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SUMMARY RECORD OF THE 52nd MEETING

Chairman: Mrs. MAIR (Jamaica)

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AGENDA ITEM 76: ALTERNATIVE APPROACHES AND WAYS AND MEANS WITHIN THE UNITED NATIONS SYSTEM FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS: REPORTS OF THE SECRETARY-GENERAL (continued)

ORGANIZATION OF WORK

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The meeting was called to order at 3.15 p.m.

AGENDA ITEM 76: ALTERNATIVE APPROACHES AND WAYS AND MEANS WITHIN THE UNITED NATIONS SYSTEM FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS: REPORTS OF THE SECRETARY-GENERAL (continued) (A/10235; A/32/178, 179; A/C.3/32/L.17, L.25/Rev.1, L.28, L.32, L.33, L.34 and L.35)

1. Mr. AL-HADDAWI (Iraq) said that consideration of the item under discussion led him to refer to the question of commitment to the principles of the Charter and respect for United Nations resolutions. The contribution of the United Nations to human well-being derived not from its resolutions and procedures as such, but from the awareness of Member States of their responsibilities and international obligations. The way in which the question of human rights was treated depended on the degree of commitment of Member States to the United Nations. While supporting draft resolution A/C.3/32/L.17, he believed that discussion of the item could not achieve its purpose, nor could maximum enjoyment of human rights become a reality, unless Member States were fully aware of the implications of the various resolutions and covenants on human rights. Only 46 States had acceded to the International Convention on the Suppression and Punishment of the Crime of Apartheid, and only 97 to the International Convention on the Elimination of All Forms of Racial Discrimination. The full guarantee of human rights in the modern world depended on the establishment of the new international economic order, which would secure equality and justice, eliminate monopoly exploitation by international corporations, and prevent economic hegemony. Most of the third world States, intent on self-determination and on eliminating colonialism, had chosen the path of non-alignment, and some of them considered the United Nations and its specialized agencies to be a prolongation of the national policies of the great Powers. The United States had announced its withdrawal from the International Labour Organisation, because the will of the majority in that body was not in accordance with United States interests. In 1974 the United States had suspended its contribution to UNESCO, and it had also boycotted the Decade for Action to Combat Racism and Racial Discrimination. It prized its own special interests above the interests of the United Nations and had used its right of veto in the Security Council for its own purposes. According to Article 41 of the Charter, economic sanctions could be applied against Southern Rhodesia; by vetoing such action the United States had shown that it preferred to protect its investments in South Africa.

2. Document A/10235 referred in chapter II to Zionist practices in the occupied territories which violated the human rights of the citizens of those areas, and to the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories. The three members of the Committee, representing Sri Lanka, Somalia and Yugoslavia, had displayed an outstanding degree of probity. The Zionist entity had refused to recognize the Committee or to allow its members to enter Palestine and made contact with the inhabitants in order to obtain information. Since 1970 the Special Committee had submitted nine reports to the General Assembly, of which the most recent, document A/32/284, had stated that violations of the Geneva Convention relative to the Protection of Civilian Persons

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(Mr. Al-Haddawi, Iraq)

in Time of War had continued throughout 1977 and that the day-to-day situation in those territories continued to be tense, marked with constant occurrences of incidents, often leading to injury and loss of life.

3. The Zionist violations of the human rights of the population of the territories occupied since 1967 took no account of the United Nations resolutions, particularly resolution 3379 (XXX), which had described zionism as a form of racism. However, the United Nations had never demanded that judgement should be passed on the Zionist authorities for their continued racist policies against the Arab population of the occupied territories, nor had it compelled them to put an end to those practices. That situation was only one among the many examples of the ways in which the purposes of the United Nations were thwarted. There could be no peace and security in the world, nor could human rights be enjoyed to the maximum, until the link between racism and zionism, which prevented the self-determination of peoples, was broken. He therefore saw little prospect of success in the appointment of a High Commissioner for Human Rights, since such a person could not achieve positive results while United Nations resolutions were ignored. There were no guarantees that the Zionist entity would meet or co-operate with the High Commissioner, since it had refused permission to the Special Committee to enter Palestine to pursue its inquiry. It was continuing to expel Arabs from their homes and to establish settlements in the occupied territories in defiance of United Nations resolutions. In addition, the duties of the High Commissioner, as outlined in draft resolution A/C.3/32/L.25/Rev.1, would interfere in the internal affairs of States and therefore infringe the relevant provisions of the Charter. The establishment of a High Commissioner could weaken the role of the United Nations, and he therefore opposed the draft resolution. He believed that draft resolution A/C.3/32/L.17 was a viable alternative.

4. Mrs. BERTRAND de BROMLEY (Honduras) said that her delegation considered the item to be of fundamental importance. Speaker after speaker had expressed grave concern about the increasing scale of human rights violations in all parts of the world, and the threat they constituted to economic, social and cultural development. Racial discrimination, apartheid and foreign occupation continued; crime was increasing; and certain Governments were systematically resorting to arbitrary arrest, torture and inhumane treatment of detainees and were institutionalizing those practices. The urgent need to find new ways of dealing with the problem was becoming increasingly clear.

5. Honduras was a party to many conventions and declarations concerning human freedom and dignity, which it considered the highest value of civilization. It had signed the Inter-American Convention on Human Rights, and article 56 of its Constitution affirmed the inviolability of human life, prohibiting the death penalty. Her country had traditionally shown concern for the rights of the human person and was aware of its responsibility to protect those rights, recognizing that no State was immune to the danger of their violation. For that reason it had co-sponsored draft resolution A/C.3/32/L.25/Rev.1, proposing the establishment of a High Commissioner for Human Rights. She was convinced that such an institution,

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(Mrs. Bertrand de Bromley, Honduras)

would fill an important gap and could make effective use of all the resources of the United Nations in the field of human rights, helping to promote understanding of and respect for those rights. It could be very effective in cases of emergency, and could supplement bodies such as the Commission on Human Rights and its subsidiary bodies, which met only periodically.

6. She understood that certain Governments were afraid that the High Commissioner might intervene in the internal affairs of a country. However, in performing his functions the High Commissioner would have to abide strictly by the Charter and consider with the greatest care the economic and social situation and the cultural and religious values of different countries.

7. She recalled that some States had had reservations concerning the establishment of the High Commissioner for Refugees and that there had been no consensus in the Committee on that matter. Yet there was no longer any doubt about the valuable contribution of that Office to the United Nations, and she firmly believed that a High Commissioner for Human Rights would be a positive factor for the Organization, having the attributes of integrity, impartiality and prestige, and being able to act with authority and speed.

8. With regard to the other draft resolutions, she said that all contained valuable elements; however, she agreed with the representative of Finland that draft resolution A/C.3/32/L.17 suffered from a certain imbalance. There was a lack of emphasis on the needs of the individual. In document A/C.3/32/L.33 the representative of Morocco had proposed amendments which would remedy that deficiency and she hoped that the sponsors would be able to accept them. Draft resolution A/C.3/32/L.28, introduced by the representative of Belgium, was of considerable value, and she would be able to support it. Draft resolution A/C.3/32/L.32, presented by the representative of Chile, also contained very positive elements, but she felt that a group of 10 experts would never have the mobility and effectiveness of a High Commissioner for Human Rights, and she would therefore abstain if it was put to the vote.

9. Mr. ABRAMOV (Israel) said that in the discussion a variety of philosophical points of view had been put forward, which could be translated into tangible propositions. It would be valuable to define the concept of human rights, since in the debate two aspects had been confused: that relating to the individual and that relating to the collectivity. It should be borne in mind that the subject of the item under discussion was the human rights of the individual. The social, cultural and political experience of his society taught that if they were to be meaningful, the rights of the individual must be related to measurable criteria. In his view, individual rights included the right to speak freely, even when that meant criticizing the Government and the established order; they also included the freedom of association and the right to emigrate. To preserve individual human rights, the judiciary must remain independent of the executive. Such criteria could readily be applied in order to determine whether a society was violating individual human rights. Any philosophy which attempted to downgrade those individual human rights

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(Mr. Abramov, Israel)

or subject them to other criteria was repugnant to his people. If they were to carry weight, the criteria must not be selective, nor should they be applied to one country to the exclusion of others, which would amount to applying a double standard. In the field of human rights, great and small Powers should be placed on an equal footing. It had been observed that individual rights were related to the specific conditions of a society, particularly its social and political systems. While each nation was free to fashion its society and its economic order according to its own ideals, in no way did it follow that individual human rights were therefore subordinate to the aims of that society and that people should surrender them as the price for being fed. Economic necessity therefore gave no licence to suspend human rights; on the contrary, where human rights were respected, there was a higher standard of living. Economic growth and human freedom were not mutually contradictory; that had been the experience of his country and of others. Abraham Lincoln had said that no person should rule others without their consent. Some representatives had argued that the observance of the Universal Declaration of Human Rights was subordinate to national laws, and that external criticism of the human rights situation in a given country constituted interference in the affairs of a sovereign State. While it was true that the principle of non-interference must be observed, in the realm of human rights protected by covenants or international instruments the principle of non-interference was subordinate to the undertakings contained in those instruments.

10. The observance of human rights must therefore be protected by meaningful and ascertainable criteria which were not subordinate to economic or social policies; as the principle of national autonomy was a rightful concern of the international community, so also was the autonomy of the individual, and concern for the defence of an oppressed person must reach beyond national frontiers. He regretted that the representative of Iraq had put before the Committee a number of distortions directed against Israel. In the normal course of events he would have given a detailed reply, exposing human rights violations by Iraq, in particular through the oppression of the Kurdish population. However, hopeful events were occurring in the Middle East and the leaders of Israel and of the Arab world were bent on securing peace, an endeavour now being sabotaged by certain Arab countries including Iraq. As he was sincerely praying for the success of the present negotiations, he would avoid any polemic which could destroy the prospects of peace.

11. Mr. GARVALOV (Bulgaria) said that his country viewed the promotion and observance of human rights and fundamental freedoms as one of the primary objectives of the socialist society which it had established to guarantee the Bulgarian people the enjoyment of their economic, social, cultural, civil and political rights on the basis of the equality of all citizens without any discrimination whatsoever. His country had been among the first to sign and ratify international instruments relating to human rights and had been taking an active part in the struggle for the elimination of all forms of racism and racial discrimination, apartheid and the vestiges of colonialism, a struggle which was inseparable from the promotion of human rights and fundamental freedoms.

12. Consideration of the item before the Committee called for the attention to several basic factors. Firstly, most Member States agreed that the United Nations

(Mr. Garvalov, Bulgaria)

had achieved positive results in promoting respect for human rights and freedoms for all. A broad system of international co-operation had been established and a number of very important international legal instruments had been adopted to that end. In particular, the General Assembly had stressed the importance of the International Covenants on Human Rights as all-embracing and legally binding instruments marking a break-through in the field of human rights.

13. A second consideration was the fact that the United Nations had long recognized the right to self-determination and independence of colonial countries and peoples as one of the fundamental human rights and had taken a firm stand in favour of providing support and assistance to national liberation struggles of colonial peoples as a legitimate expression of that right. In a number of well-known cases the United Nations had condemned the gross and systematic violations of human rights which continued to threaten co-operation between States and to endanger world peace and security in no small measure. Experience had shown convincingly that United Nations activities in the field of human rights depended primarily on the extent to which Member States themselves endeavoured to implement the goals set forth in the Charter. Certain States which wished to entrust the United Nations with prime responsibility for the implementation of human rights and freedoms on a global scale had not themselves acceded to some of the most important international legal instruments in the field of human rights, such as the International Convention on the Elimination of All Forms of Racial Discrimination and the International Covenants on Human Rights.

14. In recent years there had been a growing awareness that the effectiveness of efforts by the United Nations to ensure respect for human rights was directly dependent on the international political situation. Efforts to strengthen peace and security and to make international détente an irreversible process were necessary conditions for enhancing the effectiveness of the United Nations in the promotion of human rights and fundamental freedoms. Similarly, neither the struggle against racial discrimination, apartheid and the vestiges of colonialism nor efforts to restructure international economic relations could be divorced from the major trend of development of the international situation.

15. Those considerations suggested one obvious conclusion: efforts to promote respect for human rights and freedoms could not be successful unless they were based on international co-operation as provided for under the Charter. Such co-operation was imperative because it would create conditions conducive to respect for the principles of equality and self-determination.

16. One approach to promoting respect for human rights and fundamental freedoms would be to ensure the maximum effectiveness of existing legal instruments dealing with human rights. That could be done by enlarging the number of States parties to those instruments. It was only when States, exercising their sovereignty and acting in accordance with their constitutional requirements and in agreement with their internal obligations under the Charter, acceded to or ratified the relevant international instruments that further respect for human rights could be achieved. That approach not only was highly realistic but also ensured the exercise of the sovereign rights of States in full compliance with Charter provisions.

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(Mr. Garvalov, Bulgaria)

17. Another approach would be the drafting of new international instruments, such as the draft Convention on the Elimination of Discrimination against Women. Serious consideration should also be given to drafting legal provisions to eliminate the adverse consequences for human rights resulting from the activities of transnational corporations, to ensure the rights of trade unions, and so forth. United Nations efforts at codifying norms to further human rights could be truly effective only if they were directed towards the consolidation of the democratic principles of international law.

18. In the view of his delegation, there was no doubt that peace and international security were fundamental for the promotion of human rights. It was the duty of the United Nations to ensure that every man, woman and child should live in conditions of peace and international security. That fundamental right was a prerequisite for the enjoyment of all others and the conditions for its effective exercise must be guaranteed. That opened up new avenues along which the United Nations must direct its efforts to ensure respect for human rights. It was precisely for that reason that his delegation welcomed the proposals to that end advanced by the Soviet Union in the Commission on Human Rights. The solution of all economic and social problems hinged on the achievement of just and lasting peace. Member States should therefore aid the United Nations in all efforts to broaden international détente, to put an end to the arms race and to maintain international peace and security.

19. Certain Western States were seeking to transform the United Nations into a global supervisor of individual human rights, particularly where a mere handful of cases were concerned, while at the same time adamantly resisting the efforts of Member States to apply the relevant Charter provisions to cases of flagrant violations of human rights and basic freedoms where entire nations lived in conditions of colonial and imperialist slavery and occupation. The Security Council veto had protected South Africa and its apartheid system from the application of sanctions and had protected the racist colonial régimes of southern Africa at the expense of the human rights and freedoms of the peoples of Namibia, Zimbabwe and South Africa. That clearly showed the need for the United Nations to continue and intensify its struggle against aggression, colonialism and racism and to defend the national liberation movements of colonial peoples and the vital interests of the working people. That was another field where human rights and freedoms assumed enormous importance for the international community.

20. World public opinion should be mobilized to intensify the struggle against the flagrant violations of human rights in southern Africa, Chile and the occupied Arab territories.

21. Duplication in United Nations human rights activities should be avoided. There was a clear need for more precise delimitation of the functions of the Commission on Human rights, the Sub-Commission, the Human Rights Committee, the Committee on the Elimination of Racial Discrimination and the Commission on the Status of Women. With the establishment of the Human Rights Committee, the procedure provided for by resolution 1503 (XLVIII) of the Economic and Social Council had become obsolete.

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(Mr. Garvalov, Bulgaria)

22. In contrast to the foregoing considerations, which showed the directions the United Nations must follow in dealing with human rights in a comprehensive and substantive manner, certain statements had been made in the Committee which expressed the views of those who saw the approach to human rights only through the prism of the creation of new mechanisms. However, improvement would be brought about not by outward expansion but by improved effectiveness. The system needed streamlining and certainly not new mechanisms which, if judged by some specific proposals, would be either an end in themselves or a means for encroaching upon the sovereignty of Member States.

23. Several considerations militated against the proposal for the establishment of a High Commissioner for Human Rights. Firstly, it would be a violation of the Charter, which provided that the General Assembly and the Economic and Social Council should define the basic spheres and directions of human rights activity within the United Nations and act as co-ordinators of all the bodies dealing with human rights. Since no co-ordinating functions could be legally exercised by a High Commissioner, the effect of the establishment of such an institution would be to undermine the entire United Nations human rights machinery. The proposed High Commissioner would be vested with such wide and loosely defined powers that he would not have to take into consideration the prerogatives of sovereign States or the scope of international legal instruments and the competence of organs set up by sovereign States in accordance with their obligations under those instruments. He wondered what was to be the guarantee against erroneous or biased interpretations by the proposed High Commissioner with respect to his functions and to the relevant international legal instruments. In the case of the organs set up to implement such instruments, on the contrary, the requisite guarantees were included in those provisions of the instruments which dealt with the membership of the organs concerned.

24. That left no doubt in his mind that the High Commissioner would be in a position to encroach upon the competence of sovereign States and even exert pressure on them to yield their sovereignty, notwithstanding the explicit provisions of Article 2, paragraph 7, of the Charter. The contention that the High Commissioner would act on the basis of co-operation between States was illusory: that basis did not exist, for it was a well-known fact that a sizable majority of States opposed the establishment of such an institution, being fully aware of the implications which it would entail. It was also untrue that the proposed High Commissioner could help to resolve such major issues as the struggle against apartheid, the restructuring of international economic relations and the world-wide promotion of respect for human rights. Apart from the fact that there were United Nations organs which dealt with those problems, their solution required the active participation of all Member States and political decisions which could be taken only by sovereign Governments in accordance with their Charter obligations. It was highly unrealistic to suggest that a High Commissioner would be able to solve the problem of apartheid or ensure the adoption of Security Council sanctions against the Government of South Africa. Many States justifiably feared that the establishment of the proposed institution would provide opportunities for certain circles to interfere in the internal affairs of sovereign States. Neither the Charter nor the international instruments on human rights had ever attempted to transform the United Nations into a supervisory body for the implementation of human rights within the confines of States.

25. Sponsors of a similar draft resolution had argued in 1973 that a High



(Mr. Garvalov, Bulgaria)

Commissioner for Human Rights was necessary because the International Covenants on Human Rights had not yet come into force for lack of the required number of accessions and ratifications. If that argument was to be taken seriously, then there was no basis for such a proposal at the present time, since the Covenants had entered into force in 1976 and the Human Rights Committee had been established the same year.

26. Accordingly, his delegation could not accept the idea of a High Commissioner for Human Rights and reserved the right to comment on the draft resolutions before the Committee at a later stage if necessary.

27. Miss ILIC (Yugoslavia) said that her delegation attached great importance to the promotion and protection of human rights and fundamental freedoms and their enjoyment both by every person and by all nations, irrespective of their economic and social situation and their size. The struggle for the full realization of human rights was an integral part of the struggle for better living conditions for all and of the struggle for peace and security, against the use of force and pressure, colonial and foreign domination and exploitation, apartheid and racial discrimination, and for economic and social development.

28. States Members were bound under the Charter to co-operate in solving international economic, social, cultural and humanitarian problems by promoting and encouraging respect for human rights and fundamental freedoms without distinction as to race, sex, language or religion. To ensure full enjoyment of human rights it was necessary that the principles embodied in the Universal Declaration of Human Rights and in other international instruments should be fully and universally implemented. Those instruments included the Covenant on Civil and Political Rights and the Covenant on Economic, Social and Cultural Rights, both of which it was imperative to implement, since the rights they dealt with were interrelated and indivisible and their full enjoyment was indispensable for the complete fulfilment of human beings. To reach that goal, conditions should be created - both national and international - which would enable every human being and all peoples in the world to enjoy all their rights without hindrance. For that to occur, however, apartheid, colonialism and other evils of the age would have to be eliminated forever.

29. The effective promotion of human rights must be based primarily on generally adopted international treaties, recognition of the need for accession by the greatest possible number of States to such instruments and their full implementation. Her country had always advocated a global approach to human rights questions and believed that human rights could not be considered in isolation from historical, political, economic, social and cultural conditions, which differed from country to country and from region to region. Further positive development in that field depended on the creation of more equitable international relations, better understanding among countries, speedy solutions to the most acute international problems and implementation of the new international economic order. To single out certain aspects of human rights and give them absolute significance or use them for purposes of political pressure and propaganda, for infringement of the sovereignty of independent States or for imposing a socio-political model on others was not, to say the least, conducive to the actual promotion of human rights.

(Miss Ilic, Yugoslavia)

30. The approaching thirtieth anniversary of the adoption of the Universal Declaration of Human Rights and the tenth anniversary of the adoption of the Declaration of Teheran would provide an excellent opportunity for the United Nations to assess achievements in the field of human rights and, where necessary, to make recommendations for future work. Many changes had occurred since the adoption of the Universal Declaration. Thanks to the liberation of numerous countries and peoples from colonial and foreign domination and to their admission to the United Nations, the Organization's ideal of universality had almost been realized. New problems were now occupying the attention of the United Nations and the need for international co-operation in finding appropriate solutions had gained new importance because of the interdependence of Members and the indivisibility of peace. The adverse consequences of those problems for the enjoyment of human rights by entire peoples as well as by individuals had been recognized and priorities established for finding solutions to them. Those problems included the persistence of apartheid and colonialism, the denial of the right to self-determination of peoples under colonial or alien domination or rule and the denial of the possibility of unhindered development or of sovereign rights over natural resources, to name only a few. The implementation of a new and more just international economic order which would promote the realization of the economic and social rights of all human beings and peoples was also of paramount importance for the full enjoyment of other rights.

31. The item before the Committee afforded an opportunity to discuss alternative means to improve the effective enjoyment of human rights and fundamental freedoms. A constructive alternative had been proposed in draft resolution A/C.3/32/L.17, sponsored by many developing countries, including her own. By adopting it and by implementing it in future activities, the United Nations would significantly contribute to improving the effective enjoyment of human rights and fundamental freedoms for all. In contrast, the other proposals before the Committee represented not the interests of the majority but those of small groups or of single countries. There was no need at present for new international machinery to promote and protect human rights. Several bodies were dealing with human rights under the Charter or under existing international instruments, e.g. the Committee on the Elimination of Racial Discrimination and the newly established Human Rights Committee. For cases of flagrant mass violations of human rights, the existing system was flexible enough to permit the establishment of ad hoc groups as required. Furthermore, the good offices function of the Secretary-General had not been sufficiently used. Her delegation therefore did not believe that the proposed High Commissioner for Human Rights was necessary or that it would be advisable to establish such an institution in so sensitive and controversial an area. For those reasons, her delegation would vote against the proposals contained in documents A/C.3/32/L.25/Rev.1, L.28 and L.32.

32. Mrs. IDER (Mongolia) said that her delegation wished to increase the effectiveness of the United Nations in implementing human rights and fundamental freedoms, and considered that in achieving that goal it was crucial to make maximum use of the existing international agreements on human rights, while seeking to make them universal at the earliest possible date by increasing the number of their

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(Mrs. Ider, Mongolia)

signatories. The activities of United Nations bodies concerned with human rights should be concentrated on solving problems such as the constant infringement of human rights arising from the policies of colonialism, apartheid, racial discrimination and foreign domination and occupation. An analysis should be carried out of all the work of United Nations organs in the field of human rights and of the problems existing in that connexion. The effectiveness of the United Nations should be increased in the light of the experience of Member States, which differed widely in their social and economic structure, their level of development and their national traditions. Her delegation therefore supported draft resolution A/C.3/32/L.17.

33. Draft resolution A/C.3/32/L.25/Rev.1, concerning the establishment of a High Commissioner for Human Rights, did not, in her view, constitute a means of effectively implementing human rights. The establishment of such an institution would provide an opportunity for interference in the internal affairs of sovereign States. The safeguarding and observation of human rights were matters subject to the internal legislation of States and assured by them in accordance with their social systems and national traditions. However, in cases of mass violations of human rights which constituted a threat to friendly relations among States and to international peace, the United Nations was obliged to take measures to correct the situation, and the General Assembly had therefore established bodies to investigate such violations in southern Africa, Chile and the Arab territories occupied by Israel.

34. Her delegation could not see what specific functions would be fulfilled by a High Commissioner for Human Rights. Draft resolution A/C.3/32/L.25/Rev.1 was unclear on that point. Although it mentioned in paragraph 2 maintaining close relations with other United Nations organs concerned with human rights and provided that the High Commissioner would not prejudice or authorize interference in their powers, she wondered whether he would function independently of the existing United Nations organs or would in fact duplicate their roles. The United Nations had built up a complex system for dealing with the question of human rights, including the Commission on Human Rights, the Commission on the Status of Women, the Commission on Social Development, and the Economic and Social Council itself, and human rights were considered in various committees of the General Assembly. Committees had been established on the basis of the International Convention on the Elimination of All Forms of Racial Discrimination and the International Covenant on Civil and Political Rights. Reports were submitted by Governments on the implementation of human rights in their territories, and the United Nations had instituted advisory services in that field. The organs already concerned with the question were adequate and their functions coincided with the functions of the proposed High Commissioner. She wondered what the High Commissioner could do in the case of unremitting mass violations of human rights, such as the continuance and intensification of the policy of apartheid in South Africa, which was supported by certain Western States in defiance of Security Council resolutions. The ineffectiveness of United Nations decisions in the case of mass violations was due not to the absence of a High Commissioner for Human Rights but to the obstructive policies of certain States. Some of the States which had actively supported the establishment of a High Commissioner for Human Rights had voted against a number of

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(Mrs. Ider, Mongolia)

resolutions calling for decisive action against apartheid, racial discrimination and other forms of mass violations of human rights. Those States had still not signed such international agreements on human rights as the International Convention on the Elimination of All Forms of Racial Discrimination and the International Covenants on Human Rights. States which had been opposed to acknowledging the competence of United Nations organs to investigate mass violations of human rights were now asserting the competence of a High Commissioner to investigate individual violations. Thus they sought to change the democratic method of considering human rights violations in accordance with which decisions were taken by majority vote and distract the attention of United Nations organs from the consideration of important questions connected with the implementation of human rights and fundamental freedoms. Her delegation therefore opposed the establishment of a High Commissioner for Human Rights and regretted that, despite the opposition of a large number of Member States, the question had so long remained on the Committee's agenda.

35. Mr. de FARIA (Portugal) said that the rather awkward title of the item before the Committee was the product of a compromise which had satisfied no one fully. Since 1973, however, it had become apparent to all that the title was really entirely correct. Many delegations, including his own, had come to believe that it was essential, if nations and individuals were effectively to enjoy their human rights and fundamental freedoms, that a study be conducted and decisions taken by the United Nations concerning two separate things, i.e. alternative approaches to the problem as a whole, which implied that the previous approach had not been entirely satisfactory, and ways and means to achieve effective enjoyment of human rights, which implied that existing means were insufficient or insufficiently applied. The Committee was accordingly called upon to consider two distinct phases of the process of attaining the objective of full enjoyment of human rights: the definition of a new approach and the choice of means.

36. The long history of the item before the Committee in fact concerned only one of the suggestions put forward in connexion with the latter task. Now, however, the Committee was called upon to carry out a much broader survey and it should avoid repeating past errors. Several speakers had referred to the need for a broader perspective. The representative of Iran had warned that promotion of human rights could not be effective as long as concern focused on the effects rather than on the root causes of the problem. The representative of Cuba had pointed out that it was particularly important for the developing countries to review the causes which had prevented many developed societies from putting into practice such fundamental economic rights as the right to employment. Those remarks pointed to the kind of study which the Committee should conduct. Without an accurate grasp of the true objectives, no amount of effort would suffice to bring about effective enjoyment of human rights. The sponsors of draft resolution A/C.3/32/L.17 deserved praise for having understood that point. The draft amplified and clarified certain concepts expressed in resolution 4 (XXXIII) of the Commission on Human Rights, for which his Government had expressed its full support during the sixty-second session of the Economic and Social Council. Draft resolution A/C.3/32/L.17 set a broad course in the same direction; it endeavoured

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(Mr. de Faria, Portugal)

drastically to redress certain past errors and the course it set might consequently require certain adjustments in the course of time, but as matters stood, it deserved approval in its present form. His delegation therefore would vote in favour of it.

37. With regard to the choice of means, a number of noteworthy suggestions in the Secretary-General's report (A/32/178) had been included in draft resolutions A/C.3/32/L.25/Rev.1, L.28 and L.32. There were divergent views regarding the advisability of devising new means to safeguard human rights. Some believed that new means would bring about fresh results, while others adamantly refused to consider new means until existing ones had been exhausted. His delegation felt that it was possible to do both. Suggestions for improving existing means could be found in chapters III, IV, VI, part of chapter VIII, and chapters XIII, XV, XVI, XVII and XVIII of the Secretary-General's report (A/32/178), while suggestions for new means could be found in chapters V, part of chapter VIII, and chapters IX, X, XI, XII and XIV. He wished to comment, in particular, on those of the suggestions which were also reflected in the draft resolutions.

38. With reference to existing machinery, he said that in addition to speedy ratification of the Covenants and other international instruments, particular attention should be given to procedures applicable to allegations of violations of human rights. Those procedures had not, in the view of many delegations, including his own, produced the results that had been hoped for. Although resolution 1503 (XLVIII) of the Economic and Social Council was only a few years old it seemed advisable to reassess the whole procedure with a view to more efficient handling, processing and examination of communications, but without calling into question the basic principles laid down in that resolution, such as the principle of confidentiality. The proposal made by the Government of Belgium in draft resolution A/C.3/32/L.28 concerning fact-finding missions had the support of his delegation despite certain legal difficulties. He wondered, however, if it would not be more logical to defer a final decision on the matter until a complete reassessment of the procedure regarding allegations of violations had been carried out.

39. With regard to suggestions for new means to ensure the full enjoyment of human rights, two ideas deserved particular attention. Firstly, his delegation was convinced that there was a need for new substantive international instruments in certain specific fields, such as the draft Convention on the Elimination of Discrimination against Women and the proposal, co-sponsored by his delegation and adopted by consensus a few days earlier, concerning a draft convention against the use of torture. Secondly, the Committee was considering the establishment of a United Nations High Commissioner for Human Rights, as proposed in draft resolution A/C.3/32/L.25, Rev.1. He was confident that, if Committee members viewed that proposal dispassionately, they could not really continue to be opposed to the establishment of a post in which a high-ranking international civil servant would be responsible for the whole human rights sector within the United Nations, provided three conditions were met: firstly, that it should be clearly established that he would act under the authority of the Secretary-General and would thus be responsible to the General Assembly; secondly, that the specific functions which the Secretary-General would delegate to him should be clearly spelled out in his mandate; and, thirdly, that he should be precluded from exercising any of the

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(Mr. de Faria, Portugal)

functions entrusted to other United Nations bodies or from taking decisions which might prejudice those taken by such bodies. However, to carry out his duties efficiently he would have to enjoy the overwhelming support of the General Assembly, as the representative of Norway had observed a few days previously. If those conditions were fulfilled, his delegation would strongly support the establishment of such an institution. In the past, Member States had shown an understandable reticence in that respect, as they had not been convinced that the conditions were met in previous draft resolutions. Now, however, they should examine draft resolution A/C.3/32/L.25/Rev.1 carefully to see whether it met them.

40. His delegation was convinced that it did meet the first condition, namely the subordination of the High Commissioner to the authority of the Secretary-General. The Italian representative, in introducing the draft a few days previously, had made it clear that the proposed institution was analogous if not identical to that of the post of Under-Secretary-General. However, the words "personal independence" in paragraph 1 of the draft could easily be misinterpreted. The Italian representative had used the French term "prestige particulier", which seemed preferable.

41. As to the second condition, paragraph 2 of the draft covered most of the duties of the proposed High Commissioner, although the delicate nature of his powers could perhaps be especially stressed in subparagraph (a) (ii) as well.

42. With regard to the third condition, his delegation believed that paragraph 3 of the draft adequately reflected the limitations of the delegated competence in so far as conflict with other bodies was concerned. Accordingly, his Government, which had always supported the establishment of such an institution in principle, believed that most Member States should now be in a position to accept the proposal and vote in favour of draft resolution A/C.3/32/L.25/Rev.1.

43. With regard to draft resolution A/C.3/32/L.32 concerning a proposed study leading to the establishment of a new fact-finding procedure, his delegation felt that, since only one Member State had suggested any new procedure in that connexion, the time was not yet ripe for consideration of that proposal, and he therefore appealed to the sponsor of the draft resolution not to press it to a vote.

44. He reserved the right to speak at a later stage in connexion with any amendments which had been or might be introduced in the draft resolutions before the Committee. However, the main concern of his delegation and of his Government was not to vote for or against a given resolution or amendment. It was to participate fully in any studies, reviews or reassessments which the international community might undertake to ensure full promotion and protection of human rights for all peoples of the world and all individuals, a goal to which he pledged his country's full co-operation.

45. Mr. HUSSAMY (Syrian Arab Republic) observed that some delegations had painted a very gloomy picture of the results of the activities of the United Nations in

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(Mr. Hussamy, Syrian Arab Republic)

connexion with human rights, whereas, on the contrary, there was reason to congratulate it on its achievements in that field. Where international law was concerned, the Organization had developed a whole series of principles and legislation for the protection of human rights in various fields. Many conventions and international declarations indirectly related to human rights had been adopted. The international community had never ceased in its efforts to develop ways and means to improve the effective enjoyment of human rights and fundamental freedoms. In its actions on the matter, the Organization had always faithfully reflected the will of the international community.

46. That did not mean that the full protection of human rights had been guaranteed. There was still room for co-operation among Member States to enrich international legislation with new covenants and with bodies to supervise their implementation. There was, unfortunately, a problem with regard to the question whether the enjoyment of certain human rights was a pre-condition for the enjoyment of others. It was essential to international peace and security that priorities should be established with respect to the rights of individuals and the rights of the society to which those individuals belonged. There was also the question of whether priority should be given to civil and political rights or to economic, social and cultural rights. In any case, the United Nations must ensure the implementation by States of the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights and must determine whether certain violations of human rights affected various sectors of the population or the population as a whole.

47. His Government had contributed to the Organization's success in the field of human rights by acceding to and implementing all the human rights instruments. In that connexion, he wished to announce that his Government had enacted a decree-law establishing a committee for human rights in the Syrian Arab Republic, composed of representatives of the Ministries of Foreign Affairs, Justice, Welfare and Labour, which would monitor the implementation of the Human Rights Covenants, as well as the Government's contacts with international human rights bodies.

48. In the view of his delegation, the best way to guarantee the full enjoyment of human rights and fundamental freedoms was to ensure respect for the right of self-determination and the sovereignty of a nation over its national wealth and resources, and to put an end to aggression, foreign domination, and colonialism. The establishment of a new international economic system was also essential. It was vitally important for all States to accede to the Human Rights Covenants and ensure respect for both their spirit and their content. It was unfortunate that so few States had acceded to them to date.

49. With regard to the role of non-governmental organizations, he pointed out that a certain number of them had exceeded their powers under Economic and Social Council resolution 1296 (XLIV). Some of them had political objectives and had interfered in questions unrelated to their advisory status.

50. He reaffirmed his delegation's objection to the establishment of a High Commissioner for Human Rights, for which there was no justification whatsoever.

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(Mr. Hussamy, Syrian Arab Republic)

51. Since the draft resolution in document A/C.3/32/L.17 best reflected his delegation's approach to the question, it would vote for that text. It would vote against the draft resolutions contained in documents A/C.3/32/L.25/Rev.1 and L.28.

52. Mr. MAKSIMOV (Byelorussian Soviet Socialist Republic) said that since the founding of the United Nations, Member States had made great efforts to fulfil the aims of the Charter, including promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion. A major result of those efforts had been the adoption of 29 major international agreements in the field of human rights and the adoption by various United Nations organs, including the specialized agencies, of a large number of declarations, decisions and resolutions concerning the development of international co-operation for the protection and promotion of human rights. Those measures testified to the willingness of the overwhelming majority of States to achieve the objectives of the United Nations in the field of human rights.

53. Many delegations advocated a wide variety of efforts to counter gross and massive violations of human rights and to promote rights which would make it possible to end repression, poverty, illiteracy, unemployment and other social evils which afflicted millions of people.

54. Within the United Nations, the major part of the task of protecting human rights and fundamental freedoms fell to the General Assembly and the Economic and Social Council, in accordance with Articles 13 and 62 of the Charter respectively. In addition, the Security Council could consider violations of fundamental rights and freedoms when they constituted a threat to world peace and security. Experience showed that human-rights questions occupied an important place in the activities of those three main organs of the United Nations. Plenary meetings and several Main Committees of the General Assembly considered such problems as the struggle against colonialism, racism and apartheid, human-rights violations in Chile and the Israeli-occupied Arab territories, human rights and technological progress and the elimination of discrimination against women. Every year, the General Assembly considered a score or more of questions relating to human rights. In addition, it reviewed the work of its auxiliary organs working in the human-rights field. The commissions of the Economic and Social Council, created in accordance with Article 68 of the Charter, were also active in protecting human rights and fundamental freedoms. Their activities enabled the Council to consider a very wide range of questions during its sessions.

55. That entire system had stood the test of time. Through those various bodies, the States Members of the United Nations had made significant efforts to achieve the goals of the Charter.

56. But the successes of the United Nations in promoting and protecting human rights did not exclude the possibility of improving the existing system. Improvements could be made, in particular, by efforts to draw up long-term programmes of action, to eliminate duplication of work, to reduce the number of auxiliary bodies, to

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economize on expenditure and make more rational use of available resources. Such improvements would certainly increase the effectiveness of international co-operation to promote respect for human rights.

57. The entry into force of the International Covenants on Human Rights and the creation of the Human Rights Committee were of great importance for the improvement of the entire United Nations apparatus in the field of human rights. The International Covenants were a logical extension of the Charter of the United Nations, and their entry into force represented the beginning of a new era in the work to implement the human-rights provisions of the Charter.

58. The system under which States Parties to the Covenants submitted reports for consideration represented an important addition to the existing international machinery in the field of human rights. Unfortunately, not all Member States were making use of that system, but the General Assembly and other United Nations organs should not slacken their efforts to make the Covenants universal. Those efforts had already brought some tangible results, and the number of States Parties to the Covenants was growing every year.

59. In the light of the provisions of the Covenants, the procedure for considering individual complaints in accordance with Economic and Social Council resolution 1503 (XXVIII) was evidently unjustified and contradicted the spirit of those Covenants. Clearly, the procedure had been intended as a temporary measure, until the Covenants entered into force, so that now it was completely superfluous.

60. Moreover, the entry into force of the International Covenants on Human Rights made a number of subdivisions of the United Nations unnecessary. For example, the Human Rights Committee established under article 28 of the Covenant on Civil and Political Rights and the existing Committee on the Elimination of Racial Discrimination significantly reduced the usefulness of the Sub-Commission on Prevention of Discrimination and Protection of Minorities.

61. The work of formulating new standards in the field of human rights had not ended with the adoption of the International Covenants on Human Rights. At its current session, the General Assembly was considering the drafting of a convention on the elimination of discrimination against women and the Third Committee had decided that the Commission on Human Rights should prepare a draft convention on torture and other cruel, inhuman and degrading forms of treatment and punishment.

62. In submitting its views to the Secretary-General, in accordance with General Assembly resolution 3451 (XXX), his Government had stated that ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms could be found by considering such problems as: the mobilization of world public opinion for the struggle against gross and massive violations of human rights; man's right to life and the inviolability of his person and freedom in conditions of international peace and security; national legislative

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guarantees and measures to ensure economic, social and cultural rights; the guarantee of rights and freedom of action to trade unions; the use of the results of the scientific and technological revolution for the complete and universal implementation of economic, social and cultural rights; ensuring the maximum effectiveness of existing international agreements and treaties on human rights; improving the efficiency of United Nations organs concerned with human-rights questions; a qualitative analysis of the effectiveness of previous procedures for the consideration of individual complaints and a change to the procedures set out in the Covenants on Human Rights; the adverse effects of the activities of transnational corporations for the enjoyment of human rights; and the beneficial influence of international détente on the implementation of human rights.

63. In considering the right to life, special attention must be paid to solving those problems on which that right depended. Ending the arms race and moving forward to disarmament would make it possible to free enormous material resources for civilian industry, peaceful research and social welfare and would provide an invaluable service to all mankind, furthering socio-economic progress and the implementation of social, economic and cultural rights.

64. Thanks to the determined efforts of peace-loving forces, international relations were increasingly being determined by the process of international détente and the expansion of co-operation between States on a basis of equality and mutual benefit. In that connexion, the growing efforts for the deepening and strengthening of international détente, including the draft declaration to that effect introduced at the current session of the General Assembly by the USSR delegation, were of particular importance. The adoption of that draft declaration would represent a major step in uniting the efforts of States to promote détente for the good of all peoples.

65. It could not be denied that racial discrimination in all its forms, including apartheid, colonialism, foreign domination and occupation, aggression and threats against national sovereignty, national unity and territorial integrity, and the refusal to recognize the rights of peoples to self-determination and the enjoyment of complete sovereignty over their own natural resources constituted gross and massive violations of all human rights and fundamental freedoms. One of the major tasks of the United Nations in the field of human rights would be to continue its work to eliminate all such phenomena.

66. His delegation believed that resolution 4 (XXXIII) of the Commission on Human Rights, which stated that the implementation of economic, social and cultural rights was of crucial importance for the realization and meaningful enjoyment of civil and political rights, was crucial for the future work of the United Nations in the field of human rights. The Commission was fully justified in deciding to pay special attention to the consideration of the obstacles hindering the full realization of economic, social and cultural rights, particularly in the developing countries. His delegation believed that not only the Commission but also the other United Nations organs concerned with human-rights questions should work in that broad field of activity.

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67. The achievement of the tasks of the United Nations in the field of human rights required, first and foremost, the development of co-operation between States. It must be borne in mind that the norms of international law regarding human rights would be interpreted in the light of the socio-economic structure of each country.

68. Individual States, and only individual States, could implement the rights established in international agreements by means of internal legislative and other measures. The International Covenants on Human Rights were very clear on that point.

69. The realization of human rights and freedoms in socialist countries was based on the elimination of the exploitation of man by man and the development of socialist democracy. A new and advanced socialist society had been built during the 60 years since the Great October Socialist Revolution. As L. I. Brezhnev, President of the USSR, had said on 2 November 1977, every Soviet citizen fully enjoyed the rights and freedoms that enabled him to take an active part in political life, to choose a career in keeping with his abilities and to be of service to his country and his people. The Byelorussian people had made great advances in Communist construction within the fraternal family of Soviet peoples. The socio-economic and political rights of all citizens were not merely proclaimed but truly realized in the Byelorussian SSR. They were fully guaranteed in the new Constitution of the USSR adopted on 7 October 1977.

70. It was natural for decisions concerning the development of co-operation in the field of human rights to be taken by bodies consisting of the representatives of sovereign States. If anything hindered the efforts of those bodies to eliminate gross and massive violations of human rights, it was the policy of those Powers which supported the South African racists and the Israeli occupiers, providing military and other support to reactionary régimes in various parts of the globe. An attempt was now being made to create a new obstacle to the spread of international co-operation in the field of human rights through the proposal to appoint a High Commissioner for Human Rights. That proposal constituted an attempt to foist upon States Members of the United Nations a new supranational institution which could be used for purposes having nothing in common with the development of co-operation between States. The clear intention was to create an instrument for interfering in the internal affairs of States and to hurl accusations at countries whose policies were not to the liking of certain groups.

71. It had been suggested that the High Commissioner would help put an end to the policy of apartheid. That suggestion was entirely incorrect. It was the policy of those Powers which had resorted to a triple veto in the Security Council that hindered the elimination of apartheid. The disingenuous claims that the High Commissioner would act against apartheid were intended to divert criticism from the bankrupt policy of connivance with the South Africa racists. It was impossible to imagine that a single official such as the High Commissioner could achieve more than the authoritative and representative organs of the United Nations and it was obvious that he would be unable to provide any help or services to States in solving the problems involved in the protection of human rights. His delegation was convinced that what was needed was not discussions of the functions of a High

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Commissioner but determined efforts and joint effective action on the part of States in accordance with the aims and principles of the Charter of the United Nations. The establishment of a High Commissioner for Human Rights could only create unnecessary friction between States, exacerbate international conflicts, undermine co-operation in the field of human rights and generally work against the purposes and objectives of the United Nations.

72. His delegation was convinced that the success of all activities connected with the guaranteeing of human rights and fundamental freedoms depended principally on the determination of States to develop international co-operation, work consistently to implement the important multilateral agreements on human rights, ensure their universality and put into practice the basic principles of the Charter of the United Nations.

73. Mr. WEISNER (Austria) said that over the past decade a whole series of international instruments had been elaborated which could be characterized as a world-wide code of law of human rights and fundamental freedoms. They reflected the common aspiration of all peoples to improve the position of the individual and to establish conditions under which respect for human rights and fundamental freedoms could be ensured.

74. Austria had always played an active and constructive role in that connexion and its position had been guided by its fundamental belief that those rights should be considered the universal and inalienable heritage of mankind. Austria believed that civil and political rights on the one hand, and economic, social and cultural rights on the other, were of equal importance for the full realization of human potential in all societies. It wholeheartedly endorsed and accepted the principles embodied in various human rights instruments and had become a party to most of those instruments. Austria fully respected the rights embodied in the International Covenants on Human Rights, which were awaiting ratification after consideration in the Austrian Parliament.

75. The observance of human rights had never been considered a challenge to national sovereignty in Austria. His country agreed completely with the principle of non-interference in matters falling within the domestic jurisdiction of any State, but he wished to point out that, in accordance with the provisions of Article 55 of the Charter, the international community had elaborated a number of instruments to ensure the world-wide enjoyment of human rights. It followed that the protection and promotion of human rights was a matter of legitimate common concern, and the international community would be failing to live up to its responsibility if it condoned the misuse of provisions of the Charter, notably Article 2, paragraph 7.

76. Although there was already a fairly well developed body of international legal rules concerning human rights, increased attention should be devoted to improved ways and means of ensuring their implementation at both the national and international levels. His delegation therefore regarded the proposed establishment of a High Commissioner for Human Rights as a potentially constructive approach to the question of implementation. On the other hand, his delegation was fully aware of the arguments advanced by both sides, and wished to stress that the cause of



(Mr. Weisner, Austria)

human rights could best be advanced by concerted action by all Members of the United Nations based on broad agreement. There was merit in most of the proposals and ideas advanced thus far in the discussion, and his delegation could therefore see no reason for acrimonious debate and confrontation. The Committee should approach all suggestions in a constructive spirit and with an open mind.

77. Mr. BISHARA (Kuwait) said he would confine his remarks to the question of the creation of a High Commissioner for Human Rights. The item was not a new one; as a matter of fact, he would call it an imperishable item, as it appeared on the agenda year after year. The proposal for the creation of a High Commissioner was unusually attractive, but also unusually doomed to failure because of overwhelming opposition to its very nature. Everyone was in favour of protecting human rights but the idea of establishing a United Nations High Commissioner to deal with human rights questions was not so palatable. Poor, developing countries, which were dealing with vital issues of survival, could not afford to spend time on it. Although, as he had mentioned, the idea appeared on the surface to be a noble one, it was intrinsically dangerous. It was a Trojan horse which would lead to dissent in the Committee and its inherent dangers were out of proportion to its advantages. There would never be a consensus on the matter. If the post of High Commissioner for Human Rights was created, it could be used as a decoy for interfering in the domestic affairs of States. The first victim would undoubtedly be the Soviet Union, but others would follow. His delegation would therefore oppose any draft resolution proposing the establishment of a High Commissioner for Human Rights.

78. Mr. AL-HADDAWI (Iraq), speaking in exercise of the right of reply, said that he was not surprised that the Zionist representative had, as usual, directed unfounded allegations against his country. With regard to the Kurdish question, his country's legislation provided for the cultural rights of all minorities, and many legislative and practical measures had been adopted since 17 July 1968, the date when the country had been freed from the last vestige of imperialism. The Constitution guaranteed equality for all citizens before the law, and equal opportunities for all irrespective of sex, race, language, social origin or religion. The Kurdish question in Iraq had been settled on 11 March 1970 by a solution mutually agreed between the Council of Command of the Revolution and the Kurdish citizens, granting autonomy to the latter. The Interim Constitution of 22 September 1968 had been amended accordingly. Article 5, paragraph (b), stated that the people of Iraq comprised both Arab and Kurdish nationalities, and that the national rights of the Kurdish people and of all other minorities were granted within the framework of Iraqi unity. Article 7, paragraph (b), stated that the Kurdish language was an official language, together with Arabic, in the Kurdish area; Kurdish was taught as a second language throughout Iraq. Several general amnesties had been issued for all civilian and military personnel who had joined in acts of violence against the Government in northern Iraq, the most recent of which had been declared on 16 August 1976 and was still operative.

(Mr. Al-Haddawi, Iraq)

79. Mr. Dennis Payot, Secretary-General of the International Federation for the Rights of Man, had reported on the human rights situation in Iraq in document E/CN.4/Sub.2/397. In his letter to the Secretary-General, Mr. Payot had stated that Iraqi Kurdistan had achieved a considerable degree of economic development, and that the political situation appeared to be completely normal. He had suggested that the Federation should update its position on the claims of the Kurdish people, since there was no doubt that they had been instigated by outside forces. Mr. Payot stated that he had ascertained that the cultural heritage of the Kurds was being protected, and that in his opinion the Iraqi Government was making considerable efforts to safeguard the rights of that minority.

80. The Zionist régime was merely a photocopy of other racist régimes, and there was a close resemblance between zionism and apartheid. He would like to know what the Zionists could tell the Committee concerning the findings of the Special Committee to Investigate Israeli Practices affecting the Human Rights of the Population of the Occupied Territories, as contained in documents A/10235 and A/32/284. They should be asked to explain their violations of the provision of the fourth Geneva Convention of 1949 relating to the treatment of civilians in occupied territories, and their continued unholy alliance with the racist white minority in South Africa. They were arming the apartheid régime by supplying it with nuclear technology and by increasing the volume of trade and cultural contact. In his earlier statement he had referred to the failure of the Zionist entity to accede to the Convention on the Suppression and Punishment of the Crime of Apartheid and the Convention on the Elimination of All Forms of Racial Discrimination.

81. Since its illegal foundation in his part of the world, the Zionist entity had embarked on a policy of aggression and terrorism. Menahem Begin had been the chief terrorist; he had been responsible for the bombing of the King David Hotel in Jerusalem in 1946 which had killed or wounded over 200 persons, and had shot to death Count Folke Bernadotte, the United Nations representative in Palestine, in 1948. Begin had planned the massacre of Dir Yassin, where over 250 women and children had been butchered. He had nevertheless become the current Zionist leader, and one wondered how anyone, let alone an Arab, could possibly shake his blood-stained hand. Recently the Zionists had hijacked a shipment of uranium on a commercial ship, and the Norwegian Government had uncovered a Zionist conspiracy in its territory which had led to the assassination of an Arab Palestinian. While the assassins had been imprisoned, the real criminal, Zionist intelligence, had escaped punishment. Such an entity, advocating racism and Machiavellism, did not merit a seat in the United Nations.

82. The Special Committee to Investigate Israeli Practices affecting the Human Rights of the Population of the Occupied Territories had stated in its report (A/32/284, para. 14) that the situation of civilians in the occupied territories in recent months had been of particular concern, that the international community must assume its responsibilities to ensure the protection of the fundamental rights of civilians in the occupied territories, and that the co-operation of the Government of Israel should again be sought to enable the Special Committee to visit the occupied territories in order to carry out its task.

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(Mr. Al-Haddawi, Iraq)

83. The Swiss League for Human Rights, reporting on human rights violations on the West Bank of the Jordan between 26 June and 2 July 1977 in document A/AC.145/R.118, following a mission to the West Bank, had stated that the municipalities had virtually no financial resources apart from the social assistance provided by various Arab countries. According to the League, many Palestinian prisoners had lost their reason under the tortures applied before or after their trial; persons arrested were not allowed to have contact with their families or their lawyers until those in charge of the inquiry were satisfied with the statements obtained, and there was serious discrimination between Jewish and Palestinian prisoners, while medical and dental care was virtually non-existent. The League had also enumerated the various forms of torture practised by the Zionists. The Zionist representative had boasted of his Government's endeavour to obtain peace. He would like that representative to ascertain whether these methods of torture described by the League were still used by his Government to extract confessions from Arab prisoners.

84. Mr. ABRAMOV (Israel), speaking in exercise of the right of reply, said that the subject mentioned by the representative of Iraq was being discussed in the Special Political Committee, where his delegation had already replied to the charges made. He was therefore not required to answer the series of mendacities that had just been uttered by the representative of Iraq. Those mendacities would not discourage Israel from pursuing peace with responsible Arab Governments. His Government wished to create a climate of peace and ignore deliberate efforts to achieve the opposite result.

84a. As far as the Kurdish question was concerned, the thousands of refugees were evidence enough of the plight of the Kurdish people.

#### ORGANIZATION OF WORK

85. The CHAIRMAN reminded members that the Committee had only three weeks in which to complete its work. Twenty-one meetings, or seven per week, had been scheduled for that period. In addition to the items currently before the Committee, namely items 75, 76 and 85, the Committee still had to take up items 12, 78, 84, 82, 83, 88, 86 and 89, all of which merited a full debate. She suggested that members should begin preparing draft resolutions on all those items immediately.

86. She further suggested that the Committee should continue the general debate on item 76 at its next meeting, at which it should also take up item 12, "Report of the Economic and Social Council". On Wednesday, 23 November, the report on the situation of human rights in Chile could be introduced under item 12 and the Committee could conclude its consideration of that question during the course of the current week.

87. On Monday, 28 November, it could take up other subjects in the report of the Economic and Social Council which had been referred to it. It should also have before it the relevant draft resolutions and take decisions where feasible.

88. During the third week, beginning on 5 December, the Committee could complete its consideration of any outstanding matters, including decisions on items 12, 75 and 85, and the remaining items she had mentioned before.

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(The Chairman)

89. With regard to item 75, "World Conference to Combat Racism and Racial Discrimination", she informed members that the Committee should have a final draft resolution from the Economic and Social Council by 30 November.

90. Mr. SMIRNOV (Union of Soviet Socialist Republics) said he understood the Chairman's concern regarding the need to expedite the Committee's work. He merely wished to emphasize the need for flexibility in organizing the work on the remaining items, since it was often difficult to foresee exactly when an item would be submitted for consideration. He endorsed the Chairman's suggestion that members should immediately begin preparing draft resolutions on the remaining items. It should be understood, of course, that the Committee would have time to discuss substantive matters as well as the draft resolutions.

91. Mr. SOBHY (Egypt) asked whether it would be possible to hold night meetings.

92. The CHAIRMAN said she would consult with the Secretariat on the question of holding night meetings or other additional meetings.

93. Mr. ALFONSO (Cuba) said he wished to stress the need for the Secretariat to provide the Committee as soon as possible with a statement on the financial implications of the draft resolutions before it. He was particularly concerned about the financial implications of draft resolution A/C.3/32/L.25/Rev.1

The meeting rose at 6.35 p.m.