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SUMMARY RECORD OF THE 55th MEETING

Chairman: Mrs. MAIR (Jamaica)

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The meeting was called to order at 11.05 a.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/32/61, 178, 179; A/C.3/32/L.17, L.25/Rev.1, L.28, L.32-35)

1. The CHAIRMAN announced that Angola and Burundi had become sponsors of draft resolution A/C.3/32/L.17.
2. Mr. SMIRNOV (Union of Soviet Socialist Republics) said that the discussion of agenda item 76, in which more than 60 delegations had participated, clearly revealed certain basic facts.
3. Firstly, the overwhelming majority of delegations had correctly noted that the admission to the United Nations of new States recently liberated from colonial dependence had changed not only its size but also the nature and level of its activity, including its work in the field of human rights. The developing States confronted the United Nations with fundamental problems of economic development and social progress - the basic preconditions for the genuine realization of economic, social, political and civil rights.
4. Secondly, the entry into force of the International Covenants on Human Rights and of a number of other international human rights agreements had raised United Nations activity in that field to a new level and opened up new possibilities for the further development of fruitful international co-operation.
5. Thirdly, the work of existing United Nations organs was generally positive. At the same time, of course, it was generally agreed that there was still scope for improving that work, for making better use of available resources, for ensuring better co-ordination by eliminating duplication of effort and overlapping, and by focusing the attention of the appropriate organs on the most important and urgent problems. A significant number of proposals, enumerated in the reports of the Secretary-General (A/10235 and A/32/178), were designed to achieve those aims. Some of them were reflected in a general way in draft resolution A/C.3/32/L.17 and others required further study.
6. Fourthly, as in the past, the discussion revealed substantial differences in the positions of States with respect to the proposal for the establishment of a post of High Commissioner for Human Rights, as well as serious difficulties with respect to other specific proposals submitted in the Third Committee at the present stage.
7. Draft resolution A/C.3/32/L.17, which had been submitted by a large group of developing countries of Africa, Asia and Latin America as well as Yugoslavia, had been drafted with sufficient clarity and precision. As was clear from its content, it was of fundamental importance from the standpoint of evaluating United Nations work in the human rights field under new, present-day conditions, as well as

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evaluating the role and significance of the developing countries in future United Nations work in that field and mobilizing efforts for the effective realization of human rights in the light of the contribution and experience of both developed and developing countries.

8. The draft resolution contained certain underlying concepts on which the approach to the future work of the United Nations in the field of human rights should be based. Among them it listed the indivisibility and interrelatedness of human rights, the need to combat flagrant and mass violations of human rights resulting from the persistence of apartheid, colonialism, racial discrimination, and foreign domination, and other such concepts.

9. The establishment of a new international economic order was rightly recognized as an essential element for the effective promotion of human rights. Another important provision was the recognition of the need for States to accede to international instruments and for continuation of the standard-setting work within the United Nations system in the field of human rights.

10. His delegation felt it important that those concepts should also include the fundamental proposition of the right of all peoples freely to decide their own political status and freely to realize their own economic, social and cultural development, as established in the International Covenants on Human Rights. Moreover, the draft would only gain by including a clear provision on the need to strengthen international peace and security, to develop friendly co-operation among nations and to relax international tension in order to ensure effective implementation of human rights and fundamental freedoms. He asked the sponsors of the draft resolution to consider those wishes of his delegation.

11. The draft resolution contained an important request to the Commission on Human Rights to undertake, as a matter of priority, an over-all analysis of the alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms.

12. The Soviet delegation recognized the full complexity of that task, and felt that the Commission on Human Rights was a sufficiently qualified and representative body to deal with it.

13. Draft resolution A/C.3/32/L.25/Rev.1, which had been introduced on behalf of the sponsors by the delegation of Italy, required more careful and thorough analysis.

14. First of all, it must be kept in mind that the draft resolution as a whole and its basic provisions, especially those concerning the functions and legal status of the High Commissioner for Human Rights, were extremely vague and imprecise. His delegation had naturally expected the representative of Italy, in his statement, to provide the necessary clear explanations of the substance of the proposal and the specific provisions of the draft resolution. However, it had heard no convincing explanation.

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15. In the statement of the Soviet representative on 16 November, in which the Soviet Union's consistent position of principle on the question of establishing the post of a United Nations High Commissioner for Human Rights had been explained briefly, the illegality and harmful character of proposals regarding the establishment of such a post had been clearly indicated. The arguments which had been cited by the sponsors of draft resolution A/C.3/32/L.25/Rev.1 only strengthened his delegation's conviction that the draft resolution was unsound.

16. During the introduction of draft resolution A/C.3/32/L.25/Rev.1, it had been stated, for example, that the first four preambular paragraphs required no explanation. It had not, however, been noted that those preambular paragraphs in fact bore no relationship to the operative part of the draft resolution. In that connexion, he wished to stress that the acknowledgement in the preamble of the positive results of United Nations activities in the field of human rights up to the present time only proved that the operative part of the draft resolution directly contradicted the preamble, since in essence it ignored the results which had been achieved and the progress of United Nations work in that field.

17. During the introduction of draft resolution A/C.3/32/L.25/Rev.1, it had been stated that the sponsors wished to make a clean break with the past. But one had only to compare it with the recommendation put forward 10 years earlier in Economic and Social Council resolution 1237 (XLII) concerning the establishment of a post of High Commissioner for Human Rights - a resolution which had been rejected at the time by the General Assembly - to be convinced that the draft resolution was nothing more than the same old proposal which had already been rejected. No amount of cosmetic changes could alter its substance.

18. The intensified efforts to create the impression that the purpose of the proposal concerning the establishment of a post of High Commissioner was merely to "co-ordinate human rights activities within the United Nations system" and "to provide advice and assistance in human rights questions at the specific request of States" were attracting attention.

19. It was precisely the provisions of the preambular paragraphs which the sponsors and supporters of the draft resolution had singled out in their statements in the Committee as well as in informal consultations as the most cogent arguments in favour of the proposal. However, all the paragraphs of the operative part, which defined the role and functions of the High Commissioner, directly contradicted the preambular provisions.

20. The co-ordination of the activities of the United Nations bodies concerned with human rights was entrusted by the Charter to the higher organs composed of States Members, in other words to the General Assembly and to the Economic and Social Council. It should not be forgotten that the United Nations also had a Committee for Programme and Co-ordination which was a Committee of the General Assembly and of the Economic and Social Council and which examined and approved specific programmes outlined by the Secretariat in implementation of the relevant decisions of United Nations organs and assigned the resources and personnel required for those programmes. The Committee on Conferences, which was a Committee of the General Assembly and planned the work of all United Nations organs, should also not be forgotten.

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21. It was well known that even the Secretary-General, the chief administrative officer of the United Nations, was not authorized to co-ordinate the activities of United Nations organs. Thus, arguments regarding the co-ordinating role of the High Commissioner, who would have to act under the direction of the Secretary-General, were completely unsound.

22. In any case, his delegation had heard no arguments to convince it that the High Commissioner would be a better co-ordinating organ than the General Assembly, the Economic and Social Council, the Committee for Programme and Co-ordination and other existing representative bodies. On a practical level, it was difficult to imagine that the High Commissioner would be in any position at all to co-ordinate the work of organs of such a diverse legal nature as the Human Rights Committee and the Committee on the Elimination of Racial Discrimination, which operated within the framework of international agreements; the Commission on Human Rights, the Commission for Social Development and the Commission on the Status of Women, which were functional commissions of the Economic and Social Council; and the Special Committee against Apartheid and the Special Committee on Decolonization, which were organs of the General Assembly.

23. That was all the more incomprehensible because paragraph 3 of the draft resolution stressed that the High Commissioner's functions would not authorize his interference in the work of other organs already in existence or which might be established.

24. Thus, arguments about co-ordination had nothing to do with the substance of the question. Furthermore, the conclusion was inescapable that the so-called co-ordinating role of the High Commissioner was no more than an empty phrase devoid of real content.

25. He then turned to another argument - advice and assistance in human rights questions at the specific request of States.

26. It was well known that those functions had been performed by the United Nations Secretariat for many years. Under the terms of General Assembly resolution 926 (X), the Secretary-General of the United Nations must provide "at the request of Governments, and with the co-operation of the specialized agencies where appropriate, ... the following forms of assistance with respect to the field of human rights: (i) advisory services of experts; (ii) fellowships and scholarships; (iii) seminars".

27. In accordance with that resolution, the United Nations Division of Human Rights had held a number of international and regional seminars and awarded fellowships on a regular basis. The Secretariat must continue to devote the necessary attention to that important sphere of activity and to make effective use of the resources earmarked for that purpose.

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28. The same purpose was served by the studies made by expert members of the Sub-Commission on Prevention of Discrimination and Protection of Minorities. In that connexion, he wished to mention such important studies as the study on racial discrimination written by Mr. Santa Cruz, the study on the adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to colonial and racist régimes in southern Africa written by Mr. Khalifa, the study on discrimination against indigenous populations written by Mr. Cobo as well as studies on the right of peoples to self-determination, on genocide, on migrant workers, and similar subjects. Only the assistance of experts had failed to develop, for the simple reason that there had been practically no requests from States for such assistance.

29. In that connexion, the assertions by one of the sponsors that her Government might turn to the High Commissioner for help in solving difficulties in its relationship with an indigenous population group could hardly be taken seriously. Regional organs were available for that purpose and were far better suited to it. Thus, in that area as well, there was no room for a High Commissioner without either duplicating existing organs or replacing them with a single individual.

30. If one looked at the other preambular provisions referring, inter alia, to the important work being carried out in the field of human rights by United Nations organs and specialized agencies and the establishment, in connexion with the entry into force of a number of international instruments, of new organs assigned to carry out important tasks, one inevitably asked oneself what was happening. Whatever had inspired the notion of establishing a High Commissioner, and what was the purpose of his office?

31. It was not hard to find the answer to those questions. The main point was that in recent years a group of States had come to express dissatisfaction with the work of the collective and representative intergovernmental organs which operated on a democratic basis. Many of those present recalled the accusations of "dictatorship of the majority", "double standards", "selectivity", and so on, which had been levelled against the Commission on Human Rights and the General Assembly. For example, a former United States representative to the Commission on Human Rights had called it "an instrument of evil" and its work "a parody of human rights". Some of the sponsors of draft resolution A/C.3/32/L.25/Rev.1 had also made no effort to conceal their negative attitude towards the collective organs of the United Nations, which, as was known, were selected on the basis of equitable geographical representation. They accused them of being politicized.

32. That was the crux of the matter. The goal was thus perfectly clear: to establish a new mechanism in the person of a single official acting at his own discretion or, more precisely, for the benefit of a specific group of countries, which had been trying for six months to push the scheme through. An analysis of the text of the draft resolution and of the statements of its sponsors made it clear that that was the real purpose. Foul deeds would rise - and the true intentions of the supporters of the proposal to establish a High Commissioner could not be concealed.

33. It had been stated that United Nations organs had no possibility of acting in

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"emergencies"; the High Commissioner presumably could. As to just what constituted "emergencies", it had been openly stated that they had all been listed in the reports of the International League for the Rights of Man, Amnesty International, the International Commission of Jurists and perhaps even the notorious "Freedom House".

34. That, therefore, was the main purpose to open the way for communications from a number of non-governmental organizations, which were often unreliable and politically motivated, or simply slanderous.

35. With regard to the so-called "good offices", mentioned in the draft resolution as being one of the High Commissioner's main functions, the question arose as to just what those "good offices" were. They were one way of settling international disputes, in other words, disputes between States. What that meant was that, at the request of one State, the High Commissioner would interfere in the affairs of another State without the latter's consent. In other words, any State could draw the High Commissioner's attention to reports concerning violations of human rights in another State of its own choosing, and the High Commissioner would have to act by rendering his "good offices". Furthermore, as some of the sponsors had admitted, the High Commissioner could act "on his own initiative" and "at his own discretion", even on the basis of reports from individuals and non-governmental organizations. The potential consequences were clear to everyone.

36. One of the sponsors, the representative of the Netherlands, had mentioned yet another purpose - to carry out investigations. It was perfectly clear that what was meant, there again, was the investigation of reports concerning alleged violations of human rights received from various sources, including non-governmental organizations or the press or, perhaps, notorious reports concerning other countries which were regularly published by State institutions in individual countries.

37. He wished to call attention to yet another provision of the draft resolution, namely paragraph 2 (d), under which the High Commissioner would have to report annually to the General Assembly on his activities and on developments in the field of human rights. The meaning of that provision was clear. The High Commissioner would have the possibility, acting at his own discretion and with a "degree of personal independence, prestige and integrity", to report to the General Assembly his own views about so-called violations of human rights, verified and unverified, slanderous and biased.

38. Under paragraph 5, the High Commissioner would presumably receive information regarding activities in connexion with Economic and Social Council resolution 1503 (XLVIII), including confidential information, and, not being bound by any rule of confidentiality, he could include whatever he needed in his reports. His delegation was apprehensive about that.

39. He did not understand why provision was made for a comprehensive review, after a period of five years, of the question of the High Commissioner in the light of the activities undertaken and the results achieved. Did the sponsors of the draft

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resolution wish to indicate that the appointment of a High Commissioner would only be a temporary measure? It seemed to his delegation that, in the light of the preambular provisions regarding a "permanent mechanism", there was every reason to believe that that was not the purpose of the draft resolution.

40. Finally, it had been stated that the High Commissioner was to be no more than an official of the Secretariat at the level of Under-Secretary-General. If that was so, then why was there such a fuss, why was there any need for a special General Assembly resolution, why should such an appointment be confirmed by the General Assembly?

41. An analysis of paragraph 2 of the draft resolution, which set out the functions of the High Commissioner, showed that it was intentionally worded in the most general and vaguest terms, admitting of wide interpretation. Thus, in effect, the High Commissioner was given unlimited powers, virtual carte blanche. Was that not the effect of the intentionally general formulation of paragraph 2 (a), which instructed the High Commissioner to "promote and strengthen universal and effective understanding and respect for human rights and fundamental freedoms for all"?

42. In those cases where the draft resolution referred to specific problems of genuine interest to the international community (problems such as the struggle against apartheid, racism, colonialism, etc.), it was clear from the wording that that was done only for other reasons, because the High Commissioner would not be in a position to take any real action in those fields, which were being dealt with by many United Nations organs.

43. He wished to stress that the United Nations had a great deal of experience with the distortion of good intentions when tasks were actually being carried out. A good example was Economic and Social Council resolution 1235 (XLII), which had been adopted in 1967. That resolution had authorized the Commission on Human Rights to examine gross violations of human rights resulting from the policy of apartheid in South Africa and from the racial discrimination practised in Southern Rhodesia. Unfortunately, for well known reasons in the past 10 years the Commission on Human Rights had to all practical purposes done nothing to implement that resolution, and discussion of that question had frequently been used for slanderous attacks against individual, primarily developing, States. Another example was Economic and Social Council resolution 1503 (XLVIII) of 1970, which had authorized the Sub-Commission on Prevention of Discrimination and Protection of Minorities to determine the presence of situations revealing persistent and gross violations of human rights. The result in that case had been the levelling of accusations against a number of developing States in which human rights violations were allegedly taking place. Scandalous violations of the rule of confidentiality laid down in that resolution had been used to organize noisy campaigns in the press.

44. To take another example, the Sub-Commission on Prevention of Discrimination and Protection of Minorities had been supposed to study the question of slavery,

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including the slavery-like practice of apartheid and colonialism. However, even in that case the result had been that, on the basis of a report from one non-governmental organization, it had considered the existence of slavery not in South Africa or Southern Rhodesia but in Colombia and Bolivia, as well as slavery-like practices in the homes of United Nations officials in New York.

45. He had cited those examples so that the readers of the draft resolution might view it not in terms of how it was worded, but in terms of clearly perceiving the adverse consequences which its adoption might have for the international community in the human rights field. The draft resolution ran counter to the letter and spirit of the United Nations Charter because the Charter provided for using international machinery, rather than a supranational official to promote the economic and social progress of all peoples. The draft resolution pursued goals which had nothing to do with protecting human rights. It was an attempt to create an isolated organ, completely outside the control of States and invested with broad and vague powers.

46. As the discussion had shown, most States firmly rejected the proposal for the establishment of a post of United Nations High Commissioner for Human Rights, and rejected draft resolution A/C.3/32/L.25/Rev.1 as completely unsound and contrary to the Charter. The draft resolution not only had nothing to do with the task of developing international co-operation in the field of human rights, as defined by the Charter, but it clearly undermined the performance of that task.

47. In that connexion, he referred to the statement made by the representative of Norway on 16 November, which had stated in that connexion that "all practical steps in the field of human rights should be taken preferably on the basis of consensus, and in any case with wide support from the majority of the Member countries of the United Nations. This goes without saying in particular for the establishment of a post of High Commissioner for Human Rights, as the Commissioner can function only if and when he enjoys the support of most Member countries". As the discussion had shown, however, there could be no question of reaching such a consensus. The Soviet delegation therefore urged the sponsors of draft resolution A/C.3/32/L.25/Rev.1 not to insist on it. If that draft resolution was put to a vote, his delegation would vote against it. Furthermore, his delegation, as it had done previously, wished categorically to reaffirm that, if such an incompetent organ was established, the Soviet Union would not recognize it and would not undertake any obligations in connexion with such a decision.

48. Mrs. NGUYEN Ngoc Dung (Viet Nam) requested that, in view of the importance of the question of establishing a United Nations High Commissioner for Human Rights, the statement of the representative of the USSR, which helped to clarify the various views expressed on the subject, should be reproduced in extenso in the summary record.

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49. The CHAIRMAN said that the request of the representative of Viet Nam had been conveyed to the Secretariat, and the Soviet representative's statement would be rendered in an extensive manner in the summary record of the meeting.

50. Mr. DIOM (Senegal) said that his delegation had participated actively in the drafting of document A/C.3/32/L.17 and had clarified a number of points which had arisen at that stage. The draft resolution had some very positive elements, and his delegation endorsed certain of the ideas which it contained. The strengthening of the concept of human rights, and particularly its extension to cover economic, social and cultural rights, was a very important innovation.

51. However, there were certain points which had arisen during the consultations and on which it had not been possible to reach a compromise. Paragraph 1 (d) spoke of "the mass and flagrant violations of human rights of peoples". That terminology was new, and the innovation required some clarification. As it stood, the subparagraph stressed the rights of collective entities, to the detriment of the rights of the individual, who was the fundamental element of society. His delegation would certainly have favoured a reference to "mass and flagrant violations", provided that the words "collective and individual rights" had been added. That would have introduced an element of compromise which might have enabled all delegations to accept the draft resolution.

52. The second point to which his delegation took exception was the wording of paragraph 2 (a), which could be interpreted to mean that no innovation should be introduced into the machinery for the protection of human rights before the thirty-fourth session of the General Assembly. However, events were dynamic and the international community must always be in a position to take action. His delegation had therefore proposed the addition of the words "without prejudice to decisions taken in that regard before the thirty-fourth session", with a view to achieving a compromise. Such a compromise had not proved possible; indeed, some delegations had said that the Senegalese proposal represented a substantive amendment which would have distorted the original purpose of the draft resolution.

53. In view of the reservations which his delegation had on those two points, it would withdraw from the list of sponsors of the draft resolution, notwithstanding the many positive elements it contained.

54. Some delegations had opposed draft resolution A/C.3/32/L.25/Rev.1 on the ground that it was more important to feed the people than to speak of human rights. However, the participation of all countries was just as necessary in the defence of human rights as in dealing with such questions as aid to developing countries and liberalization of the multilateral machinery for international payments.

55. Mrs. WARZAZI (Morocco), introducing the amendments contained in document A/C.3/32/L.33, said her delegation considered that, while draft resolution A/C.3/32/L.17 had many good points, it seemed to overlook the fact that human rights pertained to the individual as a human being. The Universal Declaration of Human

(Mrs. Warzazi, Morocco)

Rights had been concerned almost exclusively with the rights of the individual, and the various international instruments on human rights, as well as the Proclamation of Teheran, recognized that all persons throughout the world had inalienable rights as individuals. That aspect of the matter had been neglected in draft resolution A/C.3/32/L.17, whose sponsors would therefore find themselves in a position contrary to that of the Declaration on Social Progress and Development. The draft resolution concentrated on collective rights and, except in its first preambular paragraph and in paragraph 1 (c), made no reference to protection of the rights of the individual. Of course, she agreed with the representative of the Ukrainian SSR that only the State could provide guarantees for the human rights of its citizens.

56. The tenth preambular paragraph of the draft resolution stated that the continuing existence of an unjust international economic order constituted a major obstacle to the realization of economic, social and cultural rights in developing countries. In that connexion, she pointed out that many developing countries had been working to promote all the human rights of their people and that the Constitutions of many of those countries reflected concern for all human rights. Furthermore, clear violations of human rights existed outside the special situations described in the ninth preambular paragraph; it would not be just to give priority to the violations of the human rights of 30 million people at the expense of the rest of the world population.

57. Her delegation's amendments were aimed at eliminating misunderstanding, so that there would be no excuse for States to impede the protection of the human rights and fundamental freedoms of each and every individual.

58. Mr. FUENTES IBAÑEZ (Bolivia) said that the Moroccan amendments would fill the gaps in draft resolution A/C.3/32/L.17 and enhance its contribution to the consideration of the complex subject of the fullest possible observance of human rights. The draft resolution tended to define human rights in a non-individual and general framework, which was part of the current tendency to link human rights with the attainment of a new international economic order. Such a dual objective was undoubtedly ambitious, since the proposals set out in the Proclamation of Teheran of 1968 were still far from being implemented.

59. It was necessary to be realistic and objective; given the wide variety of human beliefs, traditions and customs, the simultaneous attainment of civil and political rights and of an economic order enabling all to achieve self-fulfilment was no easy task. The question was whether priority should be accorded to freedom of thought as an essentially human characteristic, or whether human beings should be subordinated to a socio-economic process the managers of which viewed them en masse and in which the inherent rights of the individual were lost. He believed that the aim in view was the same: human fulfilment. To remove the human person from his central role in history and replace him by the mass of humanity was a grave risk. Systems which did that had neither political colouring nor nationality; any political doctrine which claimed to possess a monopoly of the truth was like the Inquisition in the time of Torquemada.

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(Mr. Fuentes Ibañez, Bolivia)

60. In his view, all political philosophies were valid provided that they were not imposed by force; the only difference lay in the methods employed by each system. Those which subordinated individual freedom to economic development were giving primacy to the system itself as a means of social development, thus placing individual aspirations on a secondary plane and subjecting them to an abstract concept of collective welfare. The cruel paradox was that human rights were respected only in so far as they were not in opposition to the system, and the available guarantees were valid only for those who obeyed supreme decrees without doubt or dissent. The problem therefore arose of a new form of discrimination, the creation of second-class citizens who did not enjoy the benefits of the system, but instead became its victims.

61. Bolivia had no objection to giving priority to the search for solutions to mass and flagrant violations of human rights of peoples. On the contrary, the prevention of imprisonment and torture was in the very spirit of the Charter, the Universal Declaration of Human Rights and the International Covenants. As thinking creatures, human beings must be protected against maltreatment, and their right of dissent must be upheld. There was, however, the risk of establishing discriminatory standards in distinguishing between good and bad systems. To require that human rights questions should be examined globally, taking into account the over-all context of the various realities in which they presented themselves, and that priority should be given to the implementation of the new international economic order, could lead to new conflicts in the field of human rights. To downgrade the protection of the individual in favour of other considerations would be to distort the very purpose of the Universal Declaration of Human Rights and of the item under discussion, which was to improve the effective enjoyment of human rights and fundamental freedoms in an individual context. His delegation therefore supported the Moroccan amendments (A/C.3/32/L.33), and hoped that others would do likewise in the humanist spirit appropriate to the concept of human rights.

62. With regard to draft resolution A/C.3/32/L.28, his Government had no objection to the appointment of ad hoc committees to investigate human rights situations. However, in recent years such committees had given rise to controversy, and had not always accomplished their task. Their investigatory function inevitably placed such committees in an awkward position and exposed them to extreme pressures. Nevertheless, his delegation would vote in favour of the draft resolution, as his Government had never refused to receive such committees, and in cases of malicious allegations against it had always taken the initiative of inviting investigations; it considered that the country's reputation and the cause of full observance of the international instruments to which it was a party required that any concern regarding the observance of human rights should be allayed.

63. The Chilean draft resolution (A/C.3/32/L.32) contained interesting proposals for possible future United Nations operations in the field of human rights. Chile had accumulated wide experience on the subject, and its expertise would be useful

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in analysing the most appropriate modes of application of human rights instruments. The appointment of a group of 10 experts could be an additional practical method of operation. There should be no financial reservations concerning improved methods and systems for implementing human rights obligations; after all, ad hoc committees that roamed the world without really achieving the purposes for which they had been established were costly enough. His delegation would therefore vote in favour of draft resolution A/C.3/32/L.32.

64. Mr. GRAEFRAETH (German Democratic Republic), introducing on behalf of the sponsors the amendments to draft resolution A/C.3/32/L.25/Rev.1 contained in document A/C.3/32/L.35, said he noted from the debate that three different positions had emerged with regard to the question of establishing a United Nations High Commissioner for Human Rights. Some delegations supported the creation of such a post, others generally opposed it, and the remainder sympathized with the idea but felt that the time was not appropriate or wished to settle other questions first.

65. The creation of such a post by a majority vote, against the will of a considerable number of States, could be at variance with the implementation measures concerning human rights laid down in Chapter IX of the Charter, which were subject to the agreement of States. Many States, including those which sympathized with the idea, had pointed out that the post could be created only on the basis of consensus. He welcomed the fact that the Norwegian delegation had expressed agreement with that view, pointing out that the High Commissioner for Human Rights could function only if and when he enjoyed the support of most Member States. The sponsors of draft resolution A/C.3/32/L.25/Rev.1 had also indicated that it was desirable to strive for a consensus on the issue, and it would therefore be useful to incorporate that idea into the draft resolution itself.

66. The first amendment put forward in document A/C.3/32/L.35 did not entail a new rule on voting; it simply reflected the widespread opinion in the Committee as to the need for a consensus. Attempts to impose the creation of the post of High Commissioner could jeopardize friendly co-operation among States. The second amendment meant that the High Commissioner would act according to a mandate agreed upon by consensus in the General Assembly, while the third would have the Secretary-General undertake consultations with regional groups in order to ascertain the feasibility of a consensus on that or any other mechanism to enhance human rights activities. Those amendments would render paragraphs 7 and 8 of the draft resolution superfluous, and they should therefore be deleted.

67. Mrs. WARZAZI (Morocco) said that, in view of the provisions of Article 18 of the Charter and rules 82, 83 and 85 of the rules of procedure of the General Assembly, her delegation could not support the amendments contained in document A/C.3/32/L.35, which would prevent Member States from defending positions and objectives which they considered it their duty to defend. In any case, as the representative of the Union of Soviet Socialist Republics had pointed out, draft resolution A/C.3/32/L.25/Rev.1, if adopted, would not bind States which had voted against it.

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(Mrs. Warzazi, Morocco)

68. She would like to know whether so irregular a procedure, presented in the form of amendments, was admissible, since it was tantamount to imposing a veto on the Committee's decisions. Accordingly, she proposed that the opinion of the Legal Counsel should be sought.

69. Mr. GRAEFRAH (German Democratic Republic) reiterated that the sponsors of the amendment were not proposing a new rule on voting. They were simply proposing a policy decision to defer the establishment of the High Commissioner until a consensus had been reached on that particular point.

70. Mrs. MORRISON (Lesotho) supported the request made by the representative of Senegal at the preceding meeting for a specific indication of the financial implications of draft resolution A/C.3/32/L.25/Rev.1 for individual States desiring such information.

71. The CHAIRMAN assured the representative of Lesotho that the Secretariat would have the information available for the Committee at the following meeting.

72. Mr. ALFONSO (Cuba) felt that the Committee would be establishing an extremely serious precedent if it acceded to the request from Senegal. Many other States might wish to know the individual financial implications of any draft resolution before a committee. On the basis of the scale of assessments, it was a simple matter to calculate the financial implications of draft resolution A/C.3/32/L.25/Rev.1 for a particular State.

73. He did not think that a draft resolution proposing the creation of a post of High Commissioner for Human Rights provided sufficient grounds for establishing such a precedent. The request for individual financial implications was a distortion of rules 153 and 154 of the rules of procedure concerning the financial implications of resolutions, and his delegation opposed any breakdown of financial implications by geographical areas or groups of States. If the Committee did decide to accede to the request, the individual financial implications for all States must be listed.

74. Mrs. WARZAZI (Morocco) supported the request made by the representatives of Senegal and Lesotho. In her view, draft resolution A/C.3/32/L.25/Rev.1 was a very important one, and no member of the Committee should have the right to veto such a request. She further proposed that the information should be circulated in writing. If there were any difficulties, the matter should be put to the vote.

75. Mr. DIOM (Senegal) added that rules 153 and 154 of the rules of procedure did not debar delegations from requesting such information.

76. Mr. SMIRNOV (Union of Soviet Socialist Republics) said that there were rules governing the procedure for distributing documents on financial implications. He therefore requested the Secretariat to look into the matter and report to the Committee at the next meeting.

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77. Mr. ALFONSO (Cuba) formally requested that the Committee should be provided with the individual financial implications for all Member States in respect of all present and future draft resolutions placed before it.

78. After a discussion in which Mr. de FARIA (Portugal), Mr. OULD SID'AHMED VALL (Mauritania), Mr. DIOM (Senegal) and Mrs. WARZAZI (Morocco) took part, the CHAIRMAN suggested that interested delegations should discuss the question informally, in consultation with the Secretariat, so that a decision could be taken on the issue at the following meeting.

79. It was so decided.

AGENDA ITEM 12: REPORT OF THE ECONOMIC AND SOCIAL COUNCIL (continued) (A/32/3, chap. II, chap. III, sects. G and L, chap. IV, sect. A, and chap. VI, A/32/3/Add.1, A/32/61, 65 and Add.1, 125, 129, 139, 193, 215, 227, 234; A/C.3/32/1, A/C.3/32/2, A/C.3/32/6 and Corr.1 (English only))

80. Mrs. SIPILÄ (Assistant Secretary-General for Social Development and Humanitarian Affairs) introduced Mrs. Lusibu N'Kanza, who had taken up her post as Acting Director of the Centre for Social Development and Humanitarian Affairs. As a result of certain structural changes in the Centre, the post of Director had been moved to the Office of the Assistant Secretary-General, to enable the Director to act in that capacity for the Centre as a whole. In the light of the General Assembly's recommendations to increase the number of Secretariat posts filled by women, young persons and persons from developing or under-represented countries, and in the light of its special recommendation to appoint qualified women to posts at higher levels, the appointment of Mrs. N'Kanza could be seen as a welcome step.

81. Mrs. N'KANZA (Acting Director, Centre for Social Development and Humanitarian Affairs) said that, in his opening statement at the sixty-third session of the Economic and Social Council, the Secretary-General had mentioned the fact that genuine development could not take place unless poverty was eradicated. Yet poverty and discrimination could not be eliminated unless their root causes were attacked and unless those involved were able to take part in the decisions which affected their future.

82. Certain social groups remained on the fringe of society for various reasons, such as discrimination based on social status at birth, on unequal distribution of wealth and income or on unequal access to education, employment and medical services, discrimination on the grounds of race, sex, religion and ideology, and discrimination among countries at different levels of industrialization. In the developing countries, more than 500 million human beings, of whom two fifths were children, were suffering from malnutrition. More than 500 million children in those countries did not attend school. With 74 per cent of the world's population, the developing countries accounted for only 8 per cent of total world expenditure on public health, and more than one third of mankind had access only to "undrinkable" water. Although the average per capita income in developing countries had increased by 50 per cent since the 1960s, that growth had been unevenly distributed among countries and among social classes within countries.

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During the First United Nations Development Decade, economic growth policies and programmes had achieved some success, but the same could not be said of objectives, policies and programmes in the social field. Even in highly industrialized countries poverty and discrimination had not been eliminated, which clearly indicated that social development must be given equal priority with economic development. Certain social groups continued to suffer from cultural, economic, political, legal or religious constraints which prevented them from contributing to national development.

83. If the third Development Strategy was to be genuinely integrated, there must be a better understanding of the impact of social change, particularly on disadvantaged groups. The debates at the sixty-second and sixty-third sessions of the Economic and Social Council had shown that the international community continued to attach the same degree of importance to social development as to economic development. The human resources needed to implement economic development plans could not be ignored, nor could the contribution of the young to economic production and of the old to the transmission of knowledge. Handicapped persons could play an active role in the development process if conditions enabling them to do so were provided. Women had a vital contribution to make to economic development, and indeed they had always made such a contribution, but unfortunately the value of their work had seldom been acknowledged.

84. Two of the three major categories of social development questions discussed in the Economic and Social Council were questions relating to the integration of social and economic policies, objectives and strategies and those relating to social programmes to promote the contribution of the most disadvantaged groups, in accordance with the Declaration on Social Progress and Development. In its resolution 2071 (LXII), the Council had urged Member States to continue periodic evaluations of the social results of their planning, with the purpose of achieving complete integration of the social development process with the targets of economic growth.

85. The third major concern of the Economic and Social Council was to achieve the structural changes which would enable all human beings to participate in the general development process. Structural reforms could increase national food production while ensuring more equitable food distribution. Rural development was particularly essential, since in many countries the bulk of human resources were found in rural areas. Rural development extended beyond the improvement of the agricultural sector, since not all those living in rural areas wished to be farmers. The Council had also emphasized the need for equal access to education and training in order to implement reforms in the social field.

86. Economic and Social Council resolution 2079 (XLII) on the reinforcement of the social development sector would not be implemented during the current year, in order to enable the Council to consider the results of work in progress on the general restructuring of the United Nations system.

87. The Centre for Social Development and Humanitarian Affairs, pursuant to its mandates from the Council and from the General Assembly, had been engaged for a

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(Mrs. N'Kanza)

long time in collecting information on the needs and aspirations of certain marginal groups. A major concern of the Centre was the implementation of a world plan of action reflecting the objectives of International Women's Year. The Economic and Social Council was aware of the complex nature of work in an international context, which had to proceed with due regard for the cultural, economic and socio-political diversity of the regions of the world. The Centre was closely following the Committee's discussions concerning young people, and would continue to give close attention to the aged, the handicapped and other marginal groups.

88. As the discussions on the future International Development Strategy and on the establishment of a new international economic order emphasized more than ever the promotion of "self-development", the Centre attached great importance to community participation and to utilization of the productive capacity of all social groups. Studying the problems of discrimination and exploitation meant, in the final analysis, studying whether the activities of the most disadvantaged groups were integrated into those of the other groups in society. If so, that would prevent social conflict and contribute to peace.

89. Although they emphasized the indissoluble link between the economic and social aspects of the development process, the resolutions of the Economic and Social Council would remain theoretical exercises unless Member States had the political will to ensure integrated economic and social development through their institutions and legal structures.

The meeting rose at 1.50 p.m.