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SUMMARY RECORD OF THE 62nd MEETING

Chairman: Mr. MADAR (Somalia)

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The meeting was called to order at 11 a.m.

AGENDA ITEM 12: REPORT OF THE ECONOMIC AND SOCIAL COUNCIL (continued)
(A/39/3 (parts I and II), A/39/81, 128, 168 and Add.1 and 2, 174 and Add.1, 180 and Corr.1, 185, 193, 407, 414, 443, 444, 445, 446, 447, 477, 496, 568, 570, 581 and Corr.1, 590, 631, 635, 636, 694; A/C.3/39/1, 4 and Corr.1, 9 and Corr.1 (English only); A/C.3/39/WG.1/WP.1; A/C.3/39/L.32, L.34, L.41/Rev.1, L.42/Rev.1, L.43/Rev.1, L.45, L.47, L.54, L.71-82)

1. Mr. GUMUCIO GRANIER (Bolivia) said that the support of the Government of Bolivia for the principle of respect for human rights throughout the world was one of the pillars of the democratic system which the people of Bolivia had defended with vigour and sacrifice. However, enforcement of that principle depended on the will of Governments to co-operate in applying uniform norms of law in defending those rights. The General Assembly, through the Third Committee, and the United Nations system, through its competent bodies, should promote such co-operation and should ensure the redress of specific violations.
2. In application of the principle of universality, the international community should foster the enjoyment of human rights irrespective of the geographical situation or political system of States. However, the tendency in the Committee has been to stress cases of human rights violations in Latin American countries, and demand higher standards of enforcement than elsewhere while ignoring violations in other regions. It should be noted in that connection that the Latin American peoples, when denied legal recourse by repressive régimes which made a mockery of constitutionality and the legal order, had consistently sought the support of the international community.
3. In Bolivia in 1980, for example, the indignation of the international community had proved to be a positive factor in defending human rights. Obviously, in some cases, a régime that felt publicly humiliated, could attempt to defy the verdict of the international community by maintaining or intensifying human rights violations. The international community acted as a moral force and its support should not be interpreted as interference in the internal affairs of States.
4. His delegation expressed the hope that the internal conflict in El Salvador, which had produced so many innocent victims, would be resolved through the dialogue initiated between the Government and the insurgent forces, and that human rights would be fully enforced so that agrarian reform programmes and social justice could be implemented for the benefit of all Salvadorians.
5. His delegation noted with concern that in Guatemala, although the country was in the process of returning to democracy, human rights violations continued. It expressed the hope that the constitutional process would soon culminate in the full restoration of human rights.
6. Concerned about the deterioration of the human rights situation in Chile, his delegation deplored the refusal of the Chilean Government to co-operate with the

(Mr. Gumucio Granier, Bolivia)

Special Rapporteur. He expressed the hope that Chilean citizens would recover the full exercise of the human rights established in the International Covenants, which Chile had signed.

7. Bolivia supported the establishment of a High Commissioner for Human Rights.
8. Mr. TSVETKOV (Bulgaria), referring to the report of the Economic and Social Council (A/39/3, parts I and II), said that the work of the various human rights bodies of the United Nations in the past year had again confirmed that the persistent and even increasing cases of flagrant violations of human rights in the world originated in the inhuman policies and practices of imperialism which were the negation of human rights.
9. The most serious threat to human rights and even to the survival of mankind was unquestionably the arms race and the growing danger of nuclear war. The efforts of the international community should be concentrated on the protection and guarantee of the sacred right of each individual to live in peace and free from the threat of nuclear war.
10. The plunder of the human and natural resources of developing countries was another manifestation of the inhuman face of imperialism, which attempted to deny the inalienable right to development and the right of peoples freely to dispose of their own natural resources, a right established in many international instruments.
11. Flagrant and mass violations of human rights were also occurring in the advanced Western countries as a result of the inherent inability of capitalism to guarantee human rights and to put an end to social injustice, mass unemployment, racism and fascism, hunger, poverty and crime. It was ironical for the Western countries to proclaim that any violations of human rights should be brought to the attention of the United Nations, while ignoring, in practice, millions of human rights violations in their own countries, including the restriction of social programmes, elimination of the social benefits earned by workers, and the advocacy of theories that would limit or eliminate the social functions of the State. That inconsistency between words and deeds reflected an attempt to use political propaganda to cover up failure to protect human rights.
12. The resurgence of fascism as an ideology and practice in some Western countries was another alarming phenomenon. His delegation entirely supported the idea of marking the fortieth anniversary of the victory over fascism, to be celebrated on 9 May 1985, by a commitment by Member States to strengthen common efforts to combat the ideology and practice of fascism, which was the supreme negation of human rights and fundamental freedoms.
13. Another manifestation of flagrant and mass violations of human rights was the growing aggressiveness of imperialist and reactionary forces shown by the increasing use - or threat of the use - of force in international relations, and by attacks on the right of peoples to self-determination and to free and democratic

(Mr. Tsvetkov, Bulgaria)

development. The Bulgarian delegation again vigorously condemned the alliance between imperialism and the apartheid régime in South Africa, the continued occupation and plundering of Namibia and the collaboration of the imperialists with the leaders of Israel, who were illegally occupying Arab territories. It reiterated its concern at the tragic fate of Grenada and its support for the United Nations decisions demanding the immediate withdrawal of foreign troops from that country and the full re-establishment of the sovereign right of its people to self-determination.

14. In Central America, efforts to settle conflicts by peaceful means had been sabotaged by terrorist methods which continued to be used against Nicaragua, with mercenaries at its borders being trained to carry out public executions, murder of civilians, sabotage and blackmail. Those tactics were in contravention of the United Nations Charter and had been condemned by the General Assembly, the Security Council and the International Court of Justice.

15. In El Salvador, the armed internal conflict continued, with growing imperialist intervention. At the same time, the principal economic and social problems which were at the root of that conflict continued to exist and were becoming more acute. Unless the deep structural problems were solved, it would be impossible to reach a settlement of the internal conflict and ensure the peace, independence, social justice and fundamental rights of the Salvadorian people.

16. Similar economic and social inequities had led to the brutal and mass violations of human rights in Guatemala, as reported in the international press and in the report of the Special Rapporteur of the Commission on Human Rights (A/39/635).

17. One of the most tragic examples of the trampling of human rights by imperialist and national reactionary forces was undoubtedly Chile, where the military junta had seized power, with foreign help, in its coup d'état 11 years ago. The report of the Special Rapporteur of the Commission on Human Rights (A/36/631) was eloquent testimony to the flagrant and constant human rights violations in Chile. The objective of the military junta was to create the most advantageous conditions for the Chilean bourgeoisie and transnational monopolies to exploit the Chilean people, whose rate of unemployment had reached 24.6 per cent. His delegation supported the conclusions of the Special Rapporteur (paragraph 391) that in 1984 the situation with regard to the protection of fundamental human rights and freedoms in Chile had continued to deteriorate and that the central issue continued to be the maintenance of the present system of government in the face of widespread population aspirations for the restoration of the democratic order and the protection of human rights and fundamental freedoms. The international community had the right and the duty to support the legitimate demands of the Chilean people.

18. All those situations testified to the continued collusion between imperialism and colonialism, neo-colonialism, racism, apartheid and fascist dictatorships, which had the same ideological roots and the same economic interests, in the

(Mr. Tsvetkov, Bulgaria)

drive to suppress national liberation and social progress. International co-operation would therefore play an increasingly important role in the realization and encouragement of human rights, the most important of which were the right to life in conditions of peace, the right to development, social and economic rights and the right to self-determination, national independence and social progress.

19. Mr. HEGYI (Hungary) said that Hungary's consistent opposition to systematic and mass violations of human rights had been guided by its principles, the relevant United Nations instruments and its feeling of responsibility for the fate of those who were deprived of their most basic human rights. Public opinion in his country and his Government could not remain silent about the abominable practices of apartheid in South Africa, torture and executions of freedom fighters in Namibia, Israeli policy and practices in the occupied Arab territories and widespread human rights violations in some countries of Latin America.

20. In El Salvador, the perpetrators of such crimes as the beating and torture of parents in front of their own children had not been brought to justice. Responsibility for that situation rested with the true centres of power: the army, a handful of ruling families and the influence of a well-known outside Power. The systematic attacks carried out against the civilian population by Government forces must be regarded as one of the most serious, mass and persistent human rights violations. His delegation welcomed the renewal of dialogue between the Government of El Salvador and the liberation movement, and it strongly hoped that the exchange would have a constructive follow-up, until a comprehensive negotiated political settlement had been reached that would create just economic and political conditions for establishing a lasting peace.

21. The news from Guatemala and the Special Rapporteur's report (A/39/635) supported the evidence that the violence against non-combatants in that country continued. The Government and army of Guatemala would do well to reflect on the recommendation of the Sub-Commission on Prevention of Discrimination and Protection of Minorities that the solutions to the crisis would be greatly facilitated by allowing the people of Guatemala freely to determine their political, social and economic future without foreign interference and in a climate devoid of intimidation and terror.

22. He expressed the appreciation of his delegation for the thorough report of the Special Rapporteur on the situation of human rights in Chile (A/39/631), which had been prepared without any co-operation from the Chilean authorities. The extent of human rights violations in Chile was even worse, if that were possible, than in Guatemala and El Salvador. His delegation supported the concluding remarks of the Special Rapporteur (para. 391) that the Government of Chile was continuing to strengthen legislative and administrative measures to enforce the denial of the inalienable right to take part in the political life of the country, with most adverse consequences on other basic rights and freedoms.

23. The situation in the countries mentioned had its root causes in internal political, economic and social factors and the attempt to place them in the global context of East-West relations served only to poison the international atmosphere

(Mr. Hegyi, Hungary)

and rendered a disservice to the entire region. Furthermore, there were glaring internal contradictions in a policy under which certain countries like El Salvador, where the death squads' activities were not seriously disturbed, were given military and economic aid, while others, like Nicaragua, were continually harassed and faced the threat of military incursions.

24. With regard to Nazi, Fascist and neo-Fascist activities and all other forms of totalitarian ideologies and practices based on racial intolerance, hatred and terror, the lesson of history was that signs of the recent revival of such ideologies must not be overlooked. Concern about that revival was unfortunately justified by the results of certain elections, by the growing hatred of foreigners in some countries, and by the fact that such ideologies frequently provided the basis for acts of terror in Western Europe and elsewhere. The issue was sufficiently important to justify adopting a draft resolution concerning measures to be taken against such activities as had been done at the last session of the General Assembly (resolution 38/99).

25. Mr. RADA (Czechoslovakia) said that recent developments in Chile confirmed the description of systematic human rights violations contained in the report (A/39/631). The Government's response to the general strike had been a massive police round-up and the declaration of a state of emergency under which all political gatherings were prohibited and the opposition media had been silenced. The régime had met the demands of a people striving for the restoration of democracy and freedom with nothing but tactical manoeuvres and repression.

26. In spite of all its pre-election declarations, the Government of El Salvador was not following the path of democracy. Reactionary forces still tried to exercise power through terror and violence. Civilian settlements were being ruthlessly bombarded and many people had died in the "purge" operations carried out by Government troops. Members of the military and security forces were continuing to participate in the activities of the death squads, some of which had been trained by instructors from the United States and had committed a number of acts of violence with the connivance of the United States authorities. His delegation resolutely condemned the torture and murders perpetrated by such groups in their efforts to achieve their political aims. While there was a prospect for a solution of the Salvadorian conflict, neither in El Salvador nor anywhere else in Central America could peace and stability be achieved without respect for the right of all peoples to choose their own style of development. Attempts by imperialist Powers to rule those countries or to foist despotic régimes upon them would never succeed.

27. Numerous reports testified to the continued practice by the South Korean authorities of summary executions, torture, political imprisonment, arbitrary arrest and disappearances. Foreign troops must be withdrawn from that country in accordance with General Assembly resolution 3390 (XXX), and the Korean question should be solved peacefully by the Korean people themselves. His delegation welcomed the constructive proposals made by the Democratic People's Republic of Korea for a just settlement of the problem.

28. The celebration of the fortieth anniversary of the victory over nazism and fascism and of the foundation of the United Nations should serve as an opportunity

(Mr. Rada, Czechoslovakia)

to mobilize the world community's efforts in the struggle against all inhuman practices and ideologies based on intolerance, hatred or terror. The revival of revanchist forces in the Federal Republic of Germany and elsewhere had a negative impact on the European political climate and on understanding among peoples, but nothing could change the fact that Europe's post-war frontiers were inviolable.

29. Mr. ESSAIEM (Tunisia) said that economic, social and cultural rights could not be guaranteed simply by ratification of an accessions to international instruments; societies must also have reached a rudimentary level of development which would ensure that appropriate institutions were available to the individual to defend those rights. The right of the individual to development was thus intimately linked with the right of peoples to development. Tunisia supported the Economic and Social Council's initiative of reconvening the Working Group of Governmental Experts on the Right to Development for the purpose of preparing a draft declaration. It hoped that the Working Group would formulate a definition of the right to development which satisfied the legitimate aspirations of many Member States.

30. The reconstruction and economic expansion of the developed countries after the Second World War had been fueled by manpower from the developing countries, although the difficulties of the 1970s had reduced that migratory flow. Migrant workers normally returned to their homelands sooner or later, but their lengthy stays abroad necessitated the development of a legal framework to protect them. Bilateral conventions had proved to be inadequate: they did not take account of the material and moral difficulties faced by migrant workers, and in some cases the economic crisis had exacerbated resentment of migrant workers by nationals of receiving countries.

31. The human rights of all migrant workers and their families had to be better protected and strengthened: that was why his delegation welcomed the progress made by the Working Group on the drafting of an International Convention on the Protection of the Rights of All Migrant Workers and Their Families. It hoped that the spirit of compromise which had facilitated that progress would continue to prevail, enabling the international community to adopt a comprehensive normative instrument which would protect all categories of workers and strengthen the ties of co-operation and understanding among peoples.

32. Mr. POLICHTCHOUK (Ukrainian Soviet Socialist Republic) said that demands that the United Nations remain vigilant against any attempts to revive nazism or fascism were fully justified: history had known no more monstrous evils than those committed by the Nazis during the Second World War. The annihilation of 5 million in the Ukrainian SSR was more than a statistic: it was an irreplaceable loss attesting to the inhumanity of an ideology which had still not been eradicated. Consequently, all States should discourage complacency toward the rise of fascism and demand that the protection of war criminals in a number of Western countries should cease.

33. His country viewed with apprehension the rise of neo-Fascist totalitarian régimes to power in a number of States and the open attempts of neo-Fascist parties and movements to co-ordinate their activities throughout the world. Fascism was

(Mr. Polichtchouk, Ukrainian SSR)

propounded and practised by the most reactionary and expansionist elements of imperialism: it was pathologically anti-communist and involved in a fight to the death with the forces of peace, democracy and progress.

34. The danger arising from the evil union between neo-fascism and militarism had become especially acute with the threat of nuclear war, as many countries were aware. His delegation shared the concern expressed on that subject by the representatives of Nigeria and other countries.

35. The problem was compounded by the fact that State policy and practice in countries such as South Africa, Israel, Chile, El Salvador, Guatemala and South Korea were based on many of the most dangerous aspects of fascist ideology. It was the task of the United Nations not to permit fascism to be revived in any form, to mobilize world public opinion against it and to facilitate co-operation among Governments in combating it. Draft resolution A/C.3/39/L.76, which his delegation had sponsored, would promote that objective and should be widely supported.

36. It was regrettable that, at its first regular session, the Economic and Social Council had not taken due account of the recommendation contained in resolution 1984/42 of the Commission on Human Rights that a special commemorative meeting be held to celebrate the fortieth anniversary of the conclusion of the Second World War. All those who cherished peace and the memory of the millions of victims of fascist terror would agree that the proposal was well justified.

37. Mr. MAHBUBANI (Singapore) said that human rights was a troublesome issue for third world countries. While many were struggling to ensure such basic human rights as food, clothing and shelter, they were told by the developed nations that they must guarantee the same individual liberties that those nations provided for their citizens. It had taken the Western developed countries several centuries to evolve the relatively stable social and political systems, and it was patently unfair to expect developing countries to conform immediately to the standards that those countries had set. Democratic institutions appeared to function most effectively when there was a broad consensus on basic values, but many new countries, like Singapore, were forced to forge such a consensus very rapidly while attempting and to prevent the centrifugal forces of racial, linguistic and religious diversity from tearing the fragile State apart. Small wonder, then, that democratic norms in developing countries differed from those in developed countries.

38. Nevertheless, it was in each developing State's interest to ensure the fullest possible enjoyment of individual freedoms for all its citizens. Singapore was prepared to give whole-hearted support to United Nations human rights initiatives, as was illustrated by its sponsorship of the draft resolution containing the draft convention against torture (A/C.3/39/L.40).

39. Singapore had noted with regret, however, that some countries which themselves violated human rights condemned such violations in other countries that some used United Nations human rights instruments as political weapons against their adversaries and that others engaged in self-righteous moral posturing while

(Mr. Mahbubani, Singapore)

excoriating convenient scapegoats. The United Nations must be fair and impartial in its implementation of human rights resolutions and decisions. He therefore wondered why draft resolutions L.43, L.77 and L.79 selectively condemned human rights violations in El Salvador, Guatemala and Chile. Those countries did not necessarily have the worst human rights records, and human rights violations were not confined to Latin America: some of the worst violations were committed in totalitarian States which seemed to enjoy immunity from scrutiny into their arbitrary arrests and their practices of condemning people to labour camps, internal exile and confinement in mental institutions. It would appear that only three countries had been singled out because it was politically expedient to pick the easiest targets. But the question then was whether in doing so, the international community was actually helping to erode respect for the principles it claimed to uphold and damaging the integrity and authority of the United Nations itself. For all those reasons his delegation would abstain during the voting on the draft resolutions.

40. There was no doubt that El Salvador had a gruesome history of human rights violations: the President himself had barely escaped death by the infamous death squads. He was working against immense odds to normalize the situation, and if the international community truly wished to see human rights improved in El Salvador, it should encourage and not hinder his efforts. Draft resolution L.71, which his delegation had sponsored, acknowledged those improvements in El Salvador: the marked decrease in politically-motivated murders, detentions and disappearances, and the improved conditions for bringing about national reconciliation. It recognized that both the Government and the opposition forces must seek a durable peace and try to eliminate human rights violations. The draft was a constructive step towards rectifying the injustice inherent in the selective condemnation of El Salvador, and he urged delegations to vote for it.

41. Mr. MUÑIZ (Argentina) said that the United Nations had done an excellent job of ensuring respect for human rights by elaborating international instruments and disseminating information on those instruments. However, there was still much to be done because serious violations of human rights persisted in many parts of the world and many countries failed to implement those instruments.

42. Argentina believed that all rights, economic, social, cultural, civil and political, were of equal importance and should be so regarded by the international community. The enjoyment of one should not be used as a pretext to deny the enjoyment of any other. The establishment of the new international economic order would go a long way towards meeting the economic, social and cultural aspirations embodied in the Covenant.

43. The economic crisis in the developing world and inadequate economic structures were responsible for the disparities in the enjoyment of the right to food, shelter and education. The full enjoyment of economic, social and cultural rights could be ensured only by the political will of individual Governments and full international co-operation. The developed countries would have to accept the fact that the right to development was a human right.

44. A just society required the full enjoyment of civil and political rights. Yet, the interest and security of the State was often used to deny basic human

(Mr. Muñiz, Argentina)

rights to the individual. Every effort should be made to protect and strengthen individuals and groups against arbitrary acts by Governments.

45. Respect for human rights went beyond national and political borders so that a violation of any right, wherever it took place, was of concern to the international community. On the other hand, the United Nations should view cases of violations of human rights with impartiality and justice so as not to jeopardize its efforts in that field.

46. In 1983, Argentina had re-established the full enjoyment of human rights, had set up bodies to investigate past violations and to punish those guilty of such violations. Argentina had rejected State terrorism and would guarantee that past violations would not be repeated. It would do everything possible to ensure all citizens the full enjoyment of all economic, social, cultural, civil and political rights.

47. Argentina saw benefits to be derived for individuals from international co-operation, to redress the violation of human rights. To that end, it co-operated with the working group on forced and involuntary disappearances and hoped to discover the fate of many disappeared persons in order to alleviate the pain and suffering of their families. As long as the world was not at peace and as long as there were people who did not enjoy all human rights and fundamental freedoms, the work of the international community was not finished.

48. Mr. MATELJAK (Yugoslavia) said that it was logical that the United Nations human rights bodies had been dealing extensively with the problem of racism and racial discrimination because that universal evil constituted one of the most abhorrent forms of violation of human rights. That was especially true of the policy and practice of apartheid pursued by the South African racist régime. In that connection, his delegation stressed the need for international action to increase assistance to student refugees fleeing southern Africa.

49. The Arab people of Palestine were constantly being discriminated against on the basis of their national origin and were denied by Israel their inalienable right to self-determination. As long as the Palestinian people remained deprived of its rights, no solution could be found to the Middle East crisis.

50. Discrimination on the basis of race, colour, descent or national or ethnic origin also affected many vulnerable groups throughout the world, in particular, migrant workers, minorities and indigenous populations. In that connection, his delegation believed that the Open-ended Working Group on the Elaboration of an International Convention on the Protection of the Rights of All Migrants Workers and Their Families would make better progress if all participants showed the necessary flexibility and good will. The work on the elaboration of a draft declaration on the protection of minorities was highly important for the promotion of human rights and that the Commission on Human Rights should focus on that issue in its future work. The adoption of such a declaration would not only lead to improvement in the situation of minorities, but would help to promote co-operation between States, especially neighbouring States, and the strengthening of peace and security in the world.

(Mr. Mateljak, Yugoslavia)

51. Yugoslavia was encouraged by the unanimous position expressed in the Commission on Human Rights with respect to the work of the group of experts on the elaboration of a draft declaration on the right to development as a human right. Regrettably, progress in that respect had been slowed down, if not completely blocked, and his delegation hoped that existing difficulties would soon be overcome.
52. Popular participation as a human right required further elaboration, recognition and theoretical explanation of its socio-political role and perspectives in the context of the historical development of the concept of human rights and the development of humanity as a whole. His delegation hoped that the comprehensive study now being prepared by the Secretary-General would elaborate on all aspects of popular participation.
53. Since the Second World War, there had been increasing activities in some countries of various Nazi, Fascist and neo-Fascist groups and organizations. His delegation therefore supported the suggestions contained in resolution 1984/42 of the Commission on Human Rights that practical steps should be taken to curb those activities. History had taught that the principles of democracy and freedom of expression should not be used as an excuse for tolerating such activities.
54. Human rights in Chile were a cause for concern because of the recent deterioration in the situation. Eleven years after President Allende had been killed and his Government overthrown by General Pinochet and his military junta, the people of Chile were still exposed to the worst forms of oppression and repression. His delegation therefore fully supported the recommendations of the Special Rapporteur (A/39/631) and the decision of the Commission on Human Rights to extend his mandate for another year.
55. El Salvador was still in a state of civil war which had resulted in serious violations of human rights in that country. However, recent developments were encouraging and had generated hope for a solution. The difficult situation in El Salvador could be overcome only through the equitable participation of all democratic forces, including the Frente Democrático Revolucionario - Farabundo Martí de Liberación Nacional (FDR-FMLN). The positive response by the Government of El Salvador to the General Assembly resolution on the question had resulted in the meeting of the two sides and gave hope that the negotiations would continue and lead to a cessation of the armed conflict. However, political murders, disappearances and other serious violations of human rights and the activities of the death squads continued. A genuine solution to the problem required effective and concrete measures by the Government of President Duarte to curb the activities of the death squads and other violators of human rights. It also required serious and substantive negotiations between the present Government and the representatives of FDR-FMLN.
56. The report of the Special Rapporteur (A/39/635) and other reliable sources gave rise to concern about the human rights situation in Guatemala. That situation had deteriorated further during the course of 1984 and murders, disappearances and violations of human rights were daily features. The perpetrators of those acts of violence went unpunished and, as a result, large numbers of refugees from Guatemala

(Mr. Mateljak, Yugoslavia)

had fled to neighbouring countries. In that connection, his delegation fully supported draft resolution A/C.3/39/L.77.

57. His delegation believed that the attention of the Commission on Human Rights to cases of violations of human rights in individual countries should not be at the expense of its other obligations and tasks. It was equally important for the Commission to give due attention to the study and elimination of the causes of such violations, to encouraging and promoting co-operation among States in the field of human rights and to the rationalization and increasing effectiveness of its work and the work of other United Nations human rights bodies. To that end, the Commission's working group in charge of its programme and method of work should be revived.

The meeting rose at 1 p.m.