

UNITED NATIONS

Centre for Human Rights

Global Consultation on the Realization of the
Right to Development as a Human Right

Geneva, 8 - 12 January 1990

" Massive and flagrant violations of human rights of peoples and
human beings and the realization of the right to development as a human right"

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One of the main stumbling-blocks for the realisation of the right to development is massive and flagrant violations of human rights of peoples and human beings which have spread over the world. The expression of flagrant means the encroachment on human rights of an individual that threatens his life, health and freedom. Massive means the violations committed in relation to a group of people in whole or in part, based on race, national, ^{religious} political or any other reasons.

Such massive and flagrant violations of the human rights of the peoples and individuals result from aggression and occupation of foreign territories, policies of genocide and apartheid, all formes of racism and racial discrimination, colonialism and refusal to recognise the fundamental right of people to self-determination and free development without external interference. It is also obvious that all types of slavery, the slave trade, arms race, pollution of environment are also ^a threat to development. The Elimination of massive and flagrant violations of human rights of peoples and human beings is the prerequisite for creation of conditions favourable to development of peoples and individuals.

The Declaration of the right to development stresses that "international peace and security are essential elements for the realisation of the right to development" and that "progress in the field of disarmament would considerably promote progress in the

The Declaration "Considers the elimination of the massive and flagrant violations of the human rights of the peoples and individuals affected by situations such as those resulting from colonialism, neo-colonialism, apartheid, all forms of racism and racial discrimination, foreign domination and occupation, aggression and threats against national sovereignty, national unity and threats of war "as prerequisite to the development. This provision of the Declaration has a stable international legal basis. It is conventional in modern international law to distinguish between two categories of international illegal acts - international crimes and international offences. The recognition of a number of international illegal acts as international crimes has been affirmed in many international documents. Under the above documents, the concept of "international crime" includes "crimes against mankind" and "crimes against international law".

They always lead to massive and flagrant violations of human rights of peoples and individuals and constitute a violation by states of international commitments, fundamental for safeguarding peace, protection of human personality and vital interests of international community as a whole. Article "6" of the Statute of the International Military Tribunal established for trial of military criminals includes three types of crimes against mankind within the category of international crimes: crimes against peace war crimes and crimes against humanity. All these crimes, as a rule, are committed during the war of aggression and they lead to massive and flagrant violations of human rights.

The peoples of the United Nations in adopting the UN Charter pledged "to save succeeding generations from the scourge of war,

which twice in our lifetime has brought untold sorrow to mankind and to reaffirm faith in fundamental human rights, in dignity and worth of the human person, in the equal rights of men and women and of nations large and small". Today the dangerous consequences of war have increased dramatically when its fire can annihilate mankind. Aggression is inconsistent with the right to development. It means total negation of all human rights proclaimed by the Universal Declaration of Human Rights and both Covenants on Human Rights. It is an instrument of open terror and repression and of the suppression and annulment of the most fundamental human rights and freedoms.

The elimination of war from life of society and the promotion of friendly relations between states on the basis of equality and mutual benefit is a vital condition for survival of our civilisation and the most important condition for development. The implementation of the right to development is incompatible with colonialism as well.

Only the realisation of the right of peoples to self-determination and achievement of independence by colonial and dependent territories create conditions for their political, economic, social and cultural development. This right includes not only complete independence and sovereignty of peoples, but also their right to freely establish their socio-economic system and to control their natural resources. It is not by chance that the right to self-determination is affirmed not only in the UN Charter but also in the very first article of both Covenants on Human Rights.

The Declaration on the Granting of Independence to Colonial Countries and Peoples confirmed the right to self-determination

and considered colonialism as illegal. Moreover, the draft of the UN International Law Commission on responsibility of states regards as international crime establishment or maintenance by force of a colonial rule (art I9).

Among the most massive and flagrant violations of fundamental human rights and freedoms are the policies of genocide and apartheid which are committed with the intent to destroy, in whole or in part certain groups of population. Contemporary international law considers genocide and apartheid as international crimes. Persons, guilty of these crimes are subject to punishment, regardless of whether they are representatives of state or private individuals.

In article I of the Convention on the Prevention and Punishment of the Crime of Genocide, the contracting parties stressed that "genocide, whether committed in time of peace or in time of war, is a crime under international law which they undertake to prevent and to punish". The Convention defined genocide as acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious groups" which include such acts as killing members of such group, causing them serious bodily harm, the creation of conditions of life calculated to bring about its physical destruction and other similar acts (art.II). A number of actions, qualified by the Convention as acts of genocide, when perpetrated with the aim of establishing and maintaining the rule of one racial group of people over another and its systematic oppression constitute the crime of apartheid.

The Convention on the Suppression and Punishment of the Crime of Apartheid^S declared that apartheid is a crime "violating the principles of international law".

In accordance with the Convention on the Non-Applicability of Statutory Limitation to War Crimes and Crimes against Humanity no statutory limitation, shall apply to persons guilty of crimes of genocide and apartheid. They are responsible for their criminal acts, irrespective of the date of their commission "even if such acts do not constitute a violation of the domestic law of the country in which they were committed" (art I).

Special session of the General Assembly on apartheid which took place on 12-14 december 1989, adopted by consensus the Declaration in which it has formulated ^{for the} first time in history of the UN common approach to the problem of elimination of apartheid in South Africa.

Policies and practices of racial segregation and discrimination similar to apartheid are also qualified by contemporary international law as international crimes. This is emphasized, in particular, in article II of the Convention on the Suppression and Punishment of the Crime of Apartheid.

One must distinguish between overt and legal racism officially sanctioned in a legislative system and the type of racial discrimination which exist in a number of countries although it is officially prohibited. The International Convention on the Elimination of All Forms of Racial Discrimination considers discrimination between human beings on the ground of race, or ethnic origin as "an obstacle to friendly and peaceful relations among nations which is capable of disturbing peace and security among peoples".. Article 4 of the Convention obliged the State Parties to declare an offence punishable by law all dissemination of ideas based on racial superiority or hatred, to prohibit organisations which

promote and ^{incite} racial discrimination and to recognize participation in such organisations as an offences punishable by law.

The UN International Law Commission in the draft of articles on the responsibility of states considers as international crimes not only aggression, establishment or maintenance by force of colonial domination, slavery, genocide, apartheid but also ecocide (Art 19). And it is not by chance. Catastrophic ecological changes can undermine socio-economic development of not only separate countries, but of the whole mankind. They as well can endanger existence of life on the earth. Economic activities of man without taking into consideration influence upon environment could lead as well to such consequences which could be compared only with the usage of nuclear weapons. Pollution of the environment, air space and oceans, exhaustion of natural resources, advance of deserts, all this is far from the complete list of dangers, which are facing mankind.

Industrial accidents and non-safe behaviour from the ecological point of view of some countries are of great danger to natural environment. The result of growth in production under such conditions would not be the abundance, which mankind is waiting for, but an inevitable process of dying out because of the influence of a certain number of negative ecological factors, created by people themselves.

However, that ecological catastrophe could be averted. In order to do that, first of all it is necessary to transfer part of financial means, assigned to the arms race into satisfaction of mankind's vital needs. Now it is time for urgent elaboration and adoption of a global strategy for protection of environ-

Many different threats could face the mankind on its way of development. Uneven character of economic development of different countries and peoples is among them. In some developing countries we can see ^avery fast growth in the economic sphere, in some others - deceleration in rates of industrial development, growth of unemployment, poverty, starvation, high level of children's mortality. As a whole, level of ^{per capita} income of the population in developing countries ^{is} more than ten times lower than in developed capitalist countries, moreover, that gap increases. That fact redoubles by social and economic inequality, which exists practically everywhere. Developing countries as well must carry the burden of external debts which causes low level of their economic development, reduces their chances for wealth growth. All that poses a great danger, which threatens to cause social and economic disasters.

It is necessary to understand clearly that massive and flagrant violations of people's rights and human rights could take place not only when some states commit some international illegal acts ^{such} as international crimes or international offences. They could as well happen as a result of the growth of unemployment and as a consequence of starvation and poverty, absence of access to health services and education. All these violations have in many countries ^{massive and flagrant} character. They affect life and health of considerable strata of population.

The Declaration on the right to development appeals to countries that they "should undertake, ^{at} the national level, all necessary measures for the realisation of the right to development and shall ensure, inter alia, equality of opportunity for all in their access

to basic resources, education, health services, food, housing, employment and the fair distribution of income".

In order to realize people's right and right of every human being to development, save mankind from great dangers, it is necessary to have^a clear and concrete programme of actions.

Indivisible character of essential human rights and freedoms, their intercommunication and dependence upon each other has been distinguished in the decisions of international conferences, different agreements and treaties, numerous resolutions of the UN General Assembly.

The Essence of these statements is clear: no rights and freedoms must be set against others or be interpreted to the detriment of them. However, interrelatedness, interdependence and indivisibility of the basic human rights and freedoms does not presume absence of their gradation or a certain system of temporary or permanent priorities. It is obvious that at present time in the number of basic human rights and freedoms, the right to development under conditions of peace and international security has priority character along with some others. The realisation of practically the whole complex of socio-economical as well as many of civil and political rights mostly depends upon the solution of problems, connected with development of countries and nations. That's why provision to all peoples and every human beings the right to development under conditions of peace and international security is the basic task of all international community.

International cooperation in that direction should base on a firm law foundation. Now the number of basic international law agreements^{alone} concerning questions of human rights signed

by different states exceeds fifty. However, that big number of agreements does not mean the complete solution of the *under discussion* problems. First of all, many of these agreements have *been* not ratified by *a* considerable number of countries; secondly, *the* majority of these agreements contain solutions of rather specialized problems which do not touch upon norms and principles, concerning the right to development, and, at last, thirdly they don't stimulate creation and functioning of an effective evaluation mechanism of the development level in countries, and control over their activities concerning observance *of* human rights and peoples' rights.

Because of that it is very important now to elaborate and *a comprehensive convention about the right of peoples and every* adopt human beings to development. That convention could contain principles and norms of civilized and irreproachable behaviour of states.

The United Nations has rich experience in elaboration and adoption of documents in different fields of relations between countries. In the field of human rights the code of states' behaviour are Covenants on Human rights. It is as well necessary to adopt a Code, concerning observation of right to development, realisation of which is aimed at provision of better life of each human beings. *In that agreement, the right of all peoples and individuals* to development in conditions of peace, international security and favorable environment should be confirmed.

For *the* realisation of that right it is necessary to fix concrete norms and principles which should be obligatory for observation by all countries. At the same time it is necessary to confirm criminal and illegal character of massive *and* flagrant violations of peoples' and human rights, which are creating obstacles to the process

of realisation of the right to development. Above that, it's necessary to outline measures of their elimination. It is understood, that social and economic development of each and every state could not be provided at the expence of the others. Each state must carry on it's economic activities without any ~~en~~croachment upon resourses of other countries and without making any harm to them. And the most important thing is to envisage in that international document ^{the} creation of ^a corresponding mechanism ~~wh~~ich can evaluate ~~a~~ level of development ~~of~~ ^{upon} states, and control over realisation of agreed obligations.

International community must try to get not only complete juridicial equality of all countries and peoples, but also ensure making their social, economic and cultural levels of development increasingly close.

In order to realize right to development it is necessary to have constant and incessant efforts of all countries in the world, their interaction and mutual assistance. Time waits for no one. We must not lose the chance we have to create necessary prerequisites, aimed at beneficial development of mankind in peace and international security.