



SUMMARY RECORD OF THE 36th MEETING

Chairman: Mr. ZADOR (Hungary)

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AGENDA ITEM 107: 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)

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The meeting was called to order at 3.10 p.m.

AGENDA ITEM 107: 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/40/3, A/40/160, A/40/277-E/1985/70, A/40/469, A/40/677)

1. Mrs. ESCOBAR (Spain) said that despite the work done by the United Nations in the field of human rights, those rights were still far from being universally respected. The important thing was to implement the provisions of existing legal instruments and to ensure that the established monitoring machinery played an effective role. As was well-known, the Spanish Government had always held that the charge of interference in the internal affairs of States could not be invoked in the case of flagrant violations of human rights. As the Head of the Spanish Government had said in his address to the General Assembly on 26 September 1985, the United Nations had opened a new era in which States could be called upon to account for their actions. Furthermore, Spain believed that there was no dichotomy between civil and political rights on the one hand and economic, social and cultural rights on the other. Those who saw an incompatibility between development and freedom were creating a false dilemma, for human freedom and well-being were inextricably linked.

2. In order to ensure effective respect for human rights, there was also a need for countries to adopt laws and set up appropriate institutions. She noted in that regard that the role played by the advisory services of the United Nations in the field of human rights had proven to be an extremely important one. Spain was also keenly interested in the possibility of the establishment of an office of High Commissioner for Human Rights.

3. In conclusion, her delegation welcomed the positive developments with regard to human rights in Latin America following the restoration of democracy in several countries of the region. The democratic system guaranteed respect for those rights and for fundamental freedoms, which was indispensable if human beings wished to live in freedom in a just society and a peaceful world.

4. Mr. POLOWCZYK (Poland) observed that Article 1 of the United Nations Charter stipulated that one of the purposes of the Organization was to promote and encourage respect for human rights and fundamental freedoms. That was no mere coincidence: there was a close relationship between peace and respect for human rights, as was confirmed by the report of the Secretary-General on international conditions and human rights contained in document A/40/677. As the international community knew from its experience of the horrors of the Second World War, wars always brought mass violations of human rights, which, in turn, endangered international peace and security. Hence the very serious threat to human rights posed by the arms race, which was about to be extended into outer space. Another negative consequence of the arms race was that it deprived societies of the human and material resources needed for their development and thus impeded the exercise of economic, social and cultural rights as well as civil and political rights. Halting the arms race, therefore, would be one way of ensuring the effective enjoyment of those rights.

(Mr. Polowczyk, Poland)

5. It was true that the United Nations had to its credit the elaboration of numerous legal instruments relating to human rights. Unfortunately, however, the implementation of those instruments at the international level was far from satisfactory. Thus, for example, notwithstanding the International Convention on the Elimination of All Forms of Racial Discrimination and the International Convention on the Suppression and Punishment of the Crime of Apartheid, as well as many declarations and resolutions adopted by the United Nations in that field, apartheid was still the official policy of the South African régime. If it was to put an end to that policy in southern Africa, the United Nations would need the co-operation of all Member States. Yet, as was common knowledge, it was denied that co-operation by the Western States, which continued to collaborate with the racist régime of South Africa.

6. It was generally recognized that the effectiveness of the United Nations in the field of human rights needed to be improved. In his delegation's view, a long-term programme should be set up in that field which would take account of the priorities indicated in General Assembly resolution 32/130. That resolution emphasized the need for the international community to accord priority to mass and flagrant violations of human rights such as those resulting from the refusal to recognize the fundamental rights of peoples to self-determination and of every nation to the exercise of full sovereignty over its wealth and natural resources. Another way of improving the situation of human rights would be to ensure that all Member States acceded to the international instruments relating to those rights. In that regard, his delegation observed that no country of the group of Western States had ratified the Convention on the Suppression and Punishment of the Crime of Apartheid. He noted further that his delegation attached great importance to the draft declaration on the right to development which had been submitted for adoption at the fortieth session of the General Assembly.

7. However, it was resolutely opposed to the suggestion that an office of High Commissioner for Human Rights should be established. In the first place, such a proposal would inevitably lead to interference in matters which were exclusively within the domestic jurisdiction of States. Moreover, it could hardly be expected that human rights would be interpreted in an identical fashion by countries with different social and political systems. Far from eliminating those differences, a supranational control body could only aggravate tensions in relations between countries, since it was bound to be used for political purposes.

8. Mr. TELLE (France) said that promotion of the effective enjoyment of human rights was still essential because in all too many countries, there was very often only a semblance of the rights recognized in more than 60 international instruments on the subject. In its work on that question, the Committee had sought a fair balance between individual and collective rights. It had done the same with regard to civil and political rights on the one hand and economic, social and cultural rights on the other, and had endeavoured to avoid establishing any precondition for the enjoyment of civil and political rights.

(Mr. Telle, France)

9. The draft declaration on the right to development submitted by Yugoslavia was a realistic contribution in that it represented a compromise. However, that instrument could have full effect only if it was adopted by consensus, for the right to development was above all a right of solidarity and it was important for that solidarity to be universal.

10. His delegation welcomed the adoption by consensus in 1984 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which France had been one of the first to sign and which the French Parliament had just ratified. In addition to its work on that Convention, the United Nations had prepared several complementary measures for the protection and promotion of human rights, such as the appointment of special rapporteurs on the human rights situation in specific regions, the use of a thematic approach, as in the case of summary or arbitrary executions and involuntary or forced disappearances, and the consideration of particular situations under the confidential "1503 procedure" of the Commission on Human Rights.

11. The Sub-Commission on Prevention of Discrimination and Protection of Minorities could take useful and effective action by supplementing the work of the Commission on Human Rights between its sessions, for no other provision had so far been made for responding to serious cases of flagrant violation of human rights. For more than 10 months out of 12 the Commission could not take any decisions and had no means of ensuring that the decisions it had taken were carried out. It was regrettable that the discussion of the topic in the Third Committee was making no progress. His delegation also regretted that the Commission had not been able at recent sessions to give appropriate consideration to the question of the establishment of an office of United Nations High Commissioner for Human Rights.

12. Mr. DAMM (Chile) noted that in their statements on the occasion of the fortieth anniversary of the United Nations many heads of State had stressed the importance of the fact that the international community had recognized the individual as the fundamental subject of international law. The large number of legal instruments to which countries had acceded in recent years was evidence of such recognition. That was a positive result.

13. Nevertheless, much remained to be done to ensure genuine respect for the commitments entered into under those instruments. The lack of a suitable mechanism and the fact that organs such as the Third Committee used the cause of human rights for political purposes and in a discriminatory manner were also to be regretted. His delegation could only reiterate what it had said on many occasions, namely that the procedures for ensuring fulfilment of international human rights obligations must be universal, objective and non-discriminatory. Among the initiatives which seemed to meet those conditions his delegation was particularly in favour of the establishment of an office of High Commissioner for Human Rights. The idea of such an institution had been gaining ground in Latin America. As to the countries which were against the proposal, it might be wondered whether their opposition did not stem from the fact that they could hardly be said to respect human rights as rigorously as they claimed. It was puerile to argue that the establishment of an

(Mr. Damm, Chile)

office of High Commissioner for Human Rights would lead to an increase in bureaucracy. It was perfectly possible to envisage restructuring certain bodies in the United Nations system without upsetting their normal operation, so as to free human and financial resources for allocation to an Office of High Commissioner.

14. Mrs. RODGERS (United States of America) said that before the founding of the United Nations and the adoption of the Charter the way in which a Government treated its people was not a subject of international law and was not considered to be a legitimate concern of other Governments or institutions. However, history showed that respect for human rights and democracy always went hand in hand with respect for peace. By accepting the Charter of the United Nations all Member States had made a pledge to take joint and separate action for the promotion of respect for human rights and fundamental freedoms. The Commission on Human Rights, established under Article 68 of the Charter, and the other relevant bodies had undertaken to elaborate standards in that field, beginning with the Universal Declaration of Human Rights and proceeding by way of other important instruments to the adoption in 1984 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. That standard-setting exercise was not completed.

15. However, it was not sufficient to enumerate and define rights; it was also necessary for domestic institutions to respect them and for the United Nations to monitor their observance. The United Nations had become more active in that area over the past 20 years. The entire international community had rejected the argument that United Nations action constituted interference in the affairs of sovereign States. Since the 1960s the United Nations had established a number of mechanisms and had appointed special rapporteurs, representatives or experts to study the situation of human rights in certain countries. Unfortunately, the Organization had been extremely selective and biased in that work. Small countries from one specific region and with one particular form of government had received more than their share of criticism. Her delegation did not despair of the situation and was working to improve the Organization's credibility. The most recent sessions of the Commission on Human Rights had provided hope of change in that respect: the Commission had taken action on a number of cases of serious violation of human rights in various parts of the world. It had also begun to study certain violations of human rights on a global basis, such as enforced or involuntary disappearances, summary or arbitrary executions, and torture.

16. In seeking to define human rights and fundamental freedoms, a task on which it had been engaged for 40 years, the United Nations considered the important concepts which those terms covered. The item on alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms was a particularly suitable framework for such consideration. Unfortunately, some delegations which were not serious about human rights had introduced extraneous issues into the debate on the item in order to impede the work of the United Nations in that area. For her delegation, human rights meant essentially the rights of the individual. If a right was to have any

(Mrs. Rodgers, United States)

meaning, citizens must be able to have their claims to protection of such rights enforced in the courts. That was the case in the United States, where civil and political rights were guaranteed by the Constitution.

17. The United States recognized the importance of economic and social development for the well-being of citizens. However it maintained that economic, social and cultural rights belonged in a qualitatively different category from civil and political rights. Economic and social rights were the goals of government policy. Those goals could be attained only in a system which allowed each individual freedom of choice, facilitated economic development and guaranteed everyone decent working conditions and an adequate standard of living, as was the case in the United States system. It was quite understandable that some countries should be preoccupied with development issues and should raise those issues in the United Nations. Her delegation insisted, however, that the promotion of economic development could never provide an excuse for the denial of basic civil and political rights. Individual freedom and national development were closely linked. It was only through the expansion of individual freedoms and human rights that a society could develop economically. The international community had a role to play in the effort to solve economic and social problems, but Governments bore the primary responsibility for liberating the spirit of initiative and creativity of their peoples. The United States, for its part, was ready as in the past to assist the developing countries to satisfy their legitimate economic aspirations. It was interesting to note in that respect that the Western democracies provided about 92 per cent of the voluntary contributions to United Nations development bodies, that the developing countries themselves contributed about 7 per cent, and that the contributions of the so-called socialist countries of Eastern Europe, which constantly preached about their concern for economic and social rights, amounted to less than 1 per cent of the total.

18. With regard to the right to development, the United States was convinced that the Working Group of Governmental Experts on the Right to Development of the Commission on Human Rights could arrive at an agreement about that rather new and unclear concept. It therefore regretted that in March 1985 a majority of the members of the Commission decided to send the documentation from the Working Group to the General Assembly without allowing the Group to complete its task. In previous years, the United States had voted against the politically motivated General Assembly resolutions that declared the right to development to be an inalienable human right. It was not logical to proclaim a new human right without having a clear idea of its definition. Her delegation remained ready to work with others towards a consensus declaration on the subject. The draft declaration submitted by Yugoslavia, despite certain difficulties, appeared to represent a positive contribution. Her delegation stressed that any definition of the "right to development" must take account of the fact that human rights were exercised by individuals and that economic rights, unlike civil and political rights, did not lend themselves to legally binding or enforceable commitments.

19. Mr. RUSI (Finland) said that human rights, whether civil and political or economic, social and cultural, were intended to protect the individual. The codification of human rights had greatly advanced with every declaration, covenant or convention adopted. Such standards, however, needed to be better understood, more widely accepted and, above all, better implemented. To that end, it was essential that educational and informational activities should be increased in order to make human rights better known to people at large and to familiarize them with the provisions of international instruments. The constructive role played in that connection at the national and international levels by non-governmental organizations should not be forgotten.

20. In order to make the United Nations an efficient instrument for the promotion of human rights, the competent bodies in the field should be strengthened and expanded. Finland therefore supported the proposal for the creation of a post of United Nations high commissioner for human rights. His delegation, like others, considered that advisory services could also play a very positive role. Unfortunately, since the inception of those services in 1956, only a few Governments had availed themselves of them. Governments undoubtedly feared that recourse to such services implied that they were unable to secure respect for human rights in their countries. It was to be hoped that attitude would change.

21. On the subject of the right to development, his delegation recognized that development in the widest sense of the word was one of the overriding concerns of all countries. It was thus natural that it should receive due attention throughout the United Nations system. There could be no doubt that lack of progress in economic, social and cultural development throughout the world explained most of the shortcomings in the enjoyment of human rights. The right to social security, health and education, among others, was closely linked to the stage of development reached in a given country. However, the fact that different stages of development existed did not prevent the recognition and implementation of the human rights defined in the two International Covenants. In fact, the two Covenants taken together could be regarded as constituting a programme of development which focused on the freedom and well-being of every human person. While it was true that every State had a right to development and had even a duty to its own citizens to promote development, the right to development of every State must not be confused with the concept of a right to development as a human right. Human rights were first and foremost those of the individual, although some of them could be exercised by groups or communities of individuals. The right to development as a human right must include the right of every individual to benefit fairly from overall development in society. Furthermore, the right to development could be regarded as a right that required joint action by communities or groups of individuals working for common goals in a spirit of solidarity. All those aspects of the right to development could be elaborated in a relatively concise document. His delegation had already had occasion to make clear to the Commission on Human Rights its reservations on the decision to lay the question before the General Assembly before the Commission's Working Group had arrived at recommendations on the issue. It hoped that the Third Committee would not take action on the document on the right to development before all possibilities of reaching consensus had been exhausted.

22. Mr. FORTEZA (Uruguay) said that in restoring democracy, his country had reverted to its traditional position on human rights, which was characterized by scrupulous respect for those rights and the promotion of measures to ensure their protection at the international level. Like all democratic Governments, his Government maintained that the protection of fundamental human rights lay outside the exclusive jurisdiction of States for a number of basic reasons. The first reason was a philosophical one. The international community was made up of human beings whose inalienable rights extended beyond the legal framework of the countries in which they lived. The second reason was a legal one. Each State Member of the United Nations was obliged under the Charter to respect human rights and to promote respect for them. The third reason was a political one. No genuine peace could be established within or beyond national frontiers unless human rights were scrupulously respected.

23. He recalled that 35 years previously, in 1950, the Uruguayan delegation had proposed to the Third Committee a draft resolution on the establishment of an office of high commissioner for human rights; it had taken the view at that time, even before the international community had adopted the Covenants on civil and political rights and on economic and social rights, that the best method of preventing violations of human rights would be to appoint a high commissioner to take action in cases of such violations, either by virtue of his office or whenever he received a complaint. The following year, the Uruguayan representative on the Economic and Social Council had recalled the proposal Uruguay had made at the fifth session of the General Assembly. The proposal had been to have the Commission on Human Rights study the advisability and propriety of establishing a permanent United Nations agency under the authority of a procurator-general or high commissioner for human rights, with the following powers: to receive reports of alleged violations of the covenant submitted by States, by authorized associations or by individuals; to investigate such reports either alone or with the assistance of regional commissioners, with ample power to reject such reports as might prove to be unfounded or frivolous; to supervise the general implementation of the covenant by its signatories; in all cases to endeavour to reach friendly solutions before taking further action; and, in conformity with juridical standards to be established, to refer cases in which, after the appropriate investigations had been made, it was considered that grave violations of the covenant had taken place, and for which it had not been possible to find a friendly solution, to a central commission established for that purpose. It had also been proposed that the powers of the commission with regard to the performance of its tasks should be the subject of special decisions.

24. In the opinion of his delegation, sufficient time had elapsed for the international community to come to a final decision on the issue, which was directly concerned with the defence of human dignity. Uruguay naturally attached great importance to the project, an idea it had been responsible for putting forward 35 years previously, and considered that the Commission on Human Rights should abandon its practice of continually postponing consideration of the question of establishing a United Nations high commissioner for human rights.

25. Mr. RODRIGO (Sri Lanka) said that the debate on item 107 was aimed not at seeking approaches for improving the effective enjoyment of human rights to replace those that already existed, but rather at placing human rights in a wider context. Since the adoption of the Charter, there had been a continuous process of giving clearer form and a wider interpretation to the concept of human rights. Analytical work by the Human Rights Committee on individual articles of the International Covenant on Civil and Political Rights was also continuing. The debate on economic, social and cultural rights also needed to be pursued further.

26. The Secretary-General, in his report on international conditions and human rights (A/40/677), had noted the interdependence and the indivisibility of all human rights. Similarly, in its resolution 39/145, the General Assembly had expressed concern that the lack of progress towards the establishment of the new international economic order had adverse effects on the full realization of human rights, in particular, the right to development. The World Food Council, reporting on the economic crisis in Africa which had caused the death of 15 million children, had concluded that access to adequate food was a human right. The World Bank considered its contribution fully consonant with the development of the rights and freedoms that could best be fulfilled with economic growth and security. The General Assembly was considering at its current session the report of the Working Group of Governmental Experts on the Right to Development, as well as a draft declaration on that complex but vital right. His delegation, which had supported resolution 1985/43 of the Commission on Human Rights on the right to development, sincerely hoped that it would be possible to have the declaration adopted by consensus in the fortieth anniversary year of the United Nations.

27. The concept of the right to development clarified the nexus between national and international requirements for the enjoyment of human rights. One of those requirements was the establishment of a new international economic order, which would enable all countries to attain their full economic potential. The other imperative was disarmament, particularly nuclear disarmament, since the right to life and security was one of the most basic of human rights. An end to the brutal manifestation of the institutionalized racism of apartheid was also an essential requirement.

28. At the national level, his delegation was of the view that effective action could be taken by local institutions. His Government had established in Colombo a Centre for Human Rights, which had undertaken extensive programmes within the country, with particular stress being laid on the education of the people. The exchange of information and experience among national institutions would doubtlessly help to further the efforts being made at the regional level.

29. Mrs. TIRONA (Philippines) said that the question of alternative ways and means within the United Nations system for improving the effective enjoyment of human rights should be approached with extreme caution in order to pre-empt any results which were counter-productive to the goals pursued; it must be viewed in terms of basic priorities and geo-political realities. The proposed approaches must follow a logical sequence and must take into account the basic needs of man. Experience had shown that those basic needs were peace and development, which were indispensable for the enjoyment of all other rights. Peace and development must

(Mrs. Tirona, Philippines)

therefore remain at the heart of the activities of the United Nations system in the field of human rights. The United Nations was an association of independent and sovereign States. Those States themselves must make efforts to strengthen the United Nations system in order to promote development and peace effectively. Those efforts must be pursued since that was the only means of ensuring the effective enjoyment of human rights and fundamental freedoms.

30. Standard-setting in the field of human rights was a delicate and complex question. It was very difficult to adopt a common measure because of the many different factors involved in the question of human rights.

31. Having established a system of direct popular participation in government as early as the fifteenth century, the Philippines was the oldest democracy in Asia. It was a signatory to almost all the international human rights instruments. For those two reasons, it would continue to uphold the protection of human rights and the expansion of individual liberties. The cardinal act of faith of the civilization of the Philippines was the inviolable character of the individual. On the other hand, the enjoyment of human rights must flow from respect for the sovereignty of States and non-interference in their internal affairs, principles already embodied in the Charter. For the Philippines, every human being had, among other inalienable rights, the right to peace, development, freedom and democracy, as well as the right to life with dignity. Those rights were, moreover, enshrined in the Constitution and relevant legislation of the Philippines.

32. With regard to the role of the media in the promotion of human rights, she recalled a declaration adopted by UNESCO in 1978, according to which freedom of information required the willingness to employ its privileges without abuse. That cardinal rule must be respected so that, with the assistance of the media, all nations and individuals could truly help to promote respect for human rights.

33. Mrs. MOIZ (Pakistan) said that the right to development, which was an inalienable right, was dependent on a number of factors, including peace and security. However, the world was currently witnessing an upsurge of violence, including the violation of the sovereignty and independence of small States, the use of force, foreign intervention, racism, discrimination and apartheid, as well as the arms race, particularly the growth of nuclear arsenals. At the same time, a vast section of humanity lived in misery and remained subjected to an inequitable international economic order, which continued to accentuate the gap between the poor and the rich.

34. While it appreciated the initiative of the delegation of Yugoslavia in submitting a draft declaration on the right to development, her delegation felt that the text needed to be strengthened. It should state all the factors which were relevant to the realization of that right. Pakistan would wish, in particular, to see stronger references to the promotion of world peace and security, the right of peoples to self-determination, the new international economic order, equality of opportunities for development and the elimination of the massive and flagrant violations of the rights of peoples, particularly those

(Mrs. Moiz, Pakistan)

resulting from foreign occupation and alien domination. The document should also include a reference to racism and racial discrimination. Certain sections, such as the reference to "associations and other groups" in article 2, paragraph 4, of the draft, were too vague and needed further elaboration. A declaration of that nature should also include a reference to international monetary problems and should call for a better distribution of financial resources as well as the removal of barriers to the exports of developing countries. It must, finally, stress the importance of balanced development in all areas. She hoped that the Third Committee would be able to adopt by consensus a declaration on the right to development which would fully reflect the prerequisites for the realization of that right.

35. Mr. POLICHTCHOUK (Ukrainian Soviet Socialist Republic) said that human rights were a universal concept which encompassed the rights and freedoms not only of individuals but also of peoples, and the latter were entitled to exercise the right to self-determination and to pursue their development freely. That was why his delegation emphasized once again, with regard to the draft declaration on the right to development (A/40/277-E/1985/70), that that right should be defined primarily as the right of all States and of all peoples to peaceful, free and independent development.

36. The interdependence of all human rights and freedoms was enshrined in chapter 6 of the Constitution of the Ukrainian SSR. All citizens of the Republic had the right to work, rest, health protection, housing and education, and also enjoyed political, social, economic and cultural rights. The Ukrainian SSR fulfilled all its obligations under the many international human rights instruments to which it was a party.

37. There were currently a large number of international instruments on human rights, and those rights were being codified. A convention on the rights of the child and another on the protection of the rights of all migrant workers and their families were currently being prepared. His delegation considered that, if one wished to improve United Nations activities in the field of human rights, the existing bodies should be strengthened through strict observance of the provisions of the Charter of the United Nations and the relevant General Assembly resolutions, in particular resolutions 32/130, 34/46 and 36/103. Those resolutions set forth the following principles: the need to eliminate the mass and flagrant violations of human rights resulting from apartheid, racial discrimination, colonialism, foreign domination and aggression; the indivisibility and interdependence of all human rights and fundamental freedoms; the impossibility of implementing fully civil and political rights without respecting economic, social and cultural rights; and the inadmissibility of the distortion of human rights issues as a means of interference in the internal affairs of States.

38. The various proposals for creating supranational bodies or posts, such as that of a High Commissioner for Human Rights, served to conceal the reluctance of certain countries to co-operate in the field of human rights. Those proposals were in fact aimed at diverting the attention of world public opinion and the United

(Mr. Polichtchouk, Ukrainian SSR)

Nations from the efforts to prevent flagrant violations of human rights. Finally, those proposals were contrary to the provisions of Article 2, paragraph 7, of the Charter, since their sponsors sought deliberately to intervene in the internal affairs of sovereign States.

39. The decisions regarding international co-operation in the field of human rights were taken by bodies composed of representatives of sovereign States. Those States were responsible for guaranteeing in practice respect for the rights and fundamental freedoms of their citizens. All the laws which had been adopted and all the measures which had been taken in that area were within the exclusive jurisdiction of those States. Although States had the right to co-operate with a view to promoting and developing respect for human rights, it was completely erroneous to claim that the United Nations had the primary responsibility for protecting those rights.

40. Mr. DUGUAY (Canada) said that the possibility of establishing the office of a United Nations High Commissioner for Human Rights had often been considered under item 107. His delegation believed that such an office would be of great assistance to Member States in ensuring the effective enjoyment of human rights and freedoms of citizens. It was a matter of regret that many States continued to consider such an office undesirable or premature, and Canada hoped that such doubts and hesitations could be overcome through discussion of that issue in the Commission on Human Rights.

41. It was also under item 107 that the Third Committee considered the question of national institutions to protect and promote human rights. His delegation believed that strong and active institutions at the national level were essential for ensuring respect and enjoyment of human rights. Without a strong and independent judiciary, the guarantees provided by constitutions and international conventions were of little practical value to individuals. It was therefore the duty of States to create institutions to inform citizens of their rights and assist them in exercising the same.

42. Canada considered that the United Nations had a role to play in that field. The United Nations had the responsibility of informing people in all Member States of the standards in human rights which had received international endorsement. The Commission on Human Rights was the most appropriate forum in that respect. However, his delegation would expect the General Assembly to give its support to the Secretariat, and particularly to the Centre for Human Rights, so that the Centre could continue to make such information available to all.

43. After some years of debate in the Third Committee and the Commission on Human Rights, it seemed possible that the Assembly might adopt a declaration on the right to development at the current session. In the Economic and Social Council, Canada had voted against the proposal to bring the matter to the General Assembly at the current stage. His delegation considered that any declaration on such an important matter should be adopted by consensus. Neither the proceedings of the Working Group of Governmental Experts nor the debates in the Commission had given any hope

(Mr. Duguay, Canada)

that consensus would be possible. Canada believed that only the text presented by the delegation of Yugoslavia had a chance of receiving the general agreement of Member States. His delegation had examined that draft with the greatest care and considered, despite reservations on aspects of the text, that the draft represented the best compromise possible. Canada was therefore prepared to join in a consensus support of that draft, and urged other delegations to do likewise. However, his delegation noted that Canada would have to reconsider its position if there was any attempt to amend the draft in a way that would disturb the delicate balance which was its outstanding quality.

44. Miss CAO-PINNA (Italy) said that her delegation fully concurred in the Secretary-General's analysis of human rights issues in his report on international conditions and human rights (A/40/677). In paragraph 8 of that report, the Secretary-General stated: "... in spite of the problems and obstacles encountered the international community as represented by and through the United Nations is actively engaged in a continuing process of considering those problems, attempting to react and responding to them as best it can". "As best it can" probably meant that, by virtue of the role which the Charter assigned to the Organization, the international community could only encourage and promote human rights. The role of protection was left to Member States, which, in most cases, were deeply attached to the principle of non-interference in their internal matters. Ways of breaking that vicious circle should be found within the framework of the Organization.

45. The Secretary-General rightly noted, in paragraph 35 of his report, that the return to democratic forms of government in a number of countries was the most notable of the major, positive developments which had occurred in the last two years. At the same time, it should be noted that the elimination of flagrant violations of human rights and fundamental freedoms had only been achieved through the efforts of the affected peoples themselves. Her delegation believed that, in the cases in question, the establishment of a post for a United Nations High Commissioner for Human Rights could have helped at least to mitigate the horrible violations of human rights which had been committed.

46. In paragraph 46 of his report, the Secretary-General urged the international community not to be paralysed by the gap between its aspirations and the reality of world affairs. Her delegation wished to assure the Secretary-General that its statements in bodies entrusted with the promotion of human rights were inspired not by scepticism but by commitment to the cause of human rights.

47. Finally, in spite of its reservations on the new compromise formulations proposed by Yugoslavia in the draft declaration on the right to development (A/40/277), in particular regarding the wording of article 10 of that draft, her delegation was pleased that there appeared to be a possibility of adopting that text by consensus.

The meeting rose at 5.30 p.m.