



**SUMMARY RECORD OF THE 29th MEETING**

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**ORGANIZATION OF WORK**

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**Distr. GENERAL**  
**A/C.3/34/SR.29**  
**1 November 1979**

**ORIGINAL: ENGLISH**

The meeting was called to order at 3.05 p.m.

TRIBUTE TO THE MEMORY OF MR. MARC SCHREIBER, FORMER DIRECTOR OF THE DIVISION OF HUMAN RIGHTS

1. The CHAIRMAN paid a tribute to the memory of Mr. Marc Schreiber, Director of the Division of Human Rights from 1966 to 1977, who had died on the previous day.
2. On the proposal of the Chairman, the members of the Committee observed a minute of silence in tribute to the memory of Mr. Marc Schreiber.

AGENDA ITEM 82: IMPORTANCE OF THE UNIVERSAL REALIZATION OF THE RIGHTS OF PEOPLES TO SELF-DETERMINATION AND OF THE SPEEDY GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES FOR THE EFFECTIVE GUARANTEE AND OBSERVANCE OF HUMAN RIGHTS (A/34/367 and Add.1-2, A/34/499, A/34/357, A/34/389 and Corr.1, A/34/542)

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3. Mrs. ARIF (Bangladesh) said that the question of alternative ways and means for the promotion of human rights was immensely complex, gave rise to wide divergencies of opinion and impinged directly upon the political sensitivities of Governments. The question of human rights must be seen in its totality; human rights included not only civil and political liberties but also the rights of all people to be free from fear of conflict and war, from hunger, poverty and disease, and from colonialism and domination, racism, racial discrimination, oppression, exploitation, coercion or interference; indeed, the realization of human rights was an integral part of the new international order in international relations. There were apparent contradictions in the international community's approach to human rights; the Charter itself imposed a ban on intervening in matters which were essentially within the domestic jurisdiction of any State while at the same time requiring Members to take joint action to achieve the universal observance of human rights and fundamental freedoms. It had also been questioned whether a human rights agenda for all mankind could be conceived and agreed upon in a system composed of Governments which did not always have the consent or represent the interests of the governed.

4. Nevertheless, the United Nations progress in the field of human rights, though painfully slow, had been positive. The question of human rights had received increasing attention and grown in importance as an issue in bilateral relations and in multilateral discussions. The United Nations had increasingly grappled with the difficult issues of procedures and mechanisms for the protection of human rights. An important function was that of public criticism and debate, and no country was lacking in sensitivity to such criticism. The United Nations had also painstakingly built up its programme of advisory services. Each year brought further accessions to the major human rights instruments of the United Nations. As the United Nations

(Mrs. Arif, Bangladesh)

approached its goal of universality, and the pace of scientific and technological innovation quickened, there was a growing sense of community that bound not only nations but all mankind in an awareness of its interdependence. In modern world society, any weak link anywhere directly affected the security and well-being of all nations. Thus for Bangladesh the priority in the over-all field of human rights would always be the establishment of a just international order that would ensure for all people the minimum standards of peace, freedom, justice and economic well-being.

5. Achieving a balance between the real and the ideal required that progress in the Committee's efforts should be based on the largest possible measure of agreement. Her delegation believed that the new proposal to establish a post of Special Assistant to the Secretary-General for Human Rights and Humanitarian Affairs was premature, and that many of the objections raised against the original proposal to establish a post of United Nations High Commissioner for Human Rights still remained pertinent. It felt that the United Nations should take measures to ensure the effectiveness of existing mechanisms and institutions rather than setting up controversial new bodies whose viability was threatened from the outset. It supported the Indian proposal for the establishment of national and local institutions for the promotion of human rights (A/C.3/34/L.20). Her delegation was in favour of all moves to strengthen the role of the Commission on Human Rights and welcomed the decision of the Economic and Social Council to increase the membership of the Commission.

6. Mr. KODJOVI (Togo) said that the tragic events which had marked the first two years of Togo's independence and had led the people to call on the army to liberate them made Togo particularly sensitive to all matters pertaining to human rights. Togo's leader, General Gnassingbe Eyadema, had established a régime based on the premise that the principal objective of development was to meet the spiritual and material needs of man in a national context of unity, solidarity, dialogue and respect for the rights of every individual. His delegation believed that human rights and the rights of peoples were inalienable and indissociable and must therefore be considered jointly. Economic, social, cultural, civil and political rights were indissociable, and conditions favourable to the promotion and protection of those rights must be created at the national and international levels. In the context of the alienation engendered by modern technological civilization, the intensification of the exploitation of man by man and the aggravation of economic and social inequalities at both the national and international levels, the movement to promote human rights was to be welcomed as an effort to reassert the dignity of the individual and enable him to enjoy fully his fundamental and inalienable rights. All countries must co-operate in that endeavour and in establishing appropriate structures within the United Nations for the safeguarding of those rights.

7. It was of the utmost importance that the movement to promote human rights should be immune from the effects of ideological divisions because it concerned the entire human race: every individual and the entire human community. Polemical discussions and tendentious or ambiguous definitions could only make it harder to attain the desired goal. Noting that under agenda item 82 the Committee had adopted a draft resolution on the importance of the universal realization of the right of peoples to self-determination and of the speedy granting of independence to colonial countries and peoples for the effective guarantee and observance of human rights, he said that

(Mr. Kodjovi, Togo)

human rights were not an abstract notion and that account must be taken of the milieu in which the human beings whose rights it was sought to protect had their existence. It made no sense to denounce violations of human rights and strive to defend those rights while ignoring cases of the mass and systematic violation of those same rights under the colonialist and apartheid régimes or even helping to preserve and strengthen those régimes. Thus those who were struggling against such régimes to free peoples from servitude were unquestionably working actively and effectively to promote human rights. The persistence of colonialism, neo-colonialism, racism and apartheid, acts of aggression, foreign occupation, threats to national sovereignty and all other forms of discrimination and domination, and impediments to the establishment of a world order based on justice and solidarity, were the main obstacles to the realization of the rights of peoples and of the individual. Even a cursory review of the events of recent times would show the injustice of applying different criteria to countries in which human rights were systematically flouted and those in which they were absolutely ensured. It was important to heed those who asserted that the realities of the international situation forced countries to maintain a permanent state of alert which was hardly propitious to the realization of human rights. Attempts at destabilization, whether prompted by ideological or material motives, created an atmosphere of insecurity in newly established States which jeopardised the realization of the legitimate aspirations of the peoples of those countries to sovereignty, territorial integrity, tranquillity, peace and cultural fulfilment. In that context, he observed that the hiring of mercenaries was an evil against which a determined and concerted struggle must be waged by all those who were truly concerned about the rights of peoples and of the individual. It was important not to underestimate the objections of those who felt that human rights should not be used as a pretext for interfering in the internal affairs of States. Similarly, the defence of human rights must not give rise to blackmail or serve as a means to enable certain circles to gain publicity or to promote subversion.

8. Mr. SHERIFIS (Cyprus) said that the active involvement in the Committee's discussions of delegations representing countries on all continents and all social systems was indicative of the immense significance which the organized international community attached to questions of human rights, the growing concern over the discrepancy between the resolutions adopted by the United Nations and the realities of international life, and the developing awareness that continuing violations of human rights must be effectively dealt with. The United Nations had done much over the years in adopting human rights instruments and setting up machinery to monitor their implementation. The Commission on Human Rights was moving in the right direction, but should step up the pace of its activities and adopt a more pragmatic approach. In other words, it should concern itself less with high-sounding resolutions and more with action-oriented decisions, and should have at its disposal the machinery it required to enable it to follow those decisions through to their implementation. His delegation had supported the idea of convening intersessional meetings of the Bureau of the Commission when required. It

(Mr. Sherifis, Cyprus)

welcomed the Commission's decisions to appoint a Special Rapporteur on Human Rights in Chile and two experts to study the question of missing persons in Chile.

9. The promotion of human rights and fundamental freedoms was an ongoing process, and the universal realization of those rights should be a universal concern. The United Nations should be at the forefront of that struggle, with the participation of all organs of the United Nations system, and especially UNESCO, since it was only by educating young people in respect for human rights and fundamental freedoms that it would be possible to achieve the objectives of a better world in which rights and freedoms would be enjoyed by everyone. It was an acknowledged fact that there were human rights violations in many parts of the world and that there were individuals and nations deprived of their fundamental freedoms, and when a nation was subjugated by another nation, or a person was missing in Cyprus or anywhere else, the problem should be the concern of the United Nations and of mankind as a whole. Thus the Division of Human Rights must be provided with adequate resources and should enjoy added prestige as its responsibilities warranted. The upgrading of the human rights sector of the Secretariat would demonstrate to the world the significance which the United Nations attached to human rights and fundamental freedoms.

10. Mr. WHYTE (United Kingdom) said that the United Nations had developed impressive machinery in the human rights field, and it was important to ensure that it worked effectively. His delegation welcomed the work of the Committee on the Elimination of Racial Discrimination and the Human Rights Committee, and considered that it should be more widely publicized. It hoped that the Economic and Social Council would soon be working in earnest to fulfil its responsibilities under the International Covenant on Economic, Social and Cultural Rights. It had been glad to note the greater vigour of the Commission on Human Rights in tackling human rights abuses throughout the world, and welcomed the development of the procedures set forth in Economic and Social Council resolution 1503 (XLVIII) in both the Commission on Human Rights and the Sub-Commission on Prevention of Discrimination and Protection of Minorities. That was particularly valuable in avoiding public polemics of the initial stages of investigation of reports of human rights violations, and it allowed non-governmental organizations and individuals to raise such matters. His delegation hoped that the Secretary-General would continue to develop his good offices role on human rights matters.

11. His delegation was generally satisfied with the outcome of the work on the over-all analysis of the United Nations approach to human rights called for in General Assembly resolution 32/130; the proposals of the Commission on Human Rights must now be put into practice. The idea of convening emergency sessions of the Bureau should introduce a new responsiveness into the United Nations consideration of human rights. His delegation looked forward to the Commission's scrutiny of the Sub-Commission's review of its agenda at its recent session, and welcomed the Sub-Commission's suggestions on its organization of sessions and voting procedures.

(Mr. Whyte, United Kingdom)

12. With regard to the proposals for additional ways to promote and protect human rights, his delegation's basic criteria in considering proposals for new or additional machinery were that such machinery should fit in harmoniously with existing structures, should result in practical improvements and should justify the cost involved. One proposal which would meet those criteria was the establishment of a post of United Nations High Commissioner for Human Rights. He felt that the allegations that the creation of such a post would lead to interference in countries' internal affairs were unwarranted; the High Commissioner would have to play a conciliatory, advisory and co-ordinating role and to work on the basis of mutual co-operation, like the High Commissioner for Refugees. His delegation also supported the proposals to upgrade the Division of Human Rights and to establish a new post of Special Assistant to the Secretary-General for Human Rights and Humanitarian Affairs, under the authority of the Secretary-General and within the framework of the Charter of the United Nations. The cost of both these proposals would be minimal, and, in his view, the expenditure would be very worth while. They would also reflect and symbolize the enhanced attention which the United Nations had rightly been giving to human rights.

13. His delegation likewise hoped that encouragement would be given to new regional human rights machinery. Progress had already been made in Latin America and Western Europe, and the proposal to establish a regional human rights commission for Africa was particularly encouraging. With regard to item 85, he said that his delegation found draft resolution A/C.3/34/L.17 acceptable. His delegation was prepared to give serious consideration to the proposals to follow up General Assembly resolution 32/130, recognizing that they represented the legitimate views and emphasis on human rights of a group of States, and it hoped that those States would take into account suggestions reflecting the views of other groups of States.

14. A particularly moving statement had been made by the representative of Uganda, reflecting the voice of moral authority born of bitter experience. It should shame every country into taking concrete action to improve the United Nations ability to deal with gross violations of human rights.

15. The CHAIRMAN invited delegations to introduce draft resolutions on agenda items 85 and 87.

16. Mrs. FLORES (Cuba), speaking on behalf of the sponsors, introduced draft resolution A/C.3/34/L.15 under agenda item 87. The delegations of Angola, Panama, Sao Tome and Principe, Sri Lanka and Viet Nam had subsequently become sponsors. In response to requests from delegations, a number of changes had been made in the draft resolution and a revised text, incorporating those changes, would appear as document A/C.3/34/L.15/Rev.1. The purpose of the draft resolution was to stress decisions which had been adopted by the United Nations and other bodies under item 87. The fifth preambular paragraph of the draft resolution was of particular interest because of its reference to resolution 5 (XXXV) of the Commission on Human Rights, which had reiterated that the right to development was a human right and that equality of opportunity for development was as much a prerogative of nations as of individuals within nations. That concept should guide the Committee in its future work. The seventh preambular paragraph noted that in the Final Declaration of the Sixth Conference of Heads of State or Government of Non-Aligned Countries

(Mrs. Flores, Cuba)

the participants had called upon the United Nations to pursue its task of ensuring human rights in a comprehensive manner and to ensure the dignity of human beings, and they had reaffirmed their willingness to work actively for the implementation of the steps outlined in General Assembly resolution 32/130 through existing structures of the United Nations system. Paragraph 3 of the draft resolution was of particular importance in so far as it would reaffirm the urgent need for eliminating the mass and flagrant violations of human rights of peoples and persons affected by situations such as those enumerated in paragraph 1 (e) of General Assembly resolution 32/130. The text of paragraph 7 would be revised to take account of suggestions made by delegations. The paragraph was important because, once the evaluation by the proposed open-ended working group had been completed, the resources available to the United Nations in the field of human rights would be clearly identified. The proposal in paragraph 8 that a seminar should be held in 1980 on the effect of the present unjust international economic order on the economies of developing countries and the obstacle which it constituted for the implementation of human rights and fundamental freedoms would have certain financial implications.

17. The CHAIRMAN drew attention to the administrative and financial implications of draft resolution A/C.3/34/L.15 set forth in document A/C.3/34/L.21.

18. Mr. DANOVI (Italy), introducing draft resolution A/C.3/34/L.16 under agenda item 87, drew attention to paragraphs 1 and 2, which were aimed at emphasizing the importance of human rights by redesignating the Division of Human Rights as a Centre for Human Rights and at providing for the allocation of adequate financial and other resources so that the proposed Centre could adequately discharge its functions. In particular, paragraph 2 confirmed the request of the Economic and Social Council, contained in paragraph 10 of its resolution 1979/36, that the Secretary-General should examine the question of the staffing and other resources of the human rights sector, bearing in mind that it should always be at a level which would enable it to discharge its duties efficiently. That request had not been adequately reflected in the proposed programme budget for 1980-1981.

19. The CHAIRMAN said that a statement of the financial implications of draft resolution A/C.3/34/L.16 would be circulated shortly. Draft resolution A/C.3/34/L.17, on agenda item 85, would be introduced at a later stage by the representative of the United States.

20. Mr. LIVERMORE (Canada), introducing draft resolution A/C.3/34/L.18 under agenda item 87, said that his delegation was not wedded to the proposed title of a Special Representative of the Secretary-General for Human Rights and Humanitarian Affairs, but that the post must reflect the importance of human rights within the over-all structure of the United Nations and must therefore be at the most senior level, namely that of Under-Secretary-General. The Special Representative should be chosen from among prominent world leaders in the field of human rights who were familiar with the political implications of the subject. He would derive his authority from the Secretary-General, to whom he would report, and he would not be assigned duties which exceeded the competence of the Secretary-General. Thus, it would be clear that the Special Representative could not interfere in the internal affairs of States. To that extent the proposal differed from the proposal to create a post of High Commissioner for Human Rights. The resources contemplated in paragraph 3 would be modest and the substantive centre would remain in the Division of Human Rights.

(Mr. Livermore, Canada)

The responsibilities of the Special Representative would be specially mandated. The over-all thrust of the draft resolution was practical and sought to avoid ideological confrontation. In the light of recent tragic experience, there was a need for a post of the type which his delegation had proposed, and the United Nations should not delay in establishing it.

21. The CHAIRMAN said that a statement of the financial implications of draft resolution A/C.3/34/L.18 would be circulated shortly.

22. Mrs. de BARISH (Costa Rica), introducing draft resolution A/C.3/34/L.19, on behalf of her own delegation and that of Uganda, said that its purpose was to provide for consideration of a proposal which had long been before the General Assembly but had encountered many obstacles. The draft resolution did no more than stress the obvious. General Assembly resolution 33/105, to which reference was made in the second preambular paragraph, had given a specific mandate to the Commission on Human Rights to take into account, in continuing its work on the over-all analysis, views expressed on the various proposals at the thirty-second and thirty-third sessions of the Assembly, including the proposal concerning a post of United Nations High Commissioner for Human Rights. Her delegation trusted that the Commission would be able to reach a decision on the proposed post at its thirty-sixth session so that the General Assembly could consider the Commission's recommendation at its next session. She expressed the hope that the draft resolution would be adopted by consensus.

23. Mr. JAIN (India), introducing draft resolution A/C.3/34/L.20 under agenda item 87, said that the sponsors considered that the establishment of national institutions for the promotion and protection of human rights was a very practical way of improving the effective enjoyment of human rights and fundamental freedoms. Pursuant to General Assembly resolution 32/123, the Seminar on National and Local Institutions for the Promotion and Protection of Human Rights had drawn up guidelines on the structure and functioning of such national institutions. Those guidelines had subsequently been endorsed by the Commission on Human Rights in its resolution 24 (XXXV), which had invited all Member States to take appropriate steps for the establishment of such national institutions where they did not yet exist, bearing in mind those guidelines. Resolution 24 (XXXV) had also invited Member States to transmit relevant information regarding the activities of their national institutions to the United Nations on a regular basis and had requested the Secretary-General to compile such information for submission to the General Assembly at its thirty-sixth session. Pursuant to the recommendation of the Commission on Human Rights, the General Assembly, in paragraph 2 of the draft resolution, would decide to include in the agenda of its thirty-sixth session a subitem entitled "National Institutions for the Promotion and Protection of Human Rights". In paragraph 3 it would recommend that Member States should associate representatives of their national institutions with the debate on that subitem; it would, of course, be for Member States to do so in any manner that they might think fit. The purpose of paragraph 4 was to broaden the scope of the report requested of the Secretary-General by the Commission on Human Rights in its resolution 24 (XXXV). In his report, the Secretary-General should describe the various existing types of national institutions so that different types could be isolated for ready reference by Member States which were considering setting up national institutions of their own. On behalf of the sponsors, he expressed the hope that the draft resolution would be adopted by consensus.

24. The CHAIRMAN invited members to comment on the draft resolutions before the Committee as well as on the financial implications of draft resolution A/C.3/34/L.15 set forth in document A/C.3/34/L.21.

25. Mrs. SEMICHI (Algeria) said that the fourth preambular paragraph of the French text of draft resolution A/C.3/34/L.15 should read "paragraphes II.1 b) et VI.5" instead of "paragraphes II.5 b) et VI.41".

26. The CHAIRMAN said that the French text of draft resolution A/C.3/34/L.15 would be corrected accordingly.

27. Mr. SAIGNAVONG (Lao People's Democratic Republic) said that he wished to comment on draft resolutions A/C.3/34/L.16, L.18 and L.19. The proposal in draft resolution A/C.3/34/L.16 would result in a structural change in the Secretariat. The work of the Division of Human Rights had certainly increased considerably, and the Commission on Human Rights was well aware of that fact, as was evidenced by its resolution 22 (XXXV) in which it had requested the Secretary-General, in the light of the increases in the workload of the Division, to examine the question of staffing and other resources of the human rights sector of the Secretariat. His delegation therefore considered that the current status of the Division of Human Rights should be maintained but that it should certainly be provided with adequate staff and resources to enable it to discharge its duties.

28. The mandate of the Special Representative proposed in draft resolution A/C.3/34/L.18 was not clearly defined and his delegation felt that the post might well overlap existing machinery in the field of human rights, including not only United Nations bodies but also those of specialized agencies such as UNESCO, ILO and WHO. Each of those agencies had tried to fulfil its delicate task in pursuance of many resolutions of the General Assembly. His delegation doubted whether an individual could accomplish what it had not proved possible for the Security Council or the General Assembly to accomplish in the protection of human rights. Such an appointment could lead to further controversy on a matter which was already controversial. In the view of his delegation it would be better to rationalize existing machinery.

29. His delegation wished to make two comments on draft resolution A/C.3/34/L.19. With regard to its substance, he noted that the General Assembly, in its resolution 33/105, had requested the Commission on Human Rights to consider inter alia the possible creation of a post of High Commissioner of Human Rights. At its thirty-fifth session the Commission had not been able to reach agreement. In the circumstances his delegation considered that it would be preferable to continue to entrust the Commission on Human Rights with the task of examining ways and means for improving the effective enjoyment of human rights and fundamental freedoms. With regard to the wording of the text, he noted that in the French version the title included the phrase "including the creation of a post of United Nations High Commissioner for Human Rights", which was not in the title of the agenda item. Had that addition been approved by the General Assembly?

(Mr. Saignavong, Lao People's  
Democratic Republic)

If it had not, his delegation considered that the question could not be discussed at the current session.

30. His delegation was unable to accept draft resolutions A/C.3/34/L.16, L.18 and L.19. It had no difficulty, however, in accepting draft resolution A/C.3/34/L.15.

31. Mr. O'DONOVAN (Ireland) asked, in connexion with paragraph 4 of document A/C.3/34/L.21, what other studies had recently been undertaken or were now being prepared in the human rights area by the Division of Human Rights and the Special Rapporteurs appointed by the Sub-Commission on Prevention of Discrimination and Protection of Minorities. He was interested in knowing the number, the nature and the subjects of such studies and how they related to the study proposed in paragraph 10 of draft resolution A/C.3/34/L.15.

32. He felt that draft resolution A/C.3/34/L.15 dealt with important and complicated matters and would have a broad impact on the further implementation of the United Nations human rights programme. His delegation had some difficulties with the draft, which it would discuss as soon as possible with the sponsors.

33. It seemed to him that the representative of the Lao People's Democratic Republic, in commenting on draft resolution A/C.3/34/L.19, had been labouring under a misapprehension when he said that the Committee could not discuss at the current session the proposal for the establishment of a post of United Nations High Commissioner for Human Rights. He pointed out that General Assembly resolution 33/105 had requested the Commission on Human Rights to consider the proposal in the context of the over-all analysis of alternative approaches and ways and means for improving the enjoyment of human rights and fundamental freedoms. The Commission had now reported on that matter in its report on its thirty-first session (A/1979/36) and the Committee could therefore discuss the report and further consider the proposal to establish the post in question.

34. Mr. ERDÖS (Hungary) said his country believed that United Nations action in the field of human rights should enable the international community to make further progress towards the total elimination of the various violations of human rights still being committed in the world. However, while his country had consistently declared itself ready to co-operate at the international level in that field, it had at the same time emphasized that justifiable international action with a view to improving the effective enjoyment of human rights and fundamental freedoms must be distinguished from political manoeuvres camouflaged as efforts to protect human rights.

35. It was in that context that his delegation viewed the draft resolutions before the Committee. The existing system of United Nations institutions in the field of human rights was satisfactory and sufficient. In order to make a decisive contribution to the protection of human rights, the United Nations needed merely to ensure the implementation of the resolutions that it had itself adopted in that field. What counted was action, rather than a proliferation of resolutions

(Mr. Erdős, Hungary)

or the establishment of new bodies. The practical impact of the Organization's activities in the field of human rights had remained limited because at the time of the adoption of United Nations resolutions relating to the question of human rights, a number of countries had disassociated themselves from the view held by the majority even though their co-operation in implementing those resolutions had been widely regarded as essential. Moreover, a number of those countries were the very ones that set themselves up as champions of human rights and proclaimed that there was a need for establishing a new body or a new post. Without the political will to implement existing United Nations resolutions, the course of action advocated by those favouring the establishment of new structures would inevitably divert attention from the heart of the matter. It could also lead to a deterioration in relations among States Members of the United Nations and in the general political climate.

36. In that connexion, his delegation shared the concern recently voiced by the representative of the United States, who had said in the Fifth Committee with regard to the 1980-1981 budget that Member States, including the United States, should reduce the number of initiatives calling for new documents and the establishment of new machinery and encouraging the further proliferation of new bodies and activities. Referring to the organizational structure of the United Nations, the representative of the United States had expressed the view that the United Nations now had more Under-Secretaries-General and Assistant Secretaries-General than were absolutely necessary and had emphasized the need for financial and budgetary restraint.

37. In its section on human rights and the rights of peoples, the Final Declaration of the Sixth Conference of Heads of State or Government of Non-Aligned Countries had reaffirmed the participants' determination to work actively, in the context of the existing structures of the United Nations system, for the implementation of the measures set forth in General Assembly resolution 32/130. Draft resolution A/C.3/34/L.15 clearly defined the tasks to be accomplished by the United Nations in the field of human rights, and his delegation would therefore vote in favour of it. For the same reason, his delegation would vote against draft resolutions A/C.3/34/L.16 and A/C.3/34/L.18.

38. Mr. FOURNIER (Costa Rica) said that his delegation had sponsored draft resolution A/C.3/34/L.19 in the belief that positive rights in every legal system needed to be backed up by procedures to give effect to those rights. There was, in particular, a lack of such procedures and institutions at the international level. The establishment of a post of United Nations High Commissioner for Human Rights would strengthen the implementation of the rights enshrined in the numerous international instruments on human rights adopted by the United Nations.

39. Mr. CALERO-RODRIGUES (Brazil) observed that draft resolution A/C.3/34/L.15 was to be revised and draft resolution A/C.3/34/L.17 had not been formally introduced by the sponsors; furthermore, only one of the draft resolutions had as yet been provided with the required statement on its administrative and financial implications. Consequently, his delegation, and probably others as well, found it difficult to comment on them. His delegation was prepared to speak on the draft resolutions at the present time, if necessary, but it would prefer to do so at a later stage.

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40. The CHAIRMAN said that under the rules of procedure, delegations submitting a draft resolution were not required to introduce it and that delegations were free to comment on the text of a draft resolution even before it had been formally introduced by the sponsors. He added that draft resolution A/C.3/34/L.15/Rev.1 was now available in English.

41. Mrs. THANH (Viet Nam) said that her delegation fully supported the views expressed by the representative of Cuba with regard to draft resolution A/C.3/34/L.15, of which her delegation was also a sponsor. She wished to stress that the ways and means within the United Nations system for improving the effective enjoyment of human rights could only be global methods that would be implemented in almost all fields by numerous United Nations bodies, as indicated in the draft resolution in question.

42. She also wished to express her delegation's views on the establishment of new bodies and posts such as those proposed in draft resolutions A/C.3/34/L.16, A/C.3/34/L.18 and A/C.3/34/L.19. The continuing existence of human rights violations in the world, in spite of the positive action taken by various United Nations bodies, was attributable not to any lack of appropriate structures in the United Nations but to the fact that there were still forces that were using their economic, financial and technological power as an instrument of oppression. Those forces made high-sounding statements on the question of human rights, but their statements were belied by their actions. They shamelessly co-operated with such repressive régimes as those of South Africa and Israel, providing military assistance, imposing economic embargoes, interfering in the internal affairs of States and destabilizing small countries that refused to conform to their policies. In those circumstances, the establishment of a post of High Commissioner for Human Rights would in no way contribute to a solution of the problem. The establishment of additional posts and bodies would only add to the bureaucratic machinery of the United Nations, constituting changes in form but no improvement in substance.

43. On the other hand, the Commission on Human Rights had, through the important work it had already done, demonstrated its ability to promote effective action in the field of human rights and fundamental freedoms, and it was therefore desirable that the Commission should be provided with greater facilities for carrying out its task.

44. For all the reasons she had stated, her delegation would vote in favour of draft resolution A/C.3/34/L.15/Rev.1 and against draft resolutions A/C.3/34/L.16, A/C.3/34/L.18 and A/C.3/34/L.19.

45. Mr. HOLLWAY (Australia) agreed with the representative of Ireland that draft resolution A/C.3/34/L.15/Rev.1 was important, complex and lengthy and that delegations would need time to consult on the text, in order that the draft resolution might be adopted by consensus if possible. He hoped that the Chairman would allow sufficient time for such consultations.

46. Mr. GARVALOV (Bulgaria) agreed that delegations would need time for consultations, not only on draft resolution A/C.3/34/L.15/Rev.1 but on all the draft resolutions submitted under agenda item 87.

47. The CHAIRMAN said that delegations were always free to consult. However, since the Committee was already behind in its work schedule, it was difficult to set aside time specifically for such consultations.

48. Mr. AL-HUSSAMY (Syrian Arab Republic) said that his delegation had joined the sponsors of draft resolution A/C.3/34/L.15/Rev.1 and draft resolution A/C.3/34/L.20. He recalled that at the Sixth Conference of Heads of State or Government of Non-Aligned Countries at Havana, the President of the Syrian Arab Republic had said that concern over the human rights of individuals must not serve as a pretext for interference in the internal affairs of States. The rights of entire peoples took precedence over the rights of individuals. His delegation could not support draft resolutions A/C.3/34/L.16, A/C.3/34/L.18 and A/C.3/34/L.19. Existing United Nations bodies had prepared the necessary basic documents to guide work in the human rights field, and there was no need for additional institutions.

49. Mrs. BIHI (Somalia) said that her delegation had consulted with the sponsors of draft resolution A/C.3/34/L.15/Rev.1 and had made several suggestions concerning the text. It did not appear, however, that those suggestions had been incorporated into the draft resolution, and therefore she wished to consult further with the sponsors.

50. Miss MELČICKÁ (Czechoslovakia), speaking in exercise of the right of reply, said that although her delegation wished to avoid an unproductive dialogue on matters not directly related to the issues before the Committee, which would not be in keeping with Czechoslovakia's policy of promoting the principle of peaceful co-operation among States with different social systems, nevertheless it felt obliged to comment on the statement made by the representative of the United States at the preceding meeting.

51. Only biased political motivations could have prompted the representative of the United States to try to justify the acts of the six persons who had recently received sentences for violating her country's penal code. In view of the approach demonstrated in the Committee by the delegation of the United States with regard to the question of human rights in southern Africa, in the occupied Arab territories and elsewhere, there was reason for seriously doubting its impartiality and its moral right to pass judgement on such matters.

52. She stressed that the subject of the court proceedings in question had been not the political views of the six persons sentenced, nor their attitude towards the Final Act of the Conference on Security and Co-operation in Europe, but the criminal acts they had committed against the security of the State. Nobody was entitled to immunity simply because he proclaimed himself to be a dissident while trying to subvert his country in the service of alien interests and for pay from abroad.

53. Her country fully safeguarded the implementation not only of the Final Act of the Helsinki Conference but also of the international agreements in the field of human rights to which it was a party, notably the International Covenants on

(Miss Melčická, Czechoslovakia)

Human Rights, which the United States itself had not yet ratified. Czechoslovak legislation fully conformed to the principles set forth in the Final Act of the Helsinki Conference, including the principle of respect for human rights and fundamental freedoms. The wilfully selective interpretation of the Final Act presented by the representative of the United States directly violated the fundamental principles of that document, notably those of non-interference in the internal affairs of States and of the sovereign equality of States.

54. Mr. CARDWELL (United States of America) said that his delegation wished to reserve its right of reply until a later time.

#### ORGANIZATION OF WORK

55. The CHAIRMAN said that the Committee should try to conclude its consideration of agenda items 85 and 87. Draft resolution A/C.3/34/L.17 on agenda item 85 could be introduced by its sponsors at the morning meeting on Tuesday, 30 October 1979, for consideration by the Committee; it might even be possible to conclude consideration of the item on Tuesday. It would also seem that delegations required time for consultations on the draft resolutions submitted under agenda item 87.

56. Mr. CARDWELL (United States of America) said that his delegation was ready to co-operate with the Chairman by introducing draft resolution A/C.3/34/L.17 at the Tuesday morning meeting. Consultations with other delegations had suggested that some amendments would be proposed; those should not delay the voting on the draft resolution if they did not introduce substantive changes which were unacceptable to the sponsors.

57. The CHAIRMAN said that since the Committee might not be able to conclude its consideration of agenda item 87 on Tuesday, 30 October, it might be best that after the conclusion of agenda item 85, the Director of the Division of Human Rights should introduce agenda item 88, after which delegations could make comments on that item. He also observed that the Committee still had not received the draft resolution on agenda item 82, owing to difficulties experienced by the African Group in completing their work on the draft. If time was left after the Tuesday morning meeting, the Group could use it to complete its work. If there was no objection, he would take it that the Committee agreed to accept late submission of the draft resolution.

58. It was so decided.

59. The CHAIRMAN said that he would like to close the list of speakers on agenda item 88 at 6 p.m. on Tuesday, 30 October, and would make a suggestion to that effect at the Tuesday morning meeting.

The meeting rose at 5.45 p.m.