



SUMMARY RECORD OF THE 39th MEETING

Chairman: Mr. O'DONOVAN (Ireland)

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The meeting was called to order at 10.40 a.m.

AGENDA ITEM 73: REVIEW AND CO-ORDINATION OF HUMAN RIGHTS PROGRAMMES OF ORGANIZATIONS IN THE UNITED NATIONS SYSTEM AND CO-OPERATION WITH OTHER INTERNATIONAL PROGRAMMES IN THE FIELD OF HUMAN RIGHTS (continued) (A/36/3/Add.23 (part I), A/36/116 and Corr.1; A/C.3/36/2)

AGENDA ITEM 79: ALTERNATIVE APPROACHES AND WAYS AND MEANS WITHIN THE UNITED NATIONS SYSTEM FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS (continued) (A/36/3/Add.23 (part I), A/36/116 and Corr.1, A/36/482, A/36/584; A/C.3/36/L.41)

(a) IMPLEMENTATION OF GENERAL ASSEMBLY RESOLUTIONS 34/46 AND 35/174: REPORT OF THE SECRETARY-GENERAL (A/36/462)

(b) NATIONAL INSTITUTIONS FOR THE PROMOTION OF HUMAN RIGHTS: REPORT OF THE SECRETARY-GENERAL (A/36/440)

1. Mr. NAGY (Hungary) pointed out that one of the purposes of the United Nations, under Article 1 of the Charter, was to achieve international co-operation in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion. The quality of the international protection of human rights could be improved only through international co-operation and observance of the basic principles of international law, particularly the principle of non-interference in the internal affairs of States. International co-operation should also be based on a profound understanding of the variety of problems existing in different societies and on full respect for their political, economic, social and cultural realities.

2. The important concepts proclaimed in General Assembly resolution 32/130 should be taken into account today in an over-all analysis of alternative approaches and ways and means and in future work carried out in the United Nations system to improve the effective enjoyment of human rights and fundamental freedoms through existing United Nations structures. His delegation was convinced that the existing United Nations system was fully capable of promoting human rights and finding adequate solutions to current problems. It was the Organization's role to establish universally accepted guidelines and norms; it was the responsibility of Governments to protect and promote human rights through the implementation of agreed norms. Nevertheless, constant efforts should be made to improve the effectiveness of the existing machinery, and the Commission on Human Rights had adopted a series of measures to that end. It was essential that that process should be continued and that the Commission should pursue its task of assisting the Economic and Social Council in co-ordinating human-rights activities within the United Nations system. In addition, it was of primary importance to focus efforts on the adoption of practical measures aimed at helping to solve problems relating to the mass and flagrant violations of human rights resulting from apartheid, all forms of racial discrimination, colonialism, foreign domination and occupation, aggression and threats against

(Mr. Nagy, Hungary)

national sovereignty, national unity and territorial integrity, as well as from the refusal to recognize the fundamental rights of peoples to self-determination and of every nation to exercise full sovereignty over its natural wealth and resources. It was equally important to ensure the right to life and the right to development. Accordingly, his delegation welcomed the holding in August 1981 of the Seminar on the Relations that Exist between Human Rights, Peace and Development. The report of the Seminar (ST/HR/SER.A/10) contained important recommendations and conclusions which had been adopted by consensus. His delegation agreed in particular with conclusion 3, conclusion 7 and recommendation 8 (h).

3. Hungary remained strongly opposed to any proposal to establish supranational bodies or posts; such proposals were merely attempts by certain countries to create and legalize a new opportunity to interfere in the internal affairs of sovereign States. The establishment of such a body or post, particularly an administrative one, would hinder the application of the democratic rules of United Nations bodies and would damage their authority and prestige. Furthermore, it would require the unanimous agreement of all Member States, most of which had always opposed such proposals. Those observations were exactly applicable to the creation of a post of a so-called High Commissioner for Human Rights, since there never had been any international co-operation in that particular field. Nor did his delegation favour the proposal to redesignate the Division of Human Rights as a Centre for Human Rights. In addition, his delegation did not think that an intersessional role should be given to the Bureau of the Commission on Human Rights or that emergency sessions of the Commission should be convened. It would be dangerous to give the Commission powers that exceeded its terms of reference; the Commission was a functional body of the Economic and Social Council, and the relevant rules of procedure did not provide for the Bureau to play an intersessional role. Furthermore, the Bureau could not assume responsibility for representing the political will of the Commission. Since the Commission itself had a large number of very important tasks and was currently responsible for co-ordinating human-rights activities within the United Nations system, all duplication of activities should be avoided and resources should be utilized as efficiently as possible.

4. In his delegation's opinion, the question of further enhancing the work of the United Nations in improving the effective enjoyment of human rights and fundamental freedoms and strengthening the existing United Nations system should be resolved through the implementation of the relevant General Assembly resolutions, in particular resolutions 32/130, 34/46 and 35/174. Strict compliance with the provisions contained therein and accession by States to existing human-rights conventions and covenants would enhance the work of the United Nations in that field.

5. Mr. VONGSALY (Lao People's Democratic Republic) said that the binding legal provisions of the Charter required all States to respect human rights and fundamental freedoms for all, without distinction as to race, sex, language or religion. Subsequently, the Universal Declaration of Human Rights and other

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international legal instruments also prescribed for all States the obligation to promote respect for human rights. The Lao People's Democratic Republic was a party to many international conventions relating to human rights and was currently carrying out the administrative arrangements to accede to the International Covenants on Human Rights. In the new constitution currently being prepared, various governmental directives based on resolutions of the Central Committee of the Lao People's Revolutionary Party guaranteed Lao citizens all rights and freedoms set forth in those international instruments, including equality before the law, equality of the sexes, freedom of belief, freedom of speech, freedom of residence and movement in the country, the right to private property, the right to education - which was free at all levels - and cultural rights. All ethnic groups and nationalities had the right to preserve and develop their own culture and their own traditions. Furthermore, the right to participate in all activities in the general interest of the nation was granted to all citizens.

6. No one could deny that progress had been made by the international community with respect to the promotion and protection of human rights and fundamental freedoms within the framework of the United Nations. The latter had an important role to play in that field, but in order to develop and encourage respect for human rights and fundamental freedoms for all, the United Nations and all Member States must achieve international co-operation with a view to solving international economic, social and cultural problems, bearing constantly in mind the variety of problems existing in different societies and the specific economic, social and cultural realities of those societies. The international community had recognized that the complete enjoyment of civil and political rights was impossible without economic, social and cultural rights and that progress in the enjoyment of human rights required a rational and effective national and international policy for economic and social development. Similarly, the implementation of the new international economic order was essential to the effective promotion of human rights and fundamental freedoms because all those rights were closely linked and were indivisible. In that connexion, his delegation welcomed the holding of the Seminar on the Relations that Exist between Human Rights, Peace and Development and hoped that the international community would give the Seminar's recommendations the attention they deserved.

7. Many delegations had spoken of their concern at the violations of human rights in various parts of the world, and his delegation shared that concern. However, certain delegations had again raised the question of establishing a post of a United Nations high commissioner for human rights and even the creation of an international court of human rights. His delegation's position on that question was well known. Instead of seeking to establish a new body which would only lead to additional expenditures in the budget of the Organization, the international community should give priority to the search for solutions to mass and flagrant violations of the human rights of peoples and individuals affected by situations such as those which resulted from apartheid, all forms of

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racial discrimination, colonialism, aggression and threats of force against the national sovereignty and territorial integrity of States and from the refusal to recognize the fundamental rights of peoples to self-determination and the right of each nation to exercise full sovereignty over its natural resources.

8. It would be impossible to speak of human rights without mentioning the Namibian people and the black population of South Africa, victims of the oppressive policy of apartheid pursued by the racist régime of Pretoria, which certain countries, despite international condemnation, continued to support. Those countries, which claimed to be defenders of human rights, would make a useful contribution by ceasing their co-operation with the Pretoria régime in its barbarous repression of the peoples of Namibia and South Africa and in its aggression against the peoples of the front-line States, especially Angola. They should also show their concern for the inalienable rights of the Palestinian people, victim of Israel's expansionist policy, which was supported by the United States. His delegation believed that the right of individuals and nations to live in peace was the most fundamental human right. Respect for that right required that the international community should take tangible and effective measures to check the arms race, achieve disarmament and establish trust in international relations. His delegation believed that the establishment of a post of high commissioner for human rights or an international court of human rights would provide means for interfering in the internal affairs of medium-sized and small States.

9. Mr. BYKOV (Union of Soviet Socialist Republics), speaking on agenda item 79, said that international co-operation to promote and develop respect for human rights and fundamental freedoms could not be isolated from the efforts employed by peace-loving States to achieve the main purpose of the United Nations, the maintenance of international peace and security. Drawing attention to the unanimous conclusion of the Seminar on the Relations that Exist between Human Rights, Peace and Development that the maintenance of international peace and security was vital for social and economic progress and for the full realization of human rights, he said that successful international co-operation to implement human rights could not be achieved without lasting peace, friendly relations and mutual understanding among peoples.

10. Over the years, when the current item had been considered, certain delegations had traditionally made contentious proposals, based on erroneous premises. Those delegations did not take into account the nature of the United Nations, which was a universal inter-State organization based on the sovereign equality of its Members, and ignored the experience already accumulated and the essential contribution which the United Nations had made and was continuing to make to international co-operation in promoting and developing respect for human rights and fundamental freedoms. Only by taking all those elements into account would it be possible to arrive at the best possible, mutually acceptable decisions to enhance the work of the relevant United Nations bodies in strict conformity with the Charter. Since the founding of the United Nations, there had been significant advances in eliminating the system of colonial oppression and in the

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struggle against racism and colonialism. He stressed that international co-operation on human rights should be based on strict observance of the principles of the United Nations Charter, including the principles of sovereign equality of all States and non-intervention in their internal affairs. As stated in General Assembly resolution 32/130, such co-operation should give priority to combating mass and flagrant violations of human rights in situations which threatened international peace and security and which were the consequence of aggression, fascism, racism and the suppression of national liberation movements and democratic forces. The Third Committee of the General Assembly and other United Nations bodies had made a significant contribution in that direction, as could be seen from the discussion at the current session, the resolutions adopted by the Committee on the subjects of racism and colonialism and its condemnation of the South African racist apartheid régime and Israeli violations of the rights of the Palestinian people. One of the conclusions of the Seminar on the Relations that Exist between Human Rights, Peace and Development had been that mass and flagrant violations of human rights, including those stemming from apartheid, racism and racial discrimination, foreign domination and occupation, aggression and threats against national sovereignty and territorial integrity, and the denial of the right to self-determination of a people were flagrant breaches of international peace and security.

11. The establishment and strengthening of the legal foundation for international co-operation in realizing human rights was an important part of United Nations activities in the field. The International Covenants on Human Rights represented the most comprehensive legal basis for guaranteeing human rights and fundamental freedoms, differing from the Universal Declaration of Human Rights in the legal obligations assumed by parties to them and in their wider definition of rights and freedoms. It was important that they should be acceded to by as many States as possible in order to ensure their universal application. His delegation felt that accession to the Covenants was an indication of a State's true concern about developing effective international co-operation to promote human rights.

12. There existed at present a ramified system of representative bodies within the United Nations to deal with human-rights questions in accordance with the United Nations Charter. It was clear that the best way of improving the effectiveness of the enjoyment of human rights was not to create new structures, bodies, posts or procedures within the United Nations, as the representative of some countries were urging, but to strengthen in every possible way the existing United Nations system of human-rights bodies and to put into practice the ideas expressed in General Assembly resolution 32/130. All future United Nations activities relating to human rights should be carried out through the bodies that already existed. Proposals such as the establishment of a post of United Nations High Commissioner on Human Rights, which his delegation resolutely opposed, would clearly undermine the existing system of representative bodies; they were aimed at interference in the internal affairs of sovereign States and were incompatible with the purposes and principles of the United Nations Charter.

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The establishment of such a suprenational post could serve the interests only of those who did not value the development of equitable international co-operation on the basis of the United Nations Charter or who wished to create a channel through which they could spread slanderous insinuations against certain States with a view to aggravating the international situation. It was obvious that the creation of a post of High Commissioner would only divert the attention of the United Nations from the struggle against the existing mass and flagrant violation of those rights mentioned in resolution 32/130.

13. His delegation also opposed the proposal to increase the role and status of the Division of Human Rights, feeling that it would be more appropriate if attention was devoted to improving the Division's work.

14. The Commission on Human Rights had done much useful work in considering approaches, ways and means of promoting the realization of human rights within the United Nations system on the basis of General Assembly resolution 32/130. Measures to improve the work of United Nations bodies in human-rights matters, worked out by the Commission and adopted by consensus, had been approved by the Economic and Social Council in resolution 36/179 and had been noted with satisfaction by the General Assembly. The Commission was still considering the question; new constructive efforts had been made at its thirty-seventh session, when the item had been carefully considered in an open-ended working group and a resolution on the subject had been adopted.

15. The Commission attached great importance to the adoption of a long-term programme of work. In discussing that question, it had been stressed that the Commission should endeavour to link its activities to current international problems and, on that basis, define the main tasks before it. The Commission should play its role in considering the right to development. His delegation felt that the Commission's working group had made a constructive contribution to the discussion of that question. The Commission had decided to continue at its subsequent session its work on the over-all analysis of the alternative approaches, ways and means for improving the effective enjoyment of human rights, having decided to establish an open-ended working group for that purpose. The work of the Commission on the question was based on General Assembly resolution 32/130 and the concepts set forth therein, including the principle that all human rights and fundamental freedoms were inseparable and interdependent and that civil and political rights could not be achieved without the realization of economic, social and cultural rights. That resolution also stressed that in approaching human-rights questions within the United Nations system, the international community should accord priority to the search for solutions to the mass and flagrant violations of human rights of peoples and persons.

16. The Commission on Human Rights should give priority to ensuring the right of peoples and individuals to live in a climate of international peace and their right to development. He was confident that the working group of governmental experts set up by the Commission would make a useful contribution to that work.

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Socialist Republics)

The best way of supporting the work of the Commission and its open-ended working group, which had many different proposals before them, was not to concentrate on controversial proposals but to allow them to continue their work in a constructive atmosphere. The General Assembly should endorse the Commission's intention to continue its work on that important and difficult question, and the Commission should be ensured the necessary conditions, as mentioned in its resolution 23 (XXXVII), for fruitful work at its forthcoming thirty-eighth session.

17. Mr. OBADI (Democratic Yemen) drew attention to Article 1, paragraph 3, of the Charter and pointed out that United Nations activities in connexion with the promotion of human rights had helped to put an end to colonial and racist régimes and to bring a large number of countries to independence. However, many Member States were still failing to apply the international covenants and conventions and United Nations declarations and resolutions concerning human rights.

18. In his delegation's opinion, the enjoyment of human rights reflected the social system of each particular country; therefore, it could not be enhanced until the State concerned promulgated the necessary laws both in the field of human rights and in the economic and social field. It was strange that, each year several delegations tried to discuss human-rights problems as though the United Nations were the only body dealing with such problems. On the other hand, those same States refused to assume any responsibility for the systematic and flagrant violations of human rights in South Africa and Namibia and for the denial of the rights of the Palestinian people. Those States should adopt a policy condemning South Africa and the Zionist entity for their violations of human rights, racial discrimination and acts of aggression against national liberation movements.

19. The attempt to create a post of High Commissioner for Human Rights encroached on the competence of existing bodies - first and foremost that of the Commission on Human Rights - and would duplicate their work. Moreover, it violated the provisions of the Charter and would have negative long-term repercussions. The activities of such a High Commissioner's office would constitute interference in the internal affairs of States, and some countries would abuse the post for their own purposes. The Governments favouring that proposal made a great show of defending human rights while they failed to submit to the Commission the necessary information on the human-rights situation in their own countries. Moreover, they failed to respect United Nations resolutions concerning the condemnation of human-rights violations in Palestine and Namibia. He asked what position such Governments took on the Zionist practices, in the occupied Arab territories, which had been condemned in United Nations resolutions and in the report of the Special Committee to investigate those practices; what position they took towards the Zionist entity and the settlements it was establishing in the occupied territories; what was their position on the right of the Palestinian people to self-determination and to return to their homes; what moral and humanitarian position they had taken on the Israeli bombing of innocent civilians in Lebanon. All those acts committed by the Zionist entity

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represented flagrant violations of human rights, of international law and of the purposes and principles of the Charter.

20. The States that supported the proposal to establish a post of High Commissioner for Human Rights should respect General Assembly resolutions 1514 (XV), 3379 (XXX) and 32/130.

21. In addition, the establishment of a new international economic order was necessary for the effective enjoyment of human rights and fundamental freedoms; that undertaking should therefore have absolute priority.

22. Although his delegation did not wish to refer to individual cases of violations of human rights, it felt that the case of Ziad Abu Ain should be examined by the Committee, on the basis of resolution 1981/42 of the Economic and Social Council. The United States Government's intention to extradite Ziad Abu Ain to Israel, even though his life would be endangered thereby, was a violation of human rights and of international law. His delegation therefore joined others in appealing to the Committee to use its good offices with the United States authorities to prevent them from extraditing Ziad Abu Ain to Israel and to ensure that he was allowed to travel to the country of his choice.

23. Mr. PIZA ESCALANTE (Costa Rica) noted that the lengthy title of agenda item 79 was in inverse proportion to the progress made towards attaining the relevant objectives. It was high time for the United Nations to examine its conscience, with a sincere desire for change, in the light of the meagre results obtained in the 33 years since the Universal Declaration of Human Rights had solemnly proclaimed the dignity of mankind. Regrettably, much of the inspiration that had produced the Declaration had been lost along the way, and recent generations, obsessed with different, though essential, concerns, had failed in the main task of establishing appropriate systems for effectively and impartially guaranteeing the exercise of human rights for all, in all parts of the world and under all circumstances.

24. Admittedly, spectacular progress had been made in the elaboration of international instruments for the protection of general and specific human rights, and the Universal Declaration itself had obtained the necessary endorsement in international law, truly becoming jus cogens and being accepted even by those that had refrained from supporting it at the outset.

25. However, that monumental normative effort had been gradually slowing down and had not been accompanied by the development of the institutions needed to guarantee everyone's enjoyment of human rights and freedoms. Moreover, it was being blocked by serious, mainly political, obstacles, so that a sacred quest had degenerated into a game of interests and automatic votes, clouding the underlying principles.

26. The original clear-sighted concept of human rights and the clear distinction, reflected in the two International Covenants, between mandatory rights, such as

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the right to freedom - the violation of which required corrective sanctions - and programmatic rights, such as economic and social rights - the attainment of which required co-operation and development - had been blurred for purely political motives, not in order to strengthen respect for the former rights and promote the realization of the latter but, on the contrary, in order to justify violations of the former because of the practical difficulties involved in attaining the latter. Such excuses were used as a pretext for the most aberrant forms of tyranny and the most blatant acts of aggression.

27. The Universal Declaration and the International Covenants embodied the concept that human rights were fundamental and not bestowed by any human authority and that the State did not grant such rights through an act of will but recognized them through a process of reasoning; but that concept had been eroded to suit the interests of those who held power. For obvious political reasons, human rights had been deliberately merged with a nebulous group of aspirations which were quite legitimate but had no visible effect except to place the human rights of individuals especially in relation to their own State, in the same category as the collective rights of peoples and States in relation to other States. That situation seriously hindered the fulfilment of both types of rights. The fundamental principle of the universality of human rights had been distorted by the haphazard influence of automatic majorities; those majorities had ultimately endorsed a "one-way-street" theory of human rights, whereby States which did not accept internationally established commitments in the human-rights field and which themselves frequently committed very serious violations of human rights were arrogating themselves the power to condemn others, sometimes without even listening to them, not because those other States were really responsible for such violations but merely because they did not command the votes that would guarantee them the same impunity as their accusers enjoyed.

28. Although the universality of human rights was the cornerstone and most important achievement of contemporary international law, it was being increasingly undermined in the United Nations. The result had been the easy adoption of resolutions, such as General Assembly resolution 32/130, which implied that only massive and flagrant violations were subject to international jurisdiction, leaving all others to the jurisdiction of States and thus protecting them under the principle of non-interference.

29. However, the attitude in the United Nations was not consistent even in that respect. For example, exceptions to the concept of internal jurisdiction were frequently made when it became necessary to condemn specific régimes or Governments that did not meet with the approval of the automatic majorities. It often happened that countries which expressly prohibited the exercise of a particular right, such as the right to strike or to organize free trade unions, sponsored resolutions condemning other States for denying the same rights; single-party countries frequently criticized others for limiting the activities of political parties; countries that implacably persecuted their own dissidents and even confined them to insane asylums demanded freedom and the sacred right to dissent for their sympathizers in other nations; countries that locked their own peoples

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within a prison of frontiers demanded that others should open their frontiers; countries that attacked, invaded and subjugated entire peoples indignantly protested against violations of the right to independence and self-determination.

30. Costa Rica did not play that game of double standards and one-way human rights; it had ratified without reservations - and had frequently been the first to do so - all the international and regional instruments on human rights and had accepted complete, unconditional and unlimited international jurisdiction in that field. Before accusing others, it had always given an accounting of its own actions. There was not a single political prisoner in its gaols; Costa Rica had unilaterally banned the armed forces and had only a police and security force to protect its citizens, not the Government. Its most serious crises were solved through periodic, democratic and free elections in which the transfer of power from one political group to another was a reality.

31. Costa Rica felt duty-bound to draw attention to certain unfortunate disruptions of international order that had hit the Latin American continent especially hard, but the violations of human rights in Latin America were not the only such violations taking place in the world, not even the worst ones.

32. Costa Rica was also prepared to continue to struggle for the fullest realization of human rights, for the further perfecting of normative instruments and for the freeing of institutional machinery from political contamination.

33. Referring to the development of the relevant institutions, he pointed out that Costa Rica had been in the vanguard of countries committed to elaborating more effective instruments to guarantee the exercise of human rights. The proposal for the establishment of a post of United Nations High Commissioner for Human Rights, which Costa Rica had been promoting for 18 years, represented a positive step in that direction. The proposal was aimed at establishing a permanent professional and technical body, centred in a single person, to carry out systematic, apolitical and continual activities to promote the cause of human rights; an example of such activities was provided by those of the United Nations High Commissioner for Refugees. The proposal was a modest one because the sponsors wished to set up an institution that took into account the diversity of political and social régimes and of cultural systems and levels of development; they also wished to minimize the reluctance stemming from distrust and confrontation. He expressed the hope that that proposal would eventually be adopted and that the resistance of some delegations would ultimately be replaced by firm support. In the long run, all States would surely be convinced that only such a depoliticized, technical institution, capable of patiently carrying out the dedicated work that was still lacking, could progress be made towards the attainment of the Organization's most important ideal of human rights, an ideal which was even more important than peace because only through the realization of human rights would true peace, based on justice, be possible.

34. Miss BROSNAKOVA (Czechoslovakia), speaking on agenda item 79, said that the international protection of human rights could be improved only through

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international co-operation, carried out in accordance with the principles of international law, including the principle of non-interference in the internal affairs of States. Any efforts undertaken in violation of State sovereignty might not only obstruct further progress but even wipe out past achievements in establishing trust and co-operation among States.

35. She reaffirmed her delegation's opinion that only through strict observance of the principle of sovereign equality of States could international co-operation be developed, and only in that way would it be possible to promote the international protection of human rights. Unfortunately, there had been many proposals over the years which consciously ignored that essential condition by suggesting the establishment of new human-rights institutions or the changing of existing ones, to be given powers not embodied in the United Nations Charter or any other international treaty. The proposals to establish a supranational institution on human rights were both illogical and unproductive. Those proposals were aimed at establishing a platform for interference in the internal affairs of States and were put forward, in most cases, by States whose approach to the protection of human rights in various parts of the world cast doubt on the sincerity of their efforts. Those States, indifferent to mass and flagrant violations of human rights, were blocking the adoption of effective measures against States which, thanks to their assistance, made a daily practice of violating the human rights of millions of people. The same obstructionist States disregarded the rights of many thousands of their own citizens, while using the slogan of human rights to launch new anti-communist campaigns. They wanted their representatives to monitor and take measures against other States while no such action was to be taken with respect to their own State. Furthermore, they made no effort to use the existing system of international protection of human rights to improve the quality and effectiveness of the work of the United Nations bodies dealing with the promotion and defence of human rights.

36. The maintenance of lasting peace and the achievement of progress on disarmament, as well as the restructuring of international economic relations on a more just and equitable footing, were of crucial importance in promoting the international protection of human rights. That had been clearly pointed out at the Seminar on the Relations that Exist between Peace, Development and Human Rights. Even partial successes in those areas would be more important than the establishment of supranational institutions and would also further the realization of those rights which, although embodied in internationally recognized legal instruments, remained beyond the reach of the citizens of most States.

37. Her delegation did not rule out a priori partial proposals on improving the activities of the United Nations in protecting human rights. They must, however, be proposals based on a sincere desire to improve the existing situation and must be based on the United Nations Charter. Experience showed that only proposals of that kind could be supported by all States Members of the United Nations and be put into practice.

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38. In conclusion, she stressed that her country, a State which had contributed significantly to the drafting of all the important instruments on human rights, would fully support the efforts made by the United Nations and its appropriate bodies in the field of human rights in accordance with the United Nations Charter and other documents.

39. Mrs. NGUYEN BINH THANH (Viet Nam) said that for Viet Nam and the many other third-world countries that had suffered long centuries of colonial domination and foreign occupation, human rights meant above all the right of peoples to self-determination, their right to live in independence and freedom and to their own natural resources. When one lived in slavery and did not eat one's fill because one's resources were plundered by foreign imperialism, it was rather ironic to speak of the right to vote and freedom of speech, assembly and belief, which were the prerogatives of a privileged sector serving the foreign administering authorities. To a people that had lost its independence and freedom and was reduced to slavery and poverty, the notion of "civil and political rights" simply did not make sense. Only through the elimination of colonial and neo-colonial dependence and the acquisition of the right to self-determination and sovereignty over natural resources would it be possible to create the political and material conditions essential to the realization of human rights of peoples. It was in that sense that her delegation subscribed fully to the concepts formulated in General Assembly resolution 32/130. Another sine qua non for the enjoyment of human rights was the inherent right to live in international peace and security. Respect for that right was in the common interest of all mankind and was an essential condition for the progress of all nations in all fields. A third important part of human rights was the right to development. That concept included all aspects of economic, social and individual development, including the right to a decent standard of living, clothing, housing, access to education, adequate medical care, and the right to a harmonious and dignified life.

40. Today many of the world's peoples found that the legacy of colonial exploitation, under-development, the after-effects of imperialist wars, policies of destabilization and economic blockade seriously retarded their quest for development. That situation was a serious threat to the human rights of millions of persons, the most vulnerable of whom were women and children. The right to development was an inalienable human right and was an essential condition for the enjoyment of other human rights.

41. In many regions of the world, particularly in South Africa, the Middle East and South-East Asia, the human rights of millions of people were being denied as a result of policies of racial discrimination, war and destabilization pursued by racist, imperialist and expansionist forces. It was therefore logical and justified that the United Nations machinery in its entirety, in particular the Commission on Human Rights, should be called upon to put an end to the violations of human rights in various regions. By ensuring the active and essential co-operation of Governments, those bodies had contributed, despite certain shortcomings, to remarkable achievements in their difficult task of promoting human rights. It had been stated on several occasions in the Third

(Mrs. Nguyen Binh Thanh, Viet Nam)

Committee that the establishment of a post of high commissioner for human rights would miraculously remedy the present situation, in which flagrant violations of human rights were taking place. Her delegation did not share that opinion. Without mentioning the enormous additional expenditures which such a post would create for the budget of the United Nations, her delegation and many others had serious doubts about the effectiveness of the role which one person alone could play, regardless of his or her competence or dedication, in halting mass violations of human rights. What was needed was not to establish one or several new posts but to improve the working methods of existing machinery. It was also imperative that States and Governments should demonstrate the political will to implement the principles embodied in the numerous existing instruments on various aspects of human rights. Unfortunately, at the present session and earlier, the delegations promoting the establishment of a post of high commissioner for human rights had supported or remained silent on the criminal activities of the racist régimes of South Africa and Zionist Israel and of the perpetrators of genocide who had massacred in cold blood millions of their compatriots. Her delegation reaffirmed its strong opposition to the proposals aimed at establishing a post of high commissioner for human rights and its support for the efforts of the existing bodies working in various fields for the promotion of human rights.

42. Mrs. FLOREZ (Cuba) said that since the adoption of General Assembly resolution 32/130, a new approach which took into consideration the interests of developing countries had begun to take shape in United Nations debates on human-rights questions. Fundamental concepts had been reaffirmed, including that of the indivisibility and interdependence of all human rights and fundamental freedoms. Positive steps had been taken towards developing those and new concepts by the adoption of General Assembly resolutions 34/46 and 35/174. The two seminars held in pursuance of those resolutions, despite attempts by some countries to boycott them and to prevent substantive agreements, had achieved magnificent results. The conclusions and recommendations in the report on the Seminar on the Relations that Exist between Human Rights, Peace and Development (ST/HR/SER.A/10) should be taken into consideration by Member States in the search for international co-operation in that field.

43. There could be no development without peace, and there could be no peace without development. In the search for development, the human person must be given special attention, and for that reason, Comrade Fidel Castro, President of the Council of State of Cuba, had stated in 1979 in the General Assembly that development consisted not merely in agriculture and industrialization but primarily in attention to the human person, who must be at the centre of any development effort. Cuba therefore regarded the establishment of the working group of 15 experts in pursuance of resolution 36 (XXXVII) of the Commission on Human Rights as an effective and positive step. Cuba, which was represented in that group, would do all it could to ensure the success of the group's work. The Cuban expert in that group had submitted for its consideration a draft declaration on the right to development.

(Mrs. Florez, Cuba)

44. Her delegation regarded the report of the Secretary-General on the implementation of General Assembly resolutions 34/46 and 35/174 (A/36/462) as a very positive one and believed that such a report should be issued every two years for consideration by the Third Committee. It shared the view expressed by the Secretary-General in paragraph 102 that the fundamental problem affecting the search for solutions to mass and flagrant violations of human rights of individuals and peoples was the failure of Member States to live up fully to the purposes and principles of the United Nations enshrined in the Charter and to implement conscientiously the provisions of relevant international instruments on human rights. For that reason, her delegation considered it important to strengthen the role of Governments in the strict observance of human rights.

45. Her delegation had expressed on many occasions its position on the various proposals aimed at establishing new organs in the field of human rights. Cuba believed that the establishment of new bodies in the field of human rights, such as a high commissioner's office, or any supranational body, was unnecessary and was neither feasible nor advisable. Instead, the existing bodies and procedures within the United Nations for dealing with human-rights questions, such as the Commission on Human Rights, should be improved and strengthened. Her delegation viewed the Commission as the main subsidiary body of the Economic and Social Council entrusted with the preparation and co-ordination of United Nations work in the field of human rights. Furthermore, in view of the substantial increase of 37.2 per cent in the Organization's human-rights expenditures for the biennium 1980-1981, it was not advisable from a financial point of view to saddle the United Nations with new expenditures that would result from the establishment of new bodies in the field of human rights; instead, effective use must be made of the funds already allocated.

The meeting rose at 12.30 p.m.