the Committee to the various measures it had taken (A/39/636 chap. VI), concluding that the disparity between its expressed intentions and its capacity to achieve results had narrowed.

6. Mr. SCHLEGEL (German Democratic Republic) said that in matters relating to systematic and mass violations of human rights, priority attention should be given to the fight against the anti-human practices of the apartheid régime. The overwhelming majority of the members of the Special Committee against Apartheid had joined in resolutely condemning apartheid as a crime against humanity and a threat to peace. It was high time that that verbal rejection was matched by consistent practical measures against the apartheid régime.

7. The German Democratic Republic again pledged its full support for those States and patriotic forces in the Arab region that had struggled heroically against imperialist conspiracies and Israeli aggression and it unswervingly defended their independence, sovereignty and territorial integrity. The German Democratic Republic advocated the convening of an international conference on the Middle East with the participation of all parties concerned, including the Palestine Liberation Organization. Central to a peaceful settlement in the Middle East was the need to respect the legitimate national rights of the Palestinians, in particular, their right to self-determination and the establishment of an independent State.

8. The report of the Special Rapporteur on human rights violations in Chile took on added weight and topicality in the light of the recent alarming developments in that country. Freedom of movement, expression and assembly remained restricted in Chile, where the majority of the people were determined to overthrow the dictatorship and to restore democratic conditions. Police raids against peaceful demonstrators had added new dimensions to State terrorism and were another open

(Mr. Schlegel, German Democratic Republic)

manifestation of the policy of violence and oppression. In view of the serious situation prevailing in Chile, the Commission on Human Rights should be given the recommendation to extend the mandate of the Special Rapporteur for another year.

9. Even after the bogus elections and demagogic pre-election promises in El Salvador, that country was by no means embarking on the path to democracy as some speakers had tried to make the Third Committee believe. The reactionary forces still exercised power through terror and force and in the first four months of 1984, more than 1,200 civilians had been murdered. His delegation regarded the initiation of dialogue between the Government of El Salvador and the liberation movement as an important step and a constructive response to the General Assembly's repeated appeals.

10. The recent statement by the bishops of Guatemala showed that rapes, illegal arrests, torture and massacres of innocent villagers, especially Indians, continued to be widely practised. At present, 40 per cent of all those willing to work had no livelihood and the United Nations was therefore called upon to give continuous serious consideration to the situation there.

11. His delegation wished to draw attention to human rights violations in South Korea which went hand in hand with the further extension of the military presence of the main imperialist Power on the Korean peninsula and attempts to thwart all efforts to restore national unity on a peaceful, just and democratic basis. The German Democratic Republic fully supported the expressed intention of the Democratic People's Republic of Korea to achieve the peaceful and democratic unification of Korea without outside interference.

12. A highly alarming phenomenon, which had the character of a grave human rights violation but was not reflected in the report of the Economic and Social Council, was the constantly growing mass unemployment in the capitalist industrial countries. The United Nations should give serious consideration to that problem and, in that context, his delegation drew a clear distinction between the inability of developing countries to provide jobs for all their peoples for economic reasons inherited from colonial exploitation, and unemployment in the capitalist countries dictated by profit motives. The German Democratic Republic could not agree that the right to work was less binding than other civil and political rights.

13. His delegation strongly rejected the allegations made against his country by the representative of the Netherlands at the fifty-first meeting of the Committee on 27 November 1984. He could rest assured that matters relating to the domestic system of the German Democratic Republic would remain entirely within the sovereignty of that country. If the representative of the Netherlands was serious about the protection of human rights, there would be ample opportunity to do so by terminating the collaboration of the Netherlands with the anti-human system of apartheid. Those who lectured others about human rights while befriending and supporting the worst enemies of human rights forfeited their credibility.

Draft resolutions A/C.3/39/L.56 and L.58

14. Mr. RUIZ-CABAÑAS (Mexico), introducing draft resolution A/C.3/39/L.56, said that the following delegations, in addition to his own, should be added to the list of sponsors: Cameroon, Ecuador, France, Finland, Greece, Norway, Pakistan and Rwanda. Referring to the statement of the draft resolution's programme budget implications (A/C.3/39/L.60), he said that he was at a loss to understand why the Secretariat persisted in believing that the Open-ended Working Group might hold its meetings in Geneva rather than in New York. Resolution 31/140 on the pattern of conferences unambiguously stated that United Nations bodies were to plan to meet at their respective established headquarters. The Open-ended Working Group was a body of the General Assembly, whose headquarters was in New York. The proposal to hold the Working Group's intersessional meeting immediately after the first regular session of the Economic and Social Council in 1985 was based on a sound rationale which had been explained to the Committee on Conferences on a number of occasions. He categorically rejected the calculation of additional requirements based on the assumption that the meetings would be held in Geneva.
15. Mrs. WARZAZI (Morocco) introduced draft resolution A/C.3/39/L.58 and also referred to the report of the Open-ended Working Group on the draft declaration on the human rights of individuals who were not citizens of the country in which they lived (A/C.3/39/9). With the exception of paragraph 3 requesting the Secretary-General to invite Governments to submit further comments and views on the draft declaration, the draft resolution was identical with resolution 38/87 and she hoped that, like that resolution, it would be adopted by consensus. Referring to the statement of programme budget implications (A/C.3/39/L.61), she pointed out that the Working Group had always completed its work in nine meetings. The assumption that it would hold 12 meetings during the fortieth session of the General Assembly (para. 4 of the document) and the calculations based on that assumption (para. 6) were therefore incorrect.
16. Mr. WAKE (United States of America) associated himself with the remarks made by the representatives of Mexico and Morocco concerning the draft resolutions' financial implications, and requested an elucidation by the Secretariat.
17. Mr. UY (Budget Division), in reply to questions concerning document A/C.3/39/L.60, said that in order to comply with General Assembly resolution 31/140, the Secretariat had had to indicate what the cost would be if the General Assembly decided that the Open-ended Working Group on migrant workers should hold its intersessional meeting in Geneva, where the substantive secretariat for the meeting was located, rather than in New York. The costs involved would be similar to those incurred in the past.
18. Mr. HERNDL (Assistant Secretary-General for Human Rights), referring to the number of meetings of the Working Group envisaged in document A/C.3/39/L.61 said that the estimates had been based on past experience. The Third Committee would have the opportunity to decide upon the actual allocation of meetings at the beginning of the next session.

19. Mrs. WARZAZI (Morocco) proposed that paragraph 4 of document A/C.3/39/L.61, which provided for 12 meetings of the Working Group on non-citizens, be deleted.
20. Mr. UY (Budget Division) said that the Budget Division needed to make assumptions about the number of meetings in order to prepare the costing to be submitted to the Fifth Committee. If the members of the Third Committee wished to do so, they could change that number.
21. Mrs. WARZAZI (Morocco) proposed that the number of meetings indicated in paragraph 4 of document A/C.3/39/L.61 be changed from 12 to 9.
22. It was so decided.
23. Mr. WAKE (United States of America) said that his delegation appreciated the Secretariat's explanation and Morocco's amendment of the statement of programme budget implications (A/C.3/39/L.61) and expressed the hope that past practice would also be a guide in preparing the financial statement to be submitted to the Fifth Committee.
24. Draft resolution A/C.3/39/L.56 was adopted without a vote.
25. Draft resolution A/C.3/39/L.58 was adopted without a vote.
26. Ms. STEER (Australia), speaking in explanation of vote, said that Australia welcomed draft resolution A/C.3/39/L.56 and the report of the open-ended Working Group on the Elaboration of an International Convention on the Protection of the Rights of All Migrant Workers and Their Families (A/C.3/39/4 and Corr.1). The Working Group had made substantive progress during the current session, as reflected in the fact that it had been able to conclude the first reading of the draft. Although Australia had not taken an active part in the Working Group, her delegation would welcome the opportunity to express its general position on the draft during the general debate at the spring intersessional meeting of the Working Group in 1985, when there would be a second reading of the draft text.
27. Australia's concern was the definition of migrant workers embodied in article 2 (1) of the draft convention. Her delegation believed that it was clearly recognized that the situation and status of immigrants in Australia was significantly different from that of migrant workers in various countries to which the Convention was addressed. As drafted, the proposed definition was very broad and would encompass the situation of permanent residents in Australia. In the course of the second reading, a definition should be elaborated which adequately reflected the distinctions which had to be made.
28. Mr. WAKE (United States of America) said that his delegation had joined the consensus on both draft resolutions in the expectation that the Secretary-General would have no difficulty in absorbing the full costs under the current programme budget. He paid a tribute to the leadership of the two working groups, in which the United States had participated actively, and expressed satisfaction at the progress made during the current session.

AGENDA ITEM 102: ALTERNATIVE APPROACHES AND WAYS AND MEANS WITHIN THE UNITED NATIONS SYSTEM FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS (continued) (A/C.3/39/L.36, L.53 and L.59)

29. Mrs. FLOREZ PRIDA (Cuba) said that as a result of consultations between the sponsors of draft resolution A/C.3/39/L.36 and other interested delegations, a compromise text had been agreed upon on the basis of the following modifications:

30. In the sixteenth preambular paragraph and in operative paragraph 12, the following words had been inserted after the words "natural resources": "subject to the principles in article 1, paragraph 2, and article 25 of the International Covenant on Economic, Social and Cultural Rights";

31. In operative paragraph 2, the order of the words "peace, freedom and dignity" between the words "promote" and "for all people" had been reversed to read "freedom, dignity and peace";

32. In paragraph 6, the passage beginning with the words "and that consistent patterns" had been replaced by the following: "and expresses its concern at serious violations of human rights, in particular, mass and flagrant violations of these rights, wherever they occur";

33. In paragraph 18, the word "submit" in the first line had been replaced by the word "transmit" and the clause "which will be the Fortieth Anniversary of the United Nations" as well as the word "detailed" before "report" had been deleted.

34. As a result of the agreement reached, the amendments proposed by Italy (A/C.3/39/L.53) and the Ukrainian Soviet Socialist Republic (A/C.3/39/L.59) had been withdrawn. After paying a tribute to all the delegations which had participated in the consultations, she announced the following new co-sponsors of the draft resolution: Benin, Colombia, Mexico, Mozambique, Sao Tome and Principe, Tunisia.

35. Mr. PERUGINI (Italy), confirmed that his delegation had withdrawn its amendments (A/C.3/39/L.53) and also expressed appreciation of the efforts made by all concerned to achieve an acceptable compromise.

36. Mr. LEBAKIN (Ukrainian Soviet Socialist Republic) stressed that his delegation's amendment (A/C.3/39/L.59), which was now withdrawn, had not been introduced in order to counterbalance the Italian amendments or to exert pressure upon the Italian delegation to withdraw them. The issue was more serious than that and deserved to be taken into consideration regardless of the decision taken in respect of draft resolution A/C.3/39/L.36. The text of the Ukrainian amendment had not been specially drafted for the occasion but formed part of the Declaration on the Inadmissibility of Intervention and Interference in the Internal Affairs of States (General Assembly resolution 36/103) which, it would be recalled, had been opposed by the same delegations which had now sought to obtain the withdrawal of the Ukrainian amendment at any cost. His delegation's withdrawal of its amendment in a spirit of co-operation with the draft resolution's sponsors should not be taken to mean that it abandoned the intention to put the idea forward in a broader context on some future occasion.

37. The CHAIRMAN invited the Committee to vote on draft resolution A/C.3/39/L.36, as orally revised by the representative of Cuba.

38. Mr. THWAITES (Australia), speaking in explanation of vote before the vote, said that his delegation would vote in favour of the draft resolution as orally revised by the representative of Cuba. It would do so because it was convinced that the work of the United Nations in seeking the more effective enjoyment of human rights should proceed on the basis of broad agreement.

39. On taking up membership of the Commission on Human Rights in 1985, Australia would follow the work of the Working Group of Governmental Experts on the Right to Development which was endeavouring to elaborate the scope and content of that right.

40. By no means all the points his delegation would have wished to see encompassed in a single draft resolution on the subject had been taken into account. In particular, his delegation failed to understand the trepidation with which some delegations approached the idea that all violations of human rights were of concern to the United Nations. An organization which was committed by its Charter to promote human rights and fundamental freedoms for all could not be indifferent to any violation of human rights. It was, therefore, only with difficulty that his delegation could accept the qualified reference to violations in the terms in which it appeared in paragraph 6 of the draft resolution.

41. At the request of the representative of the United States of America, a recorded vote was taken on draft resolution A/C.3/39/L.36, as orally revised.

In favour: Afghanistan, Algeria, Angola, Argentina, Australia, Bahrain, Bangladesh, Barbados, Belgium, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Central African Republic, Chad, Chile, China, Colombia, Comoros, Congo, Costa Rica, Cuba, Cyprus, Czechoslovakia, Democratic Yemen, Djibouti, Ecuador, Egypt, El Salvador, Ethiopia, France, Gabon, Gambia, German Democratic Republic, Ghana, Greece, Guatemala, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, India, Indonesia, Iraq, Italy, Ivory Coast, Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Luxembourg, Madagascar, Malaysia, Maldives, Mali, Mauritania, Mexico, Morocco, Mozambique, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Romania, Rwanda, Sao Tome and Principe, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia.

Against: United States of America.

Abstaining: Austria, Canada, Denmark, Finland, Germany, Federal Republic of, Iceland, Ireland, Israel, Japan, Norway, Sweden, Turkey, United Kingdom of Great Britain and Northern Ireland.

42. Draft resolution A/C.3/39/L.36, as orally revised, was adopted by 118 votes to 1, with 13 abstentions.

43. Mr. TROUVEROY (Belgium) thanked all those who had taken part in producing a text acceptable to his delegation, which attached importance to a continuing dialogue between the different schools of thought on alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms. His delegation could not concur fully with all the ideas expressed in the resolution. For example, the reaffirmation, in paragraph 8, that the right to development was inalienable prejudged the results of the work of the Working Group of Governmental Experts on the Right to Development. If there had been a separate vote on that paragraph, his delegation would have abstained.

44. The Universal Declaration of Human Rights stipulated that recognition of the inherent dignity of all members of the human family was the foundation of freedom, justice and peace in the world. The United Nations and its Members had thus committed themselves to ensuring respect for the human rights of each member of the human community. That was why his delegation felt that violations of the rights of the individual were as grave as violations of any other rights embodied in the Covenants. It was in that sense that his delegation interpreted paragraph 6 of the resolution.

45. Mr. GOKTURK (Turkey) said that the text of the resolution did not reflect the necessary balance between civil and political and economic and social rights, on the one hand, and between individual and collective rights, on the other. His delegation had hoped that the text would reflect the basic concept that human rights were inherent in human nature and existed and manifested themselves independently of all other factors. The text gave the impression that the enjoyment of fundamental human rights could result only from economic and collective achievements. Economic and social rights were important but should be perceived as elements that did not overshadow the intrinsic value of fundamental human rights, the observance of which was the only means of safeguarding individual and political liberties which, in the final analysis, guaranteed the participation of citizens in the process of public decision-making.

46. Mr. BORCHARD (Federal Republic of Germany) said that it was with regret that his delegation had been obliged to abstain in the vote on draft resolution A/C.3/39/L.36. The establishment of various international human rights instruments through the United Nations had made any violation of human rights, wherever it might occur, a legitimate concern of the United Nations. His Government could not, therefore, support formulation restricting the competence of the United Nations in that field. Furthermore, the text did not adequately reflect the different proposals and suggestions for strengthening and further developing United Nations structures aimed at a more effective protection of human rights and fundamental

(Mr. Borchard, Federal Republic
of Germany)

freedoms. Instead, the text referred to a number of unclear concepts concerning the international framework for the realization of human rights. It was the opinion of his Government that issues concerning international peace and security or disarmament and development should be dealt with in other more competent forums. Moreover, the impression should not be given that the realization of concepts such as a new international economic order was a pre-condition for the guarantee of human rights.

47. His delegation had reservations about the appropriateness of the references to natural resources made in the sixteenth preambular paragraph and paragraph 12. However, it welcomed the fact that the sponsors of the text had been able to accept a formulation on which the Commission on Human Rights had agreed after lengthy and difficult negotiations.

48. It was regrettable that the resolution largely prejudged the conclusions of the deliberations of the Working Group of Governmental Experts on the right to Development, particularly in paragraph 8. The text stressed a number of international factors, but the absence of those factors could never exempt a State from its obligation to ensure respect for the human rights of its nationals and other persons within its jurisdiction. A balanced text on the right to development should stress the importance of the realization of civil and political rights for the development process.

49. Ms. O'FLAHERTY (Ireland) said that her delegation had abstained in the vote on draft resolution A/C.3/39/L.36. In the words common to the preamble of both Covenants, the very notion of human rights derived from the inherent dignity of the human person. That assertion was not incompatible with recognition of the existence of rights enjoyed collectively if the collectivity was understood as a community of individuals and not an abstraction. The text as adopted did not focus with sufficient clarity on the nature of human rights, which derived from the dignity of the individual. It was not sufficient for a resolution on the subject to discuss approaches to human rights; it must also consider ways and means open to the United Nations for improving enjoyment of those rights. Any such consideration involved the role of the United Nations in respect of human-rights violations. The concern of the United Nations with human rights violations wherever they occurred was not expressed with sufficient clarity in the text.

50. Mr. IROELS (Netherlands) said that the fact that his delegation had voted in favour of the draft resolution did not imply that it could accept all the views expressed in the text. For example, to describe a right to development as inalienable was premature. It was up to the Working Group of Governmental Experts on the Right to Development to define the content and scope of such a right. It was also stated in the seventh preambular paragraph that establishment of the new international economic order was essential for the effective promotion of human rights; it was by no means clear what the content of the new international economic order should be. With respect to paragraphs 6 and 13, in the opinion of his Government there could be no doubt that the protection of human rights implied the active involvement of the United Nations; such involvement should not be restricted to mass and flagrant violations of human rights.

51. Mr. HAWES (Canada) said that his delegation had been obliged to abstain in the vote on draft resolution A/C.3/39/L.36 because it was troubled by the contents of paragraph 8. The right to development had not been clearly defined.

52. Mr. BOUFFANDEAU (France) said that his delegation had voted in favour of the draft resolution. However, it regretted that the text still contained questionable elements. He hoped that it would be possible to produce a really balanced text on the subject at the next session.

53. Mr. PERUGINI (Italy) said that his delegation had voted in favour of the text in a spirit of compromise and because of the importance it attached to the subject. However, the text still contained elements - for example, the notion expressed in paragraph 8 - which were unacceptable. If there had been a separate vote on paragraph 8, his delegation would have abstained.

54. Mr. SALAND (Sweden) said that he wished to explain the votes of the Nordic countries on draft resolution A/C.3/39/L.36, as revised.

55. It was often suggested that the concept of human rights should be extended to cover categories of rights which did not concern relations between the individual and the State. On the one hand, it was sometimes suggested that human rights were not only the rights of individuals or groups of individuals but also certain rights of States, nations or peoples. On the other hand, human rights were sometimes said to include the rights of individuals in their relations with other individuals. In the opinion of the Nordic delegations, the rights and obligation of States in their relations with one another had always been a main field of interest in international law, but should not be dealt with under the label of human rights.

56. The Nordic countries fully supported the approach taken by the General Assembly in its resolution 32/130 to the effect that all human rights and fundamental freedoms were indivisible and interdependent and that equal attention and urgent consideration should be given to the implementation, promotion and protection of both civil and political and economic, social and cultural rights. Since the adoption of that resolution, that concept of human rights had been gradually eroded. The Nordic delegations could not accept the notion of the human rights of peoples, nor could they agree with formulations which implied that the attainment of a certain degree of development or of the new international economic order was a pre-condition for the promotion and protection of the human rights of the individual. The tendency to stress the rights of States rather than the human rights of the individual, and economic and social rights more than civil and political rights, was also regrettable.

57. A universally accepted definition of a right to development did not yet exist, and until such time as the Working Group of Governmental Experts on the Right to Development had completed its work and submitted a draft declaration acceptable to all delegations no attempt should be made to prejudice such a definition.

58. Despite the many positive elements in the text, the Nordic delegation had been obliged, because of the concerns to which he had referred, to abstain in the vote.

59. Mrs. YAMAZAKI (Japan) said that her delegation had abstained in the vote on draft resolution A/C.3/39/L.36, as amended, because it had difficulty with the wording of paragraph 8 in particular, which prejudged the deliberations of the Working Group of Governmental Experts on the Right to Development. Since divergent views had been expressed with regard to the concept of the right to development, the question required further careful discussion. The General Assembly should not make any definitive statement on that right until the Working Group had arrived at a clear conclusion on all issues relating to it.

60. Mr. YAKOVLEV (Union of Soviet Socialist Republics) said that his delegation had had no difficulty in giving the draft resolution its full support. The argument advanced by some speakers that the draft resolution placed undue emphasis upon social and economic rights as opposed to civil and political rights was a mere pretext designed to excuse an unjustifiable position. Neither did the draft resolution oppose the rights of the State to those of the individual; unless the rights of the whole people were safeguarded, to speak of individual human rights was unrealistic. The draft resolution avoided the pitfall of making human-rights violations the exclusive concern of the United Nations, a step which would have thus absolved States of all responsibility in the human-rights sphere. The promotion of all human rights, political and civil as well as economic, social and cultural, was an international responsibility of States, as certain States which did not want to accede to human-rights instruments would do well to recognize.

61. On the subject of the right to development, he remarked that the importance of the right to development could not be appreciated by countries whose position in the world was founded on colonial exploitation. Countries which had only recently emerged from colonial status could not hope to implement the International Covenants unless their enjoyment of the right to development was ensured.

62. Mr. WIESNER (Austria) said that Austria had taken a keen interest in the discussions relating to the right to development and hoped that the Working Group would soon conclude its deliberations. His delegation's fundamental position was that such a right should ultimately be characterized as an inalienable human right of every individual which could, of course, also be exercised by groups. Since, however, the concept had not yet been fully defined, his delegation had abstained on legal grounds.

63. Mr. PHIRI (Malawi) said that if his delegation had been present for the voting it would have voted in favour of the draft resolution.

64. Mrs. IDER (Mongolia) said that because of a technical malfunction, her delegation's vote in favour of the draft resolution had not been recorded.

65. Mr. WAKE (United States of America) said that the United States had voted against the draft resolution because the text contained a number of provisions which it found unacceptable. Since the meaning of the term "right to development" had yet to be clearly defined, his delegation could not accept the formulation in paragraph 8 that the right to development was an inalienable human right. Furthermore, the United States could not accept the references in several

(Mr. Wake, United States)

preambular paragraphs and in paragraphs 7 and 16 which might imply that the establishment of the so-called "new international economic order" was a prerequisite to the realization of all human rights and fundamental freedoms. His delegation regretted the repeated inclusion of those provisions in draft resolutions submitted to the General Assembly because they were clearly intended to prejudge the deliberations of the Working Group of Governmental Experts on the Right to Development. His delegation hoped that a draft declaration on the right to development would promote the human rights and fundamental freedoms which might be exercised by individuals because an individual suffering from violations of his or her human rights should have the assurance that such violations were a concern of the United Nations.

66. The CHAIRMAN announced that the Committee had thus concluded its discussion of item 102.

The meeting rose at 6.15 p.m.