

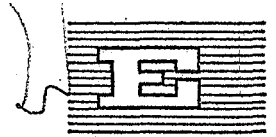
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COMMISSION ON HUMAN RIGHTS

Thirty-third session

SUMMARY RECORD OF THE 1389th MEETING

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on Monday, 14 February 1977, at 3.25 p.m.

Chairman:

Mr. BOZOVIC

(Yugoslavia)

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QUESTION OF THE REALIZATION 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 RELATING TO HUMAN RIGHTS IN DEVELOPING COUNTRIES (COMMISSION RESOLUTION 2 (XXXI)) (agenda item 7) (E/CN.4/1227; E/CN.4/1108/Rev.1 - E/CN.4/1131/Rev.1)

1. The CHAIRMAN welcomed Her Imperial Highness Princess Ashraf Pahlavi and invited her to address the Commission. All members of the Commission were familiar with the active role which the Princess had played in the human rights field, both in her own country and in international forums, particularly since the International Conference on Human Rights held at Teheran in 1968. Princess Ashraf had also presided with distinction over a session of the Commission on Human Rights.
2. H.I.H. PRINCESS ASHRAF PAHLAVI (Iran) assured the Chairman of her delegation's full co-operation. She wished to pay a special tribute to Mr. Schreiber, Director of the Division of Human Rights, for his unflinching devotion to the cause of human rights over the years. It was to be hoped that Mr. Schreiber's human and professional qualities would continue to be put to good effect after his forthcoming retirement from his present post.
3. She wished to convey her personal condolences to the French delegation in connexion with the recent death of Mr. Pierre Juvigny, who had commanded general respect and admiration.
4. When the item under consideration had been discussed at the Commission's previous session, she had endeavoured to explain the special importance which her delegation attached to the matter and to outline the relationship between economic, social and cultural rights, on the one hand, and civil and political rights, on the other - in other words, between material needs and so-called "psychological" and "intellectual" needs. On that occasion, she had observed that, without wishing to belittle the importance of all fundamental human rights, which formed a whole, she felt it necessary to acknowledge the existence of a cause-and-effect relationship between those rights; generally speaking, it was unrealistic to expect civil and political rights and individual freedoms to be respected without the prior implementation of economic and social rights, whose attainment entailed the focusing of national efforts on the achievement of a rapid improvement in the standard of living and, consequently, rapid national economic development.
5. Unfortunately, it seemed that the priority which her delegation accorded to development in the interests of promoting human rights had not always been well understood and had given rise to certain misunderstandings. For instance, certain circles, particularly in the West, distorted the significance of the daily struggle of the developing countries, alleging that those countries neglected certain human rights, mainly civil and political, which their critics unilaterally defined as having sole priority without regard for the socio-economic context of the countries concerned. She would not dwell on the futility of claiming to exercise a monopoly over the definition of human rights or of preaching to countries struggling desperately against hunger, disease and ignorance. Instead of exacerbating differences, the Commission on Human Rights which represented the international community, should concentrate its efforts on promoting mutual

understanding, in a spirit of good will and co-operation, without which no progress would be achieved towards a better world. In that spirit, she considered it useful to broaden somewhat the discussion on the enjoyment of economic, social and cultural rights, in order to place it in its true context.

6. In subscribing to the Universal Declaration of Human Rights, the States Members of the United Nations had proclaimed their faith in human rights and fundamental freedoms and, considering that Declaration as a common ideal to be attained by all peoples and nations, had undertaken to endeavour to ensure its recognition and effective application. There was, however, an enormous and ever-widening social and economic gap between the rich and the poor countries, and for some States that common ideal remained distant and unreal. In the industrialized countries, attention was focused on the number of colour televisions, cars and refrigerators per family, while the developing countries were concerned mainly with epidemics, undernourishment, ignorance, shortage of housing and other problems. While the differences between individual countries were not always so extreme, she wished to emphasize the enormous disparities between countries - not only economic disparities, which entailed differences in institutional, administrative and judicial structures, but also cultural, political, historic and many other disparities.

7. In the light of those differences, the attitude of certain Western circles was particularly incomprehensible. Comparing the rest of the world with their own standards as nationals of industrialized countries which were highly developed both economically and socially, and equipped with extensive information and education machinery, they judged other countries by their own self-appointed criteria, handing out leisurely condemnations and revelling in their own "clear conscience". Such circles, although often prompted by the best intentions, were guilty of a lack of objectivity and humility. Moreover, their approach to the problems of the developing countries was somewhat simplistic, in that they deliberately ignored basic realities.

8. Firstly, the developing countries were still, by definition, at a stage where material needs and the right to a decent life had yet to be assured. In those circumstances, rights such as the right to freedom of information and expression often had real significance only for a small, privileged minority. Moreover, the institutional and administrative structures of the developing countries, particularly the newly independent States, were different and often fragile. Again, there were differences in culture and scales of values between nations. In some cases, the primary emphasis was placed on the role of the individual and on political freedom, in others on the interests of the community and on the common effort. Furthermore, the developed countries tended to forget that there was a gap of decades, if not centuries, between the material and intellectual standard of living they had achieved and the standard of living of those they criticized. Lastly, in blaming the developing countries for giving priority to development as against certain individual freedoms, the developed countries were overlooking the human sacrifices which they themselves had had to make during the nineteenth century to carry out the industrial revolution.

9. In making those remarks, she simply wished to emphasize the need to bring humility to bear when passing judgement. After all, the industrialized countries had not attained their current living standards overnight. No State or system could lay claim to a magic formula enabling the various economic, social, cultural, civil and political rights to be guaranteed to all on an equal basis and at the same time. A formula which might appear sound in a particular context would not be so in another context, because of the various historical, cultural, institutional, economic and other elements involved.

10. She was not criticizing the systems of the developed countries themselves, but she did wish to criticize the attitude of the industrialized States towards their international relations with the developing world, an attitude which was perhaps rooted in part in a lack of historical perspective among certain Western circles but which was also based on more egotistic and serious political and economic considerations. While the Western States did not hesitate to emphasize the civil rights and individual freedoms proclaimed in the Universal Declaration of Human Rights, they seemed to take lightly the very first paragraph of the Declaration, which proclaimed, inter alia, that respect for those rights should be promoted by "progressive measures, national and international". That was the sole reference in the Universal Declaration to international measures. Only with the formulation of the International Covenants on Human Rights, 20 years later, at a time when the membership of the United Nations had broadened considerably, had an international instrument on human rights recognized the right of peoples to self-determination. Yet that right was a sine qua non for the effective enjoyment of all other rights, for the provisions of the Universal Declaration could not be implemented by a people which was not even free to determine its own future. While political decolonization had now become an irreversible process, economic neo-colonialism and the structure of international economic relations continued to ensure the predominance of the industrialized countries. Only in 1974, with the adoption of the Declaration on the Establishment of a New International Economic Order, had the efforts of the developing countries to secure a juster system borne fruit. In referring to the need to "correct inequalities and redress existing injustices, make it possible to eliminate the widening gap between the developed and the developing countries and ensure steadily accelerating economic and social development and peace and justice for present and future generations", that Declaration had pinpointed the conditions which needed to be fulfilled before the developing countries could hope to assure many of the economic, social and cultural rights proclaimed in the Universal Declaration. The industrialized countries had shirked their responsibilities in that regard, yet they invoked respect for civil rights and individual freedoms, at no cost to themselves and for motives which were not always disinterested, in order to interfere in the internal affairs of others.

11. Those considerations led her to a number of conclusions. Firstly, at the national level, it was for each State to decide on the best method of promoting full respect for human rights, as defined in the Universal Declaration of Human Rights and the International Covenants. Depending on levels of economic and cultural development and traditions, different priorities asserted themselves in each

country, although the goals to be pursued were common to all. Moreover, no system had an infallible formula for ensuring economic wealth, freedom and social justice.

12. Secondly, at the international level, if the industrialized countries were sincere in their proclaimed desire for improved protection of human rights and fundamental freedoms, they should shoulder their responsibilities. In regard to political and economic self-determination, bilateral assistance and international economic relations, the developed countries could play a major role in creating the necessary conditions for rapid economic development by the disadvantaged countries, and thus assist those countries to ensure the realization of economic, social and cultural rights as well as civil and political rights. While she did not wish systematically to discredit any statement concerning human rights made by the industrialized countries, the lack of any real progress towards the establishment of a new international economic order largely justified the scepticism of the developing countries about such declarations and fostered the belief that they were a means by which the developed countries were endeavouring to evade their responsibilities. Sincerity revealed itself not in fine words and indignant condemnations but in constructive acts made in a spirit of understanding and co-operation.

13. Fifteen years previously, the Shah of Iran had written that, in the modern age, political rights unaccompanied by social rights, legal justice unaccompanied by social justice and political democracy unaccompanied by economic democracy no longer had any real meaning. Iran's development efforts, far from downgrading the importance of civil and political rights and individual freedoms, had always been directed towards the practical realization of those rights. The Agrarian Reform had not only been prompted by economic considerations but had been designed to liberate the peasants from the feudal landowners, who had exploited their labour, ill-treated them, allowed them no say in decisions affecting their own lives and denied them any possibility of education for their children. Today, the peasants were masters of their own fate and their children went to school. Similarly, Iranian workers, in contrast to Western workers at the time of the Industrial Revolution, now had a role in the decision-making of enterprises and participated in their profits. Again, Iran had made great efforts to promote individual intellectual development by its emphasis on education, including the introduction of compulsory schooling and the establishment of an increasing number of institutions of higher education. Moreover, relative to its level of development, Iran had shown a keener awareness than had the industrialized countries of the need to eliminate the unjust discrimination practised against women. That was a humanitarian question involving not only economic and social rights but also civil and political rights and all individual freedoms.

14. Lastly, on the basis of the considerable rise in living standards and progress in education, health, housing and social security, Iran had turned its attention to other problems, in particular that of the full participation of citizens in national decisions. The creation of a political system encompassing all Iranians,

within which every individual had a role to play and could express his views, constituted a major step towards ensuring the true political participation of the people in the life of the nation.

15. In that connexion, she observed that any deviation from the Western political model was automatically labelled as a departure from democracy; in her delegation's view, however, political parties were a means towards the realization of political democracy and not an end. Moreover, no party system or party structure could in itself provide an adequate guarantee or yardstick of political democracy. The only criterion which could be applied in making a judgement on that point was the extent to which a political system invited, encouraged and succeeded in achieving the participation of the people and the expression of their views and preferences.

16. Her Government did not claim to have created a perfect society in Iran and it accepted constructive criticism; it did, however, reject hasty judgements and negative criticisms. The success of Iran's ambitious drive for development would ensure ever-increasing prosperity and effective realization of all human rights for each citizen. Iran had chosen its own path to development because it believed that an imported system could not fully meet the unique characteristics of a nation. Iran's aim was to create a genuine economic, social and political democracy. It was profoundly convinced of the universal and fundamental value of human rights, as was shown by the fact that it had participated actively in the formulation of the Universal Declaration of Human Rights and of the International Covenants, which it had been among the first countries to ratify.

17. The report on the realization of economic, social and cultural rights (E/CN.4/1108/Rev.1 - E/CN.4/1131/Rev.1) included conclusions and recommendations of particular importance, especially for the developing countries. It was to be hoped that the Commission on Human Rights would act on the recommendations addressed to it and would show that it was sincerely concerned with all human rights of all human beings, taking into account the sometimes distressing realities of the contemporary age.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS IN THE TERRITORIES OCCUPIED AS A RESULT OF HOSTILITIES IN THE MIDDLE EAST (COMMISSION RESOLUTION 2 (XXXII)) (agenda item 4) (E/CN.4/1220; E/CN.4/1244; A/31/13; A/31/35; A/31/197; A/31/218; A/31/235 and Add.1 and 2; A/RES/31/106; S/12090; S/12233; resolution IX of the fifty-ninth session of the International Labour Conference; resolution adopted by the nineteenth session of the General Conference of UNESCO concerning the educational and cultural institutions in the occupied Arab territories; resolution WHA 29/69 adopted by the twenty-ninth session of the General Assembly of WHO; E/CN.4/NGO.196; E/CN.4/L.1342) (continued)

18. Mr. LOWENSTEIN (United States of America) said that the perceptive and thought-provoking statement made by Princess Ashraf on item 7 provided a timely reminder of the need to blend different national backgrounds and experiences with a view to working towards a common solution. It would, however, do no service to the spirit of consensus so evident in the Commission's deliberations to conceal major differences.

19. There were certain parts of the draft resolution on item 4 (E/CN.4/L.1342) which his delegation supported, but there were some elements which it found unacceptable. At the previous meeting, the representatives of Egypt and the Syrian Arab Republic had appeared to suggest that a general definition of aggression applied specifically to a situation on which, in his view, the Commission would be most unwise to pass judgement. To attempt to make an assessment of events that had been studied and argued over for years in other forums would be to politicize the Commission's proceedings in a way which would arise to haunt it on every issue it discussed. Views differed on what had happened during the hostilities in the Middle East and on what should be done to resolve the conflict in that area. Where the Commission would be on common ground would be in endeavouring to ease the suffering of human beings of all ethnic and national backgrounds in the area afflicted. Moreover, draft resolution E/CN.4/L.1342 made a number of allegations concerning malpractices which had not been proved for instance, the allegation in paragraph 4(f) concerning the torture of detainees. To vote in favour of the draft resolution in those circumstances would be to encourage the notion that it was possible to arrive at a common purpose by ignoring overstatement and confusion over facts in the interests of superficial agreement. The price of reaching such a spurious agreement would be a heavy one in the fragile effort to create a community out of peoples of various experiences and ideologies.

20. Mr. SADI (Jordan) said that the impressive statement made by Princess Ashraf had demonstrated the need to analyse human rights in the context of the differences between developed and developing countries.

21. In his statement at the previous meeting, the United States representative had asked whether it was necessary to determine guilt in relation to the 1967 war in order to start dealing with human rights in the occupied territories. On that point, he would observe, firstly, that the formulations used in the draft resolution under consideration did not make such a determination. Nevertheless, he believed that guilt had been determined for the Commission by the fact of occupation, which had been the cause of many human rights violations. The occupation had enabled the occupying Power to annex territory, establish colonies and deny the Palestinian people the exercise of their inalienable rights. Moreover, he considered that it was the duty of the Commission to determine who was right and who was wrong, to the extent that it needed to know to whom to address its remarks, requests and questions so as to eliminate violations of human rights.

22. Mr. BROAD (United Kingdom) thanked Princess Ashraf for her thought-provoking speech on item 7.

23. With regard to item 4, he asked whether the sponsors of draft resolution E/CN.4/L.1342 would be prepared, under rule 51 of the rules of procedure, to postpone a vote on their draft resolution until the following day.

24. Mr. EL-FATTAL (Syrian Arab Republic) said that, as Princess Ashraf had so eloquently reminded the Commission, items 4 and 7 were interrelated in that there was an indissoluble link between the elements which constituted the human rights of both individuals and nations. Princess Ashraf had injected a valuable element into the Commission's discussion by stressing that all efforts, economic and other, should be directed towards the emancipation of man and of the society in which he lived.

25. With regard to the United States representative's remarks concerning the inclusion in draft resolution E/CN.4/L.1342 of a reference to aggression, he failed to see why a definition which had been formulated on a general basis and not with Israel in particular in mind should not be applied to the specific situation obtaining in the Middle East. The United States representative appeared to be differentiating between two types of occupation: occupation by Israel, which was "legal"; and occupation by others, which was "illegal".

26. He did not see why the United States Department of State, with the vast means at its disposal, should not have accurate information on the points listed in paragraph 4. It was a fact that Israel had annexed parts of the occupied territories and established settler's colonies therein, while the United States press - which could certainly not be described as pro-Arab - had published numerous reports concerning the destruction and demolition of Arab houses. The Commission had been virtually unanimous in deploring the torture and ill-treatment of detainees practised by Israel. Again, the confiscation and expropriation of Arab property and land was a daily occurrence. He did not see what was wrong in listing those well-documented practices, which the United States itself had acknowledged in subscribing to the Security Council consensus of November 1976, and why international human rights standards should not be applied in the particular case of Israel. Draft resolution E/CN.4/L.1342 was fair and, indeed, even understated the case, since the Arab delegations had endeavoured to accommodate as many other delegations as possible.

27. Mr. LOWENSTEIN (United States of America) said that there was a basic inconsistency implicit in the draft resolution. The representative of Jordan had said that the Commission, in voting in favour of the draft resolution, would not be passing judgement on Israel; the present text, however, necessarily implied that Israel was an aggressor.

28. The United States delegation thought it impossible to determine whether occupation was itself a result of aggression. At the end of the Second World War, for example, a number of countries had undergone a long occupation until peace agreements had been signed. Doubtless Israeli occupation would likewise end when a peace agreement was arrived at. While acknowledging that permanent occupation was an act of aggression, he felt that Israeli occupation was not necessarily of such a nature; the draft resolution so implied, however, and his delegation, therefore, could not vote in favour of it, since such a judgement was not within the Commission's purview.

29. Apart from the implicit condemnation of Israel as an aggressor, there were further details in the draft resolution which his delegation found difficult to accept and would like to discuss with the sponsors. If however, a decision on the draft resolution was to be postponed until a subsequent meeting, in accordance with the United Kingdom representative's request, the United States delegation reserved the right to revert to the subject at that time.

32. Mr. YUNUS (Pakistan) said that his delegation greatly appreciated the address to the Commission given by Princess Ashraf.

33. He understood that the sponsors of draft resolution E/CN.4/L.1342 would be prepared, like his own delegation, to postpone a vote until the following day.

34. Mr. MERON (Observer for Israel), speaking at the Chairman's invitation, said that despite his replies to questions raised at earlier meetings, including details of improvements in the condition of detainees and a categorical denial of the alleged deaths in prison, the Commission had decided by a majority vote to send to the Israeli Government a cable the text of which represented an unjust and unproved indictment. If the Commission continued to use such condemnatory and intemperate wording, it could not expect to escape a charge of political bias or to succeed in its purported aim of alleviating human suffering. The military Government of Israel faced many problems and fully realized that present conditions were far from perfect; its approach, however, had been humane throughout, and even convicted terrorist murderers were not executed. Certain States, which did not even face the security threat that Israel did, might be envious of the humanitarian policy adopted by the Israeli authorities.

35. The Commission had the choice either of making a genuine effort to create an atmosphere conducive to a peaceful settlement by exercising restraint and objectivity and by demonstrating its concern for the promotion of human rights everywhere instead of in selected areas, or of continuing to indulge in intemperate and fruitless polemics.

36. Mr. EL-SHAFEI (Egypt) said that his delegation greatly appreciated the words which Princess Ashraf had addressed to the Commission, in particular her reference to the responsibility of developed countries in the furtherance of economic, social and cultural rights everywhere. The leadership of Iran, of which she was a part, was regarded throughout the world as enlightened and exemplary.

37. With reference to draft resolution E/CN.4/L.1342, he wished to assure the United States representative that the Egyptian delegation would welcome an adoption by consensus and would not hesitate to help in effecting all possible improvements to the text. There had been no attempt to make the issue political; there had been no request for the Commission to call for an end to Israeli occupation - indeed, the Commission had no mandate to do so. The sponsors rightly wished, however, to call on the international community to help in alleviating the human suffering resulting from that occupation, and to that end the Commission was bound to refer to instances of that suffering such as those mentioned in the Special Committee's report.

38. The Observer for Israel contended that the Commission, in deciding to send a cable to the Israeli Government about prison conditions, had disregarded his replies and assurances. He also contended that the allegations concerning conditions resulting from Israeli occupation remained unproved; the United States delegation,

however, had itself supported the Security Council's Statement of 11 November 1976 which had expressed grave anxiety and concern over the serious situation in the occupied Arab territories as a result of continued Israeli occupation.

37. It was true that no State could be expected to have an unblemished record in time of war; the situation now being considered, however, was due to acts committed since the end of hostilities.

38. With regard to operative paragraph 12 of the draft resolution, which proposed an item for inclusion in the agenda of the Commission's next session as a matter of high priority, it was precisely to avoid making a political issue of the subject that the sponsors had refrained from adding to the title of the item "as a result of the aggression of Israel". The United States representative had expressed concern about possible prejudice on account of the difficulty of defining aggression. Aggression, however, had already been defined in the General Assembly resolution referred to in the preamble of the draft resolution; thus in voting in favour of the latter resolution the Commission would be making no judgement on the term.

39. Mr. ALFONSO MARTINEZ (Cuba) said that the sponsors of the draft resolution, contrary to what the United States representative seemed to imply, did not intend to pass any judgement concerning aggression. It was a fact, however, that military occupation by a State of the territory of another State resulting from invasion or attack or any annexation by the use of force had been defined as aggression. The occupation referred to in the draft resolution was a fact, and the sponsors, although guided by entirely humanitarian motives, would be side-stepping the issue if they did not refer to that fact. He assured the United States representative that the sponsors intended to adhere to the text as it stood.

40. To compare the occupation in question with the occupation by the Allied Powers at the end of the Second World War was sophistry. The latter occupation had been a direct result of the aggression originally perpetrated by the country occupied, whereas the former was due to a policy of deliberate annexation and colonization.

41. While the sponsors were ready to co-operate with any delegations for which the draft resolution presented difficulties, they could not act against the spirit and letter of the General Assembly resolution which their Governments had supported, and they could not accept any amendment which would weaken the purpose of the draft resolution.

42. Mr. SPERDUTI (Italy) thanked Princess Ashraf for her words addressed to the Commission; his delegation recalled with appreciation her valuable work in the promotion of human rights, including her attendance at the General Assembly and at the Teheran Conference in 1968.

43. He noted that part B of draft resolution E/CN.4/L.1342 referred to General Assembly resolution 31/106 B (XXXI), which reaffirmed that the Geneva Convention relative to the protection of civilian persons in time of war was applicable to all the Arab territories occupied by Israel since 1967; he noted too that in operative paragraph 12 the Commission decided to place on the provisional agenda of the Commission's thirty-fourth session, as a matter of high priority, an item entitled "Question of the violation of human rights in the occupied Arab territories, including Palestine". Had the wording referred to violations of the rights of Palestinians, his delegation would have found no difficulty with the text, but the use of the words "including Palestine" in the context of States parties to a convention was to his delegation somewhat confusing from the legal standpoint and he would like some explanation from the sponsors.

44. His delegation reserved the right to speak again on the subject before a vote was taken on the draft resolution.

45. Mr. SADI (Jordan) said that he did not accept that the Commission was endeavouring to define aggression, as had been suggested in reference to the fourth preambular paragraph of the draft resolution. That had already been done in General Assembly resolution 3314 (XXIX) and the Commission was not required to pass judgement on its definition. Moreover, the fourth preambular paragraph was a simple statement of fact and even those delegations which did not intend to vote in favour of the draft resolution should have no quarrel with that paragraph since it did not commit them. Similarly, operative paragraph 1 merely reiterated what had already been decided, as was clear from the fifth preambular paragraph.

46. He did not agree that the Commission should act only on the basis of conclusive evidence, which would mean that it would never take any action at all. Instead, it should act as soon as a prima facie case had been established and, in his view, that had been done bearing in mind the facts of annexation, settlements and poor prison conditions. He accepted Israel's undertaking to improve those conditions but that did not alter the fact that they still existed. Admittedly, the Commission was not a court of law but it had quasi-judicial capacity and should therefore take action on the basis of strong evidence, without waiting for conclusive evidence.

47. Mr. BEAULNE (Canada) paid a tribute to Princess Ashraf for her long-standing devotion to the cause of human rights. Her well-balanced statement should not be interpreted to mean that the difficulties of realizing economic, social and cultural rights, owing to lack of resources, could serve as an excuse for States which refused to respect the civil and political rights proclaimed by the United Nations.

48. Referring to operative paragraph 12 of the draft resolution before the Commission, he said that he did not altogether understand the significance of the words "including Palestine" and would like the sponsors to explain whether they had a historical, geographical, political or legal connotation.

49. Mr. EL-FATTAL (Syrian Arab Republic) said that while, in his opinion, the Commission had not been endeavouring to define aggression, theories had been advanced which were quite contrary to the international order the United Nations had been trying to promote since 1945. According to the United States representative, there were two types of aggression: aggression in the normal sense, and aggression which

took the form of occupation for the purpose of self-defence and which therefore, under Article 51 of the Charter, was a legitimate act. Accordingly the United States representative contended that the Israeli occupation of the Arab territories, being an act done in self-defence and consequently legitimate, should be allowed to continue. If, however, the facts were examined, it would be seen that the majority, if not all, of the acts listed in operative paragraph 4 of the draft resolution constituted aggression, the most serious of which was annexation; that had been recognized in General Assembly resolution 3314 (XXIX), which had been unanimously adopted. No sophism or casuistry could conceal the fact that the Israeli occupation, accompanied as it was by annexation, amounted to aggression.

50. While the Israeli representative had changed his tone somewhat, it was curious to note that he repeatedly alluded to the fact that there was no capital punishment in Israel, which seemed to suggest that he regretted the fact. Capital punishment, however, had never stopped crime or prevented patriots from laying down their lives. He was weary of such false humanitarianism and would challenge Israel to introduce capital punishment.

51. Mr. YUNUS (Pakistan), speaking on behalf of the sponsors, said that careful note had been taken of the points raised regarding the fourth preambular paragraph and operative paragraphs 4 (f), 5 and 12 of the draft resolution.

52. It would make for an expeditious conclusion to the item if any further points requiring explanation could be raised forthwith, so that the sponsors could consider them before a vote on the draft resolution was taken.

53. Mr. LOWENSTEIN (United States) said it was clear from the discussion that section A of the draft resolution presented a serious problem.

54. It had been said that the draft resolution did mean that Israel was an aggressor and, again, that it did not. It had also been said that, according to the definition of aggression laid down in General Assembly resolution 3314 (XXIX), all occupation was indicative of aggression. His own question whether that had been the intention of the General Assembly had been dismissed with a suggestion that he had been drawing an analogy between the situation in Western Europe following the Second World War and that now obtaining in the Middle East. The Cuban representative, however, had made it plain that, if the draft resolution was to serve its purpose, it must state that Israel was an aggressor.

55. The United States was not prepared to vote in favour of a draft resolution that made a determination as to who was, or was not, an aggressor in the complex dilemma of the Middle East, or of a draft resolution that had been interpreted as stating that all occupation, irrespective of the causes of the war out of which it arose, was a sign of aggression. For one thing, that would suggest that many United Nations Members had perpetrated aggression when, following the Second World War and until peace had been achieved, they had occupied territories not their own.

56. Occupation was a sign of aggression when it occurred as the result of aggression or when it was not terminated as the result of successful efforts to arrive at peace. To define the Middle East conflict in a way that prejudged its origins went far beyond the Commission's mandate, in his Government's view.

57. He had not stated that the Middle East situation was the result of aggression against Israel, nor indeed had he made any comment at that meeting about the causes of the situation in the Middle East. That was not because he had no views on the matter but because he considered that, in a Commission concerned with the rights of human beings regardless of the reasons for the violation of those rights, it was counter-productive, divisive and improper to attempt to determine such a question.

58. Those who had spoken in favour of the draft resolution had reiterated that its adoption would signify the acceptance of a particular interpretation of the cause of the existing occupation, which meant that they had determined the issue of aggression. Consequently, those nations which were not prepared to arrive at that determination had no alternative but to oppose the draft resolution. Section A in particular, which included by reference and explanation an assertion that the cause of the occupation was an alleged aggression by Israel, contained a fatal flaw, in his delegation's view. That did not mean that his delegation was any the less committed to seeking ways to deal with the humanitarian questions covered by the Geneva Conventions, or that in other appropriate fora there might not be discussions concerning a determination of issues which it considered went far beyond the purview of the Commission.

59. With regard to specific phraseology and to allegations which his delegation felt were not proved, he noted that, where the Commission had every right to seek information, it asserted that it had no such right and, where it had information, it drew conclusions which were unsupported by the evidence. His concern was to ensure that the tenor of the draft resolution was in keeping with the information available, failing which the Commission might find itself acting irresponsibly or without the kind of support that would give weight to its actions.

60. He shared the Canadian representative's doubts regarding the words "including Palestine" in operative paragraph 12 of the draft resolution and wondered whether they were designed to introduce, at the thirty-fourth session, the question of Israel's right to exist. Having listened to the interpretation of aggression as given at that meeting, he was concerned that the inclusion of those words might by inference be taken to mean that Israel was occupied Arab territory, since historically the term "Palestine" could be interpreted as covering Israel as well as the territories now occupied. In the absence of any definition of Palestine, those words might mean that a State recognized by the General Assembly as having a right to exist and created through United Nations machinery could have its existence called into question within the context of a humanitarian resolution on circumstances which, in his opinion, required a very different approach.

61. It was therefore his hope that, before a vote was taken, the sponsors would redraft the resolution, removing the political connotations involved in any judgement of aggression, defining areas of concern as outlined in the title, dealing with the paragraphs relating to alleged violations in a way that reflected the facts and raising questions on which more information was required.

62. Mr. ALFONSO-MARTINEZ (Cuba) said that at no time had it been suggested that the Commission should decide whether Israel was or was not an aggressor. That was more properly the task of the United Nations political organs, which he understood had already adopted a number of resolutions categorizing Israeli acts, implicitly or expressly, as aggressive.

63. With regard to the point raised by the United States and Canadian representatives on operative paragraph 12, he asked whether it would meet their concern if the words "including Palestine" were replaced by "including the inalienable rights of the Palestinian people as expressed in United Nations resolutions". Also, it would be useful if delegations which had reservations on the draft resolution could indicate to the sponsors what was, and was not, acceptable to them.

64. Mr. ERMACORA (Austria) said that, having followed the Commission's work on the item for many years, he knew that a new element had been introduced and could even indicate the various stages of its development. Moreover, he had been a member of the ad hoc working group of experts which had investigated violations of human rights in 1959 and had signed the paper which had found such violations to exist. He would therefore like to know whether the Cuban amendment to operative paragraph 12 had already been accepted by the other sponsors of the draft resolution.

65. Mr. ALFONSO-MARTINEZ (Cuba) explained that he had not made a formal proposal nor had he discussed his suggestion with the other sponsors.

66. The CHAIRMAN suggested that the Commission should adjourn its debate until the next meeting, when it would vote on the draft resolution.

67. He further suggested that, to expedite the debate, an informal meeting should be held between the sponsors of the draft resolution and those representatives who had made suggestions, with a view to clarifying certain points.

68. It was so decided.

QUESTION OF THE REALIZATION 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 RELATING TO HUMAN RIGHTS IN DEVELOPING COUNTRIES (COMMISSION RESOLUTION 2 (XXXI) (agenda item 7) (E/CN.4/1227; E/CN.4/1108/Rev.1; E/CN.4/1131/Rev.1) (continued)

69. Mr. SCHREIBER (Director, Division of Human Rights) thanked Her Imperial Highness Princess Ashraf Pahlavi for her kind words concerning his role in the United Nations action in regard to human rights. One of his most lasting memories as Director of the Division of Human Rights would be the time when he had served as Executive Secretary of the International Conference on Human Rights, held at Teheran in 1968 under the gracious and wise chairmanship of the Princess, and had shared the honour of being one of her advisers. He would continue to be interested and active in human rights whenever that might be possible and would always be ready to serve their noble cause.

70. Introducing the note by the Secretary-General on the status of International Covenants on Human Rights (E/CN.4/1227), he said that the item before the Commission covered two questions. The first concerned the realization of the economic, social and cultural rights set forth in the Universal Declaration of Human Rights and had been included on the agenda for some years, since the Commission had felt that it could not disregard such aspects of human rights and their relationship to other rights. The second question concerned international covenants including, first of all, the International Covenant on Economic, Social and Cultural Rights. There was no need for him to stress their importance, which had already been underlined by the Secretary-General in the introduction to his annual report to the General Assembly.

71. The Secretariat and other United Nations bodies concerned had lost no time in carrying out the functions entrusted to them. In May 1976, the Economic and Social Council had adopted resolution 1988 (LX), which was reproduced in Annex V to document E/CN.4/1227. The Commission would note that, in pursuance of the provisions of the International Covenant on Economic, Social and Cultural Rights, the Council had established a programme whereby States parties to the Covenant would furnish in biennial stages the reports referred to in article 16 of the Covenant. The first stage related to the rights covered by articles 6-9; the second, to those covered by articles 10-12; and the third, to those covered by articles 13-15. In reporting under that programme, States parties would give full attention to the more general provisions of articles 1-5 of the Covenant.

72. The Economic and Social Council laid emphasis on collaboration with the specialized agencies, as required under the Covenant and, in its consideration of the reports submitted to it would be assisted by a working group with appropriate representation of States parties to the Covenant. Thus, the system for the submission of reports by States was already in the process of implementation.

73. Although the Commission itself was not often mentioned at that stage in the resolution, he had no doubt that the Economic and Social Council would look to it for assistance, as suggested in the Covenant.

74. Turning next to the International Covenant on Civil and Political Rights, he reported that progress had been as rapid as could be expected. It had now been ratified by 40 States, as compared with 42 ratifications of the International Covenant on Economic, Social and Cultural Rights. In addition to the ratifications notified since the Commission's thirty-second session, as referred to in paragraphs 2, 3, 4 and 5 of document E/CN.4/1227, Morocco had now signed both Covenants, which was particularly gratifying as the Covenants had been adopted in the Third Committee of the General Assembly under the chairmanship of the Moroccan representative in 1966. It was at the same session of the General Assembly that he had represented the Secretary-General on human rights matters for the first time and he would not forget the common effort which had led to their unanimous adoption in an atmosphere of satisfaction, exhilaration and hope.

75. Other measures relating to the implementation of the International Covenant on Civil and Political Rights included a meeting of Member States held at United Nations headquarters in 1976 to elect members of the Human Rights Committee established under the Covenant. Some of the members were elected for four, and others for two years. States were to be commended for having put forward the names of candidates of such high calibre, which would enable the Committee to carry out the tasks entrusted to it. It was to hold its first session, which would be mainly of an organizational and procedural nature, in the second half of March 1977.

76. In resolution 31/86 of 13 December 1976, reproduced in Annex VI to document E/CN.4/1227, the General Assembly had recognized that appropriate arrangements should be made to enable the Human Rights Committee to hold sessions at such intervals and of such duration as might be necessary for it to carry out in an efficient manner the functions entrusted to it under the International Covenant and its Optional Protocol. Accordingly, its first session would probably be shortly followed by a second, at which substantive matters would be discussed. At that time, the Committee would already have some forty reports from States parties to consider, as well as the complaints referred to it under the Optional Protocol.

77. He trusted that it would be possible to report substantial progress to the next session of the Commission, which could then adjust its own activities accordingly.

78. The CHAIRMAN reminded the Commission that, at a previous meeting, he had stated that the Bureau considered it would perhaps be advisable to create formal or informal working groups, in which any delegation could take part, on items 8, 20 and 22. He invited delegations to indicate their interest in that suggestion, or to propose the possible composition of such working groups, by 1 p.m. on 16 February 1977. In the absence of any such indication, the Bureau would take it that the Commission felt that it was unnecessary to establish such working groups.

The meeting rose at 6.05 p.m.