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COMMISSION ON HUMAN RIGHTS

Fortieth session

SUMMARY RECORD OF THE 18th MEETING

Held at the Palais des Nations, Geneva,
on Friday, 17 February 1984, at 3 p.m.

Chairman: Mr. KOOLJMAN (Netherlands)

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GE.84-15313

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

QUESTION OF THE HUMAN RIGHTS OF ALL PERSONS SUBJECTED TO ANY FORM OF DETENTION OR IMPRISONMENT, IN PARTICULAR:

- (a) TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT
- (b) QUESTION OF ENFORCED OR INVOLUNTARY DISAPPEARANCES (agenda item 10)
(E/CN.4/1984/17, 19, 21 and 21/Add.1; E/CN.4/Sub.2/1983/15 and Add.1;
E/CN.4/1983/63)

1. Mr. HERNDL (Assistant Secretary-General for Human Rights), introducing the agenda item as a whole, said that, on the general question covered by the item, reference might be made to article 3 of the Universal Declaration of Human Rights, which provided that everyone had the right to life, liberty and security of person. Article 9 of the Declaration added that no one should be subjected to arbitrary arrest, detention or exile. Those provisions were duly reflected in the International Covenant on Civil and Political Rights, article 6 of which provided that: "Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life". Article 9 of that Covenant stated: "Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law".
2. Attention should also be drawn to the Standard Minimum Rules for the Treatment of Prisoners, adopted in 1955 by the first United Nations Congress on the Prevention of Crime and the Treatment of Offenders, and approved by the Economic and Social Council in subsequent resolutions.
3. Over the years, human rights organs had approached the question of the human rights of all persons subjected to any form of detention or imprisonment from various angles. An important study on the right of everyone to be free from arbitrary arrest or detention had been prepared under the Commission's auspices. Following its completion, a related study on the right of persons in custody to communicate with counsel of their choice had also been prepared under the Commission's auspices.
4. Continuing concern to secure the human rights of all persons subjected to any form of detention or imprisonment had led to the inclusion, as a regular topic on the agenda of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, of an item on the human rights of persons subjected to any form of detention or imprisonment. For the Sub-Commission's consideration of that item, information was requested annually from Governments, intergovernmental organizations and non-governmental organizations in consultative status. The material received by the Secretary-General was transmitted to the Sub-Commission. Any submissions by non-governmental organizations were presented in the form of an analytical summary. The Sub-Commission had recently established a sessional working group to examine the information received.
5. On the basis of the work of its own sessional Working Group on Detention, the Sub-Commission at its previous session had adopted a number of resolutions, including resolution 1983/23, in which it had requested that Group to prepare a first draft of a declaration against unacknowledged detention of persons and to submit the draft to it at its next session, for submission to the Commission at its forty-first session.

6. In resolution 1983/34, the Sub-Commission had requested Mr. Joinet to prepare a general study of a technical nature on amnesty laws and their role in the safeguarding and promotion of human rights, including the minimum criteria generally accepted in the various legal systems.

7. In resolution 1983/24, the Sub-Commission had requested the Commission to invite the Committee on Crime Prevention and Control at its eighth session to consider how the question of restraints on the use of force by law enforcement officials and military personnel might effectively be examined by the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders.

8. In its resolution 1983/30, the Sub-Commission had also referred to its Working Group on Detention a number of proposals concerning the period of imprisonment, the right to a fair trial, capital punishment and penal procedures.

9. The Sub-Commission had also recommended to the Commission a draft resolution, the text of which appeared in the report of the Sub-Commission (E/CN.4/1984/3, chap. I A, draft resolution XIV).

10. On the question of the rights of prisoners and detainees, he referred to a special ceremony held at United Nations Headquarters on the eve of Human Rights Day 1983, at which representatives of Amnesty International had handed to the Secretary-General of the United Nations and the President of the General Assembly more than 1.5 million signatures in support of Amnesty International's appeal on behalf of prisoners of conscience. The handing-over ceremony had launched a series of world-wide activities in support of the appeal. On receiving the signatures, the Secretary-General had made the following statement:

"I accept this appeal with deep concern. The story which it tells and which you have just related is indeed disturbing. In our day and age people should not have to suffer for their conscience, their beliefs or their opinions.

"The Charter of the United Nations preaches tolerance and understanding among nations and peoples, and the Universal Declaration of Human Rights requires that this very tolerance and understanding be practised between individual human beings as well as between Governments and their people.

"It is very distressing that, notwithstanding these commitments, there are still many thousands of political prisoners in the world today.

"In drawing attention to this issue, Amnesty International has once again rendered a valuable service to the entire international community. Your previous campaigns against torture, the death penalty, arbitrary and summary executions, and now against political imprisonment, have served to focus world opinion on these problems in a very special way.

"I want you to know that we at the United Nations are grateful for the work which you are doing with such dedication and skill. The world owes you a debt of gratitude for your efforts.

"I should also like to assure you that the Commission on Human Rights will be appropriately informed of this appeal.

"Please rest assured that you have my full understanding and support even if, for reasons which you will appreciate, I sometimes must operate in ways which are different from yours.

"I thank you very much for your courageous efforts and strongly encourage you to continue your good work."

11. On the same occasion, the President of the General Assembly had stated:

"The movement to protect human rights and fundamental freedoms is sponsored by the United Nations Organization under the powers given in Article 1 and other provisions of the United Nations Charter. However, it is evident that the formulation of binding general rules of international law for the protection of human rights and fundamental freedoms by adequate machinery for their enforcement still remains more a promise than an achievement.

"The worldwide appeal for a 'Universal amnesty for all prisoners of conscience' presented today by Amnesty International ... is in harmony with the Charter, the Universal Declaration of Human Rights, the General Assembly Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and other human rights instruments proclaimed by the United Nations.

"Without passing judgement as to the merits of any particular case, the appeal addressed to the General Assembly and to all Governments endorsed by more than one million signatures, is giving effectiveness to the popular participation recommended by the General Assembly as an important factor in development and in the realization of human rights, and among them the fundamental right of the self-determination of peoples and nations.

"Let me express to Amnesty International how grateful we are at the United Nations for the outstanding work it is performing to advance the ideals of the United Nations and the movement for the protection of human rights and fundamental freedoms. Amnesty International is making effectively good the rule that 'eternal vigilance is the price of liberty'."

12. Under the agenda item concerning the human rights of all persons subjected to any form of detention or imprisonment, the Commission and the Sub-Commission had also been considering the implications for human rights of developments concerning situations known as states of siege or emergency. Under the auspices of those two bodies, an important study on those implications had been prepared by Mrs. Questiaux, Special Rapporteur of the Sub-Commission. By resolution 1983/18, the Commission had requested the Secretary-General to invite Governments, the relevant organs of the United Nations, the specialized agencies, and the regional intergovernmental and non-governmental organizations concerned to submit any comments they might have on the study, and to compile the comments received and forward them to the Sub-Commission at its thirty-sixth session and to the Commission at its current session. The replies received had accordingly been transmitted to the Sub-Commission and were available in document E/CN.4/Sub.2/1983/15 and Add.1 and 2. Replies received after the closure of the Sub-Commission's thirty-sixth session were reproduced in the note by the Secretary-General (E/CN.4/1984/17).

13. By its resolution 1983/18, the Commission had also requested the Sub-Commission, at its thirty-sixth session, to give further attention to the study and, taking into account the comments received, to propose for the Commission's consideration at the current session measures designed to ensure respect throughout the world for human rights and fundamental freedoms in situations where states of siege or emergency existed, and particularly for the rights referred to in article 4, paragraph 2, of the International Covenant on Civil and Political Rights.

14. At its most recent session, the Sub-Commission had considered the matter and, by its resolution 1983/30, had decided to include in its agenda an item entitled "Implementation of the right of derogation provided for under article 4 of the International Covenant on Civil and Political Rights and violation of human rights", for the purpose of (a) requesting its Working Group on Detention to draw up and update annually a list of countries which proclaimed or terminated a state of emergency, and (b) submitting to the Commission annually a special report containing reliably-attested information on compliance with the internal and international rules guaranteeing the legality of the introduction of a state of emergency. Reference would be made in that connection to the principles defined in the study on human rights and states of emergency. By the same resolution, the Sub-Commission had requested the Commission to consider its special report at each of its sessions.

15. Turning to the question of torture and other cruel, inhuman or degrading treatment or punishment, he recalled that, in the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the General Assembly had stated that "Any act of torture or other cruel, inhuman or degrading treatment or punishment is an offence to human dignity and shall be condemned as a denial of the purposes of the Charter of the United Nations and as a violation of the human rights and fundamental freedoms proclaimed in the Universal Declaration of Human Rights." The General Assembly had added that "No State may permit or tolerate torture or other cruel, inhuman or degrading treatment or punishment. Exceptional circumstances such as a state of war or a threat of war, internal political instability or any other public emergency may not be invoked as a justification of torture or other cruel, inhuman or degrading treatment or punishment". Subsequent to the adoption of the Declaration, the General Assembly had given attention to its implementation and had for some years requested reports from Member States and international organizations on the measures taken to give effect to the Declaration. The information received by the Assembly had been transmitted to the Sub-Commission and other human rights organs.

16. Following the adoption of the Declaration in 1975, the General Assembly at its thirty-second session had requested the Commission to study the question of torture as well as steps for ensuring the effective observance of the Declaration and to draw up a draft convention against torture and other cruel, inhuman or degrading treatment or punishment, in the light of the principles embodied in the Declaration.

17. The question of the drafting of such a convention had been examined by the Commission at each of its sessions since its thirty-fourth session in 1978. Prior to each session, as authorized by the Economic and Social Council, the Commission had established an informal open-ended Working Group to meet for one week with a view to completing the work on the draft convention, including provisions for its effective implementation. The Working Group had met from 30 January to 3 February 1984 and again during the Commission's current session. The Chairman/Rapporteur of the Working Group would submit the Group's report on the question.

18. By its resolution 38/119, the General Assembly had requested the Commission to complete the drafting of the convention at its current session as a matter of highest priority, with a view to submitting a draft, including provisions for the effective implementation of the future convention, to the General Assembly at its thirty-ninth session.

19. By its resolution 1983/19, the Commission had requested the Secretary-General to keep it informed annually of the operation of the United Nations Voluntary Fund for Victims of Torture. He drew attention to the Secretary-General's report to the General Assembly on the Fund (A/38/221). The Commission also had before it a note (E/CN.4/1984/19) updating the information in that report. Attention might further be drawn to General Assembly resolution 38/92, whereby the General Assembly had expressed its gratitude and appreciation to those Governments and individuals that had already contributed to the Fund, and had called upon all Governments, organizations and individuals in a position to do so to respond favourably to requests for contributions to the Fund. He wished, on behalf of the Secretary-General, to reiterate that appeal.

20. The question of enforced or involuntary disappearances had been given attention at recent sessions of the General Assembly, the Commission and the Sub-Commission. In resolution 33/173, the General Assembly had expressed its deep concern that reports from various parts of the world relating to enforced or involuntary disappearances. That concern had been reiterated at subsequent sessions. At its most recent session, the General Assembly had adopted resolution 38/94 on the question.

21. He further recalled that, at its thirty-sixth session, the Commission, with the endorsement of the Economic and Social Council, had established a Working Group of five of its members to serve as experts in their individual capacity for the examination of matters relating to enforced or involuntary disappearances. The Working Group had submitted reports to the Commission at its thirty-seventh, thirty-eighth and thirty-ninth sessions and at the current session. Its latest report (E/CN.4/1984/21) would be introduced by its Chairman/Rapporteur.

22. Lord COLVILLE OF CULROSS (United Kingdom) (Chairman/Rapporteur of the Working Group on Enforced or Involuntary Disappearances), introducing the report of the Working Group (E/CN.4/1984/21 and Add.1), said that the addendum was a document of substance since it contained new material concerning several important countries.

23. Since the renewal of its mandate in May 1983, the Group had held three five-day sessions at which members had been able to carry out much detailed work. It had developed and maintained its contacts, which were not confined to the official level. Families, representatives of family organizations and non-governmental organizations had made constructive suggestions, which were reflected in the report.

24. The Group provided a focus for continued activity throughout the year, with the receipt of additional reports of disappearances and some proposed solutions. Good use had again been made of the urgent action procedure, and the existence of a recognized channel of communication, whereby aspects of the problem in various countries could remain under review and initiatives could be developed, had also proved valuable. The latter process, which had taken many different forms, complemented the participation by members of the Group in conferences and discussions in which the phenomenon of disappearances was analysed and the need for solving existing cases and preventing new ones stressed. The operation of an increased number of national institutions for investigating disappearances had been studied and encouraged. Chapter VII of the report, and the addendum, gave some details of those activities. He had told a number of government representatives that it was never too late to provide answers. Earlier that week, the Permanent Mission of Nicaragua to the United Nations Office at Geneva had

transmitted information on 23 reports of enforced or involuntary disappearances in that country. The Government had stated that the persons concerned in 5 of the cases were at liberty; that in 12 cases there were no records of arrest; that 2 of the persons concerned were in detention; that 3 cases were still under investigation; and that in 1 case the person concerned had been killed by a border post guard, who was currently being dealt with in accordance with the law. That information could be made available to the Commission in a second addendum.

25. Chapter VI of the report was not new, but enforced or involuntary disappearances gave rise to such extensive violations of human rights that the catalogue must be repeated. He welcomed the reference by the Assistant Secretary-General to the Standard Minimum Rules for the Treatment of Prisoners, which were mentioned in that chapter. The violations concerned had been condemned on numerous occasions. In chapter V the short summary of a symposium held in Buenos Aires in March 1983 might be of interest. What emerged was a picture of the long-term damage done to children by the disappearance of one parent or both. When the rights of a human being were flagrantly violated, adults and children alike suffered. That was the reality underlying the human rights definitions in the Conventions.

26. The Group had again been unable to detect any profound scientific cause for enforced or involuntary disappearances. Internal unrest and strife, breakdown of law and order, and failure of constitutional safeguards were the common factors. Since it was generally symptomatic of other troubles, the practice did not appear susceptible to generic analysis. The Group had consistently held that, given the political will, existing constitutions and judicial processes throughout the world could end the phenomenon overnight. That did not mean that the Group concerned itself with the internal politics of Member States, although it informed itself of current events. Voluntary disappearances were not the Group's concern, but if there were signs that a disappearance had not been voluntary, the Group would consider the case in the light of the normal admissibility rules. The transmission of a report to a Government denoted no accusation or judgement of culpability, but merely represented a request to the only competent authorities that it should use its resources to answer the questions raised by the family. Any success the Group had achieved in the pursuit of dialogue or in obtaining solutions depended entirely upon the principle that the task was apolitical and solely humanitarian. No other approach was possible.

27. The question of statistics was acknowledged to be difficult. He hoped that the statistics in the current report were clearer than those in the preceding report, but the problem of handling some of the older cases had not been overcome. As explained in the report, there were serious obstacles to any investigation in some countries. Older cases were under active investigation elsewhere and results might continue to be produced. The figures in the report, which showed the number of cases transmitted, country by country, since the start of the Group's work, must be read with reference to the qualifications in the accompanying text. Following the Commission's discussion in 1983, changes in methodology had been made. The Working Group would consider any further suggestions, and statements made during the debate on agenda item 10 (b) would be studied carefully.

28. With respect to paragraphs 20 and 21 of the report (E/CN.4/1984/21) concerning persons missing as a result of international armed conflict, the Group hoped that it had correctly interpreted the views expressed by the Commission during its discussion in 1983. He drew attention to paragraph 21 of the report, in which it was stated that the Group had discussed the question of its involvement

with victims of international armed conflicts in view of the existing jurisdiction of the International Committee of the Red Cross in such cases; that since there had been no express guidance from the Commission, the Group had taken the view that it was not within its competence under its current mandate to inquire into disappearances arising in such circumstances; that it had noted the requests made for its assistance in three such situations; and that the material presented to it would remain in the files.

29. While some information was available on virtually all the cases mentioned in the report, there were marked differences in the degree of co-operation that had been forthcoming. For some countries, only unofficial information was available. Elsewhere, co-operation had been, or was becoming, increasingly active. As could be seen from paragraph 170, however, success in clarifying cases had so far been very slight. The Governments of some countries in which there were current conflicts had given fuller answers. It must be borne in mind that, although families rightly complained when a person was arrested or had disappeared, they did not always notify the Group or any other body of his release.

30. For all those reasons, the Group had made the recommendation in paragraph 179 and the suggestion in paragraph 177 of its report. The whole-hearted support of the Commission and the international community was needed to solve outstanding cases and prevent further infringements of the human rights which representatives were pledged to uphold.

QUESTION OF THE REALIZATION IN ALL COUNTRIES OF THE ECONOMIC, SOCIAL AND CULTURAL RIGHTS CONTAINED IN THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND IN THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, AND STUDY OF SPECIAL PROBLEMS WHICH THE DEVELOPING COUNTRIES FACE IN THEIR EFFORTS TO ACHIEVE THESE HUMAN RIGHTS, INCLUDING:

- (a) PROBLEMS RELATED TO THE RIGHT TO ENJOY AN ADEQUATE STANDARD OF LIVING; THE RIGHT TO DEVELOPMENT
- (b) THE EFFECTS OF THE EXISTING UNJUST INTERNATIONAL ECONOMIC ORDER ON THE ECONOMIES OF THE DEVELOPING COUNTRIES, AND THE OBSTACLE THAT THIS REPRESENTS FOR THE IMPLEMENTATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS
- (c) THE RIGHT OF POPULAR PARTICIPATION IN ITS VARIOUS FORMS AS AN IMPORTANT FACTOR IN DEVELOPMENT AND IN THE REALIZATION OF HUMAN RIGHTS (agenda item 8) (continued) (E/CN.4/1984/12 and Add.1, E/CN.4/1984/13 and Corr.1 and 2, E/CN.4/1984/14, E/CN.4/1984/NGO/4 and 19, E/CN.4/Sub.2/1983/24 and Add.1/Rev.1 and Add.2).

STATUS OF THE INTERNATIONAL COVENANTS ON HUMAN RIGHTS (agenda item 18) (continued) (E/CN.4/1984/23 and 39; A/36/441 and Add.1 and 2; A/37/407 and Add.1; A/C.3/35/L.75)

31. Mr. MAVROMMATIS (Cyprus), Chairman of the Human Rights Committee, said the fact that he would concentrate on the International Covenant on Civil and Political Rights did not mean that he ascribed more or less importance to one or other of the two International Covenants on Human Rights or to either of the two items under consideration.

32. At the Commission's thirty-ninth session, he had expressed certain thoughts on the International Covenant on Civil and Political Rights and on the Human Rights Committee. Much of what he had said on that occasion was still valid, and he would merely endeavour to update the information, speaking more as a member of the Commission than as a member of the Committee.

33. Since the Commission's previous session, the Human Rights Committee had examined further initial reports of States parties, bringing the total to about 60. Although the Committee had considered supplementary reports in the past, it was only at its most recent session that it had considered a second periodic report - that of Yugoslavia, whose delegation had co-operated in an exemplary manner with the Committee in its experiment with a new methodology. The result had been encouraging.

34. The Committee gave careful study to suggestions made in the Commission, in the Economic and Social Council, and in the General Assembly concerning its methods of work, and tried to benefit from them.

35. With few exceptions, there was no backlog of pending reports and no disturbing problem of non-reporting. What problems there were concerned the nature and content of reports which, generally because of lack of experience, were incomplete and not consistent with existing guidelines. The advisory services in the field of human rights could play a very important role in remedying that situation.

36. The level of governmental representation during the consideration of reports had generally been satisfactory. State parties would be well advised, however, to send more than one representative to assist in noting questions and preparing replies.

37. At its most recent session, the Committee had for the first time considered a report in absentia. Despite some four or five adjournments to ensure its presence, the State party concerned had failed to send a representative. However, the State had since indicated its readiness to co-operate.

38. The situation with respect to individual communications was fairly satisfactory, with no significant backlog or undue delay. The main problems were still the absence of full explanations or of information to refute allegations, and lack of compliance with the Committee's requests, mainly in the case of abnormal or emergency situations. In his view, the Optional Protocol was, by its very structure, intended to apply to situations in which there was healthy respect for human rights, and not to emergencies and the mass complaints that generally followed them. Other reasons for that view were the number of permissible derogations under article 4 of the Covenant and the fact that there were other mechanisms, such as the procedure in Economic and Social Council resolution 1503 (XLVIII), which he considered more suitable for such situations.

39. The Committee had not yet received any communications from States parties with complaints against other States parties, under article 41 of the Covenant.

40. The Committee had continued its work on the formulation of general comments, and had drafted new comments on articles 19 and 20 of the Covenant. It had also begun the difficult task of formulating comments on self-determination. It was important for States parties to note the guidelines and comments issued by the Committee and by other organs.

41. It should be noted that article 40, paragraph 4, of the Covenant provided that the Committee might transmit to the Economic and Social Council such general comments as it might consider appropriate. That procedure was different from that provided for in article 45, which stated that the Committee should submit to the General Assembly, through the Economic and Social Council, an annual report on its activities. Yet the Council had so far abdicated its responsibilities, in that it had, for the eighth time, decided to send the Committee's next report directly to the General Assembly without any discussion.

42. For the Economic and Social Council to live up to its responsibilities as a principal organ of the United Nations it should devise a means whereby it could deal effectively with the work of an independent, expert body. It should not adopt resolutions requesting the Assembly to reschedule meetings of an independent organ whose statute allowed it to schedule its own meetings, since that had the effect of delaying consideration of the Committee's reports. Furthermore, consideration of reports by the Council should be in accordance with the provisions of articles 40 and 45 of the Covenant. His delegation hoped that the Commission on Human Rights, as a functional commission of the Council, would ensure that there was no repetition of such lack of co-operation.

43. His delegation had been encouraged by recent calls for a meeting of the Chairmen of bodies entrusted with the consideration of reports under human rights instruments. Such a meeting could resolve a number of issues, including reporting, co-ordination and avoidance of duplication. Improved co-ordination could result in the streamlining of the agendas of the Commission and the Human Rights Committee, and would avoid duplication and maintain credibility.

44. Progress had been made in publicizing the work of the Human Rights Committee, which his delegation welcomed. The General Assembly's decision to authorize the introduction of Arabic at the Committee's meetings was gratifying, as was the favourable response to improvements in the work of the Sessional Working Group on the Implementation of the International Covenant on Economic, Social and Cultural Rights.

45. The Human Rights Committee continued to do a useful job. Working relationships were excellent and his delegation trusted that they would remain so. Cyprus fully supported the abolition of the death penalty, having itself abolished the death penalty in 1983.

46. Mr. CHOWDHURY (Bangladesh) said that the right to development was a valued one, and included all the principles recognized by the United Nations as being conducive to human safety and dignity. Article 55 of the Charter referred to the creation of conditions of stability and well-being necessary for peaceful and friendly relations among nations. In effect, that Article sought to promote an increase in living standards and respect for fundamental freedoms.

47. Article 21 of the Universal Declaration of Human Rights was of paramount importance in that it entitled everyone to take part in the government of his country, which was the basis of democracy. The will of the people thus became the basis of government authority. Democracy promoted, protected and preserved human rights. Article 22 referred to the right to the development of the personality; while article 28 stated that everyone was entitled to a social and international order in which the rights and freedoms set forth in the Declaration could be fully realized. There were two views of article 28: that it established a right to development, or that it merely provided guidance. His delegation thought that the article did, in fact, confer an individual and a collective right to development.

48. The preamble to the International Covenant on Economic, Social and Cultural Rights contained the concept that human beings should enjoy freedom from fear and want, which was possible only if all enjoyed economic, social and cultural rights in addition to civil and political rights, and if they enjoyed the right to development on an individual and collective basis. Article 25 of the Covenant implied a right to self-determination and to development. Recognition of the right to development would ensure that the peoples of both the developing and the developed countries benefited from a balanced distribution of economic opportunities.

49. His delegation supported the abolition of the death penalty out of respect for the right to life. There could never be absolute certainty that a miscarriage of justice would not take place, although it was necessary to provide some deterrent to ensure the security of others. In any event, article 6 of the International Covenant on Civil and Political Rights should be strictly adhered to, so that individuals could be sure that they would receive a fair hearing.

50. Mr. SERGIWA (Libyan Arab Jamahiriya) said that the right to development was inalienable, as had been recognized by the Working Group of Governmental Experts on the Right to Development. His delegation supported the renewal of the Group's mandate.

51. Recognition of the right to development was the ultimate purpose of the new international economic order. It was linked to individual and family rights, to the right to work, education and health, and to participation in government. It included the right of peoples to devise the economic system of their choice, to exploit their natural resources and to enjoy self-determination.

52. The right to development required that an end be put to the dominance of transnational corporations and monopolies, and to colonialism, racism and zionism, which were responsible for crimes such as genocide. The right to development also presupposed an end to the arms race and to the current international system, in which the weak were oppressed by the strong. That system imposed an economic burden on developing countries, whose peoples suffered from hunger, poor health and low levels of education. There were, for example, some 800 million illiterates throughout the world. The arms race caused a diversion of resources for military purposes and undermined the social development of the developing countries, which were obliged to squander resources on military expenditure. For instance in the Middle East the Arab peoples were obliged to arm themselves against the Zionists. A similar situation obtained in South Africa.

53. The Working Group should stress the right of popular participation as part of the right to development. All had the right to live in dignity, and to enjoy the fruits of economic and social progress. Developing countries needed additional resources to promote their development. Current instability in the world financial system, increased protectionism, the reduction in trade, the increased debts incurred by developing countries, the drop in their income, their limited access to markets, high interest rates and the activities of transnational corporations had all aggravated the situation and clearly violated the right to development.

54. The General Assembly had called for an end to exploitation in international economic relations, as had the non-aligned countries. Yet the developed countries were still delaying the start of global negotiations, since they wished to retain the current system.

55. His delegation welcomed the fact that more countries had become parties to the International Covenants on Human Rights, which represented the main endeavour to consolidate the protection of human rights throughout the world. It was, however, regrettable that certain countries which paid lip service to the cause of human rights had not become parties to the Covenants.

56. Mr. DICHEV (Bulgaria) said that United Nations activities to promote economic, social and cultural rights were necessary in order to resolve problems in those areas in a large number of countries. The lives of millions of people were characterized by unemployment, poverty, hunger, disease and illiteracy, with disastrous effects on their fundamental freedoms. Serious economic and social deprivation was not confined to the third world. Many in the highly industrialized countries were homeless, suffered unemployment and experienced hunger. For example, in the United States, which was the most powerful military capitalist State, the national poverty rate was currently at its highest in 17 years.

57. Many people throughout the world had no job or were less than fully employed. In the developing countries, one out of three persons seeking work could not find a regular job, while in the United States the current unemployment rate was 8.2 per cent. Hunger and malnutrition were widespread throughout the world, afflicting some 450 million people. In the United States, too, hunger was a serious problem. Similar phenomena existed in the Western European countries, where the total number of unemployed amounted to 10 million, not including persons partially unemployed. The real opportunities for those millions to exercise their human rights adequately were only to clear.

58. The need to create appropriate socio-economic conditions for the full enjoyment of human rights and fundamental freedoms hardly require further evidence. At the international level that meant efforts to preserve peace and security and to observe universally-recognized principles and norms of international law. Any policy designed to exacerbate international tension and any cold-war practices could not but impede the attainment of social, economic and cultural advancement, since they required exorbitant military expenditure, which was detrimental to social development.

59. The national dimension of the need to ensure adequate socio-economic conditions as a prerequisite for the enjoyment of human rights had been underlined many times in various United Nations documents, such as the Declaration on Social Progress and Development. It would therefore appear that the achievement of radical changes in economic structures, wherever they did not meet the necessary requirements, was of great importance for genuine social progress and development.

60. Bulgaria's experience over the past 40 years had shown that the profound economic and social transformation of society created appropriate conditions for wide-ranging democratization and the realization of human potential. In that regard, his delegation attached great importance to the right to development. One of the most valuable ideas propounded in the report of the Working Group of Governmental Experts on that subject (E/CN.4/1984/13) was the interdependence between the right to development and the right to live in peace.

61. With regard to the status of the International Covenants on Human Rights, he said that both Covenants constituted a solid legally-binding basis for the promotion and encouragement of universal respect for human rights and fundamental freedoms. Strict observance of the obligations stemming from the provisions of those instruments would constitute a most effective framework for international co-operation, given universal ratification. As a party to both Covenants, his Government had submitted a report to the Human Rights Committee in 1978 and three reports to the Sessional Working Group on the Implementation of the International Covenant on Economic, Social and Cultural Rights. His delegation was highly appreciative of the accomplishments of those bodies and noted with satisfaction the constructive dialogue they had established with the States parties. The results of their deliberations were added proof of the effectiveness of his Government's policy in creating material and legal guarantees for the enjoyment of all human rights.

62. Mr. ADJOYI (Togo) congratulated the Working Group of Governmental Experts on the Right to Development on its report (E/CN.4/1984/13). In introducing that report, the Chairman of the Group had referred to the lessons that could be learnt from the economic crisis of the past 10 years. The current grave crisis had highlighted economic interdependence and the need to strengthen co-operation between the rich countries of the North and the less developed countries of the South. Because of the effects of the crisis, the developing countries had no longer been in a position to serve as export markets for the developed countries, thus provoking economic recession in those countries. The timid signs of recovery which had appeared in 1980 had had no appreciable effect because they had not been sustained by the developing countries. It was clear that, had those countries been sufficiently developed, they would have been able to continue to absorb the exports of the developed countries, which, in turn, would have been able to revive their own economies. The economic crisis had demonstrated the developing countries' right to development.

63. While the economic crisis had increased the number of unemployed and homeless, in the developed countries, it had been felt even more acutely in the third world, whose fragile economic structures had begun to disintegrate, thereby increasing the already large number of persons deprived of their fundamental rights.

64. The right to development was, in the final analysis, a right of both the State and the individual. At the State level, the exercise of that right would permit the establishment of a more just international order affording more genuine opportunities for development and the enjoyment of human rights. In that connection, he deplored the fact that South Africa, which already possessed all the economic structures and necessary resources, refused to afford its non-white population the opportunity to enjoy the right to development. South Africa should abolish apartheid, set up a multiracial society and ensure that every citizen - black or white - enjoyed decent living conditions. The fact that the international economic order favoured South Africa rendered apartheid even more abominable. South Africa should be expelled from that international order.

65. At the individual level, every person should, in exercising the right to development, strive for self-fulfilment within the possibilities afforded by his country. Those opportunities could be created with the assistance of the individual - hence the importance of the concept of popular participation. The right to development should be seen as essential at both the international and national levels. Accordingly, his delegation whole-heartedly supported the renewal of the mandate of the Working Group.

66. The existing economic order, in which the gulf between the peoples of the developed and developing countries widened daily and in which man's creative genius was used to find ways of accumulating wealth at the expense of others, was the main obstacle to the development of the developing countries and was based on a relationship of dependence. Many of the developing countries had remained suppliers of raw materials or semi-manufactures. Such commodities, which accounted for between 70 and 90 per cent of their export revenues, were subject to continual, and frequently downward, price fluctuations while at the same time prices of the manufactures which the developed countries exported to the third world were soaring, thus exacerbating the deterioration in the terms of trade. The developing countries, which relied essentially on their export earnings to implement their development plans, thus found themselves unable to create the necessary economic structures, despite the loans which they contracted to offset the losses resulting from falling prices of raw materials and despite the assistance of the international community. The developing countries had been the first victims of the rise in interest rates, which had doubled, and in some cases tripled, the cost of loans contracted earlier. As a result, those countries' development efforts had been negated at a stroke and their populations denied the opportunity to enjoy their economic, social and cultural rights. How could those populations enjoy the benefits of education, health and housing if the necessary structures did not exist and, worse still, if Governments could not afford to create them?

67. Hundreds of millions of people were currently living in total deprivation, unable to meet their most essential needs and thus denied the enjoyment of most of the fundamental and inalienable human rights recognized in the Universal Declaration. At the same time, the populations of the developed countries lived in comfort and affluence. Yet all persons, regardless of race or nationality, had the same rights, as recognized in the Universal Declaration and International Covenants. That was an injustice which must be corrected through a system of international co-operation which would eliminate the grave disparities currently existing and permit the establishment of a more just and equitable world economic order in which all men would have the same opportunities for self-fulfilment. Such self-fulfilment included the right of all peoples to independence. In that connection, he referred to the struggle for independence of the people of Namibia.

68. The establishment of a new international economic order was a prerequisite for the enjoyment of the right to development. As the President of the Togolese Republic had stated, scientific and technological progress would serve no purpose if the changes made were not directed, first and foremost, at the over-all improvement of the condition of mankind. The independence and freedom of peoples and the inalienable rights of nations could be guaranteed only if all countries realized the overriding need to work together in order to eliminate injustice and create the conditions for world peace.

69. Mr. COLLIARD (France) said that, by acceding simultaneously to the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, France had wished to demonstrate the equal importance it attached to the rights proclaimed in those two international instruments, rights which were indivisible and inseparable.

70. The International Covenants on Human Rights marked an important stage in United Nations efforts to promote and protect human rights and reflected the will of the international community to establish rules which were identical and binding for all States. The Commission was therefore justified in expressing the hope, at each session, that all Member States would accede to the two Covenants and in emphasizing the need for States parties to discharge fully their obligations under the Covenants.

71. At its thirty-ninth session, the Commission had underlined the importance of publicizing the work of the Human Rights Committee. His delegation welcomed the fact that the Committee's documents would henceforward be published in bound volumes, thus providing Governments, non-governmental organizations and universities throughout the world with an important source of information on the measures taken by States to implement the International Covenant on Civil and Political Rights.

72. His delegation also welcomed the adoption of the Economic and Social Council resolution suggesting that the Sessional Working Group on the Implementation of the International Covenant on Economic, Social and Cultural Rights should include in its annual report a summary of the observations made during the consideration of the reports of each country. Such a measure would enable the Council to monitor implementation of the Covenant even more effectively.

73. In recent years, the problems created by delays in the submission of the reports of States parties to the two Covenants had often been referred to in various forums, including the Commission. While it was not for the Commission to take the initiative in proposing specific measures for avoiding such delays, it might nevertheless express its concern and the hope that the procedures established in General Assembly resolutions 37/44 and 38/20 would rapidly be put into practice through the adoption of provisions rectifying the current situation.

74. France, which had abolished capital punishment on 9 October 1981, welcomed the proposal of the Federal Republic of Germany regarding the formulation of an international convention on that subject. His delegation had no objection to the Sub-Commission on Prevention of Discrimination and Protection of Minorities expressing an opinion on the form which a draft protocol on the abolition of the death penalty might take. However, at the appropriate time, a working group comprising representatives of member States should be established. Only on the basis of the deliberations of such a group could a draft convention be prepared for submission to the Commission.

75. He announced that, in December 1983, the French Parliament had passed an act authorizing the Government to ratify the Optional Protocol to the International Covenant on Civil and Political Rights.

76. Mr. BIANCHI (Argentina) said the fact that the Working Group of Governmental Experts on the Right to Development had been able to reach agreement regarding the preambular paragraphs of the draft declaration on the right to development augured well for the successful conclusion of its work. Accordingly, his delegation supported the extension of the Group's mandate.

77. His delegation attached importance to the concept of popular participation as a factor in development and as a right in itself. In that connection, he thanked the secretariat for its preliminary study on the right to popular participation contained in document E/CN.4/1984/12, which must be supplemented by further research and information from Governments.

78. With regard to the status of the International Covenants on Human Rights, he was able to inform the Commission that his Government had submitted to Congress a bill concerning the ratification of the Covenants and accession to the Optional Protocol to the International Covenant on Civil and Political Rights. The Government had also decided to submit to Congress a bill for the ratification of the American Convention on Human Rights, and had agreed to recognize the binding jurisdiction of the Inter-American Court of Human Rights in San José, Costa Rica.

79. His delegation supported the proposal initiated by the Federal Republic of Germany and other delegations regarding the formulation of a draft second optional protocol to the International Covenant on Civil and Political Rights concerning the abolition of the death penalty.

80. In conclusion, he expressed his delegation's view that the universal ratification of the International Covenants would be one of the most significant steps in the cause of human rights and towards the fulfilment of the ideals of the United Nations.

81. Mr. HEREDIA PEREZ (Cuba) said that the right to development was closely linked to the full enjoyment of all human rights; it could be viewed as an individual right and as a right of peoples, as enshrined in international legal instruments. There had been much theorizing about respect for human rights, with undue emphasis on supposed non-compliance with certain civil and political rights, but most speakers on the matter represented States that were responsible for denying basic human rights to many people and for an international social system under which much of mankind never even learned the significance of human rights. Because of illiteracy, hunger, poverty and racist, colonialist and neo-colonialist oppression, millions died each year without ever learning the meaning of human rights.

82. The enjoyment of human rights was conditioned by material circumstances, not theories. Those whose actions helped to keep nations in a state of deprivation were not morally qualified to speak of human rights. Responsibility for the developing nations' economic and social problems rested largely with the forces of colonialism, neo-colonialism, imperialism, racism and apartheid. The duty to overcome underdevelopment therefore rested first and foremost with those nations which had long enjoyed the fruits of exploitation. There was no way to measure the size of the debt owed to the developing countries by those nations which had plundered them in the past. And it was hard to see how nations which had for so long robbed others of their wealth could speak so grandly about humanitarianism.

83. In January 1984, a meeting had been held at Quito of Heads of State or Government of the Latin American and Caribbean countries, at the invitation of the President of Ecuador. In an official statement, the participants had noted the serious economic and social crisis faced by those countries, and had expressed concern about the world economic situation, which threatened the region's stability and development. They had called for urgent solutions to the crisis, based on regional action, and had stressed the influence on the crisis of external factors which the region's countries alone were unable to overcome but which had made their economies increasingly vulnerable to outside economic factors such as the deteriorating terms of trade, rising interest rates and the halt in flows of capital. The adverse results included unprecedented unemployment and a serious fall in the standard of

living of the region's peoples. The Latin American and Caribbean countries could not overcome the situation alone but would need considerable outside help, chiefly in trade and finance.

84. Such conditions, similar to those endured by the rest of the developing world, strengthened the view that only global action could solve the current international economic crisis and lead to progress for most of the world's peoples.

85. Concern for such matters in no way meant that civil and political rights were disregarded, as claimed by those who either failed to grasp the scale of socio-economic problems or sought to evade their responsibilities in that regard. According to article 28 of the Universal Declaration of Human Rights, everyone was entitled to a social and international order in which the rights and freedoms set forth in the Declaration could be fully realized. However, United Nations efforts to promote that right were being thwarted by the ambiguous attitude of the United States towards the Working Group of governmental experts on the Right to Development: it had abstained in the relevant vote in the Commission and, in the General Assembly, it had voted alone against resolutions which recognized the right to development as an inalienable human right. That country's opposition to recognition of the right to development gave little hope for an early consensus on a draft declaration and so other alternatives might have to be considered in order to give effect to the wishes of the overwhelming majority of the world community. Such egoistic isolation by the United States showed yet again its opposition to a solution for the economic, political and social problems of the vast majority of nations.

86. The subject of popular participation in development was of great importance, since the individual was both the protagonist and the purpose of development. The developing countries must realize that progress depended not only on their own efforts but on the existence of a just and a democratic social order, involving the equitable distribution of resources.

87. Mr. BLAIN (Gambia) reaffirmed his delegation's view that all human rights were interdependent and indivisible, and must be dealt with comprehensively. The right to development could not be considered in isolation, without regard for the current world economic situation and its adverse effects on the developing countries.

88. Economic stagnation and food insecurity had for a number of years been of serious concern for most developing countries, particularly in Africa, due mainly to shortfalls and uncertainties in bilateral and multilateral assistance. The resultant inability to implement international programmes such as the Lagos Plan of Action and the Substantial New Programme of Action for the Least Developed Countries meant that most peoples of the third world continued to languish in abject poverty, malnutrition and disease. In Africa, the situation had been exacerbated by the prolonged drought in the Sudano-Sahelian region, which had had devastating effects on the Sahelian countries' economies and on the food situation in general. The Secretary-General had visited a number of African countries with a view to heightening the international donor community's awareness and helping to mobilize resources.

89. A further obstacle to development was the alarming foreign exchange problem, which stemmed primarily from inequitable terms of trade, protectionism and an outmoded world monetary system. The extent of such negative external forces was making it almost impossible to assert the right to development in the third world, despite the developing nations' continued efforts. The deep-seated obstacles which they faced could be overcome only through urgent efforts to establish a new international economic order and an international development strategy, pursuant to numerous relevant General Assembly resolutions.

90. The right to development could not be enjoyed in countries still subjected to colonial domination and apartheid, and the attendant acts of repression against peoples such as those in Namibia and the Arab territories occupied by Israel. Appropriate measures must therefore be taken to ensure the full implementation of all rights - civil, political, economic, social and cultural - pursuant to the International Covenants, with due recognition of the fact that the developing countries should be accorded, pursuant to the principles of the Covenants, the level of economic assistance necessary to enable them to fulfil their obligations effectively.

91. Mrs. KUROKOCHI (Japan) said that the report of the Working Group of Governmental Experts on the Right to Development (E/CN.4/1984/13) attested to the magnitude of the task before it. As indicated by the "technical consolidated text" of a draft declaration on the right to development, there was a wide divergence of views on the topic. Japan supported all United Nations efforts to promote and observe human rights and fundamental freedoms, and regarded the new conceptual approach as significant. It hoped the Group would strive to produce a text acceptable to all States and was in favour of an extension of the Group's mandate for that purpose.

92. The concept of the right to development was firmly based on the individual, who should be guaranteed the full development of his own well-being and the ultimate benefits of the fruits of development. The primacy of the individual was as valid for economic, social and cultural rights as for civil and political rights. Japan's Constitution guaranteed to all citizens the right to education, work and a standard of living adequate for the enjoyment of health and cultural as well as political and civil rights. A broad sector of educated individuals, freely participating in development, was the soundest basis for community and national development. In that belief, Japan promoted human resources development, as a mainstay of technical and economic co-operation policy. It therefore fully supported the twelfth preambular paragraph of the technical consolidated text, in which the human person was recognized as being the central subject of the development process.

93. As noted in document E/CN.4/1984/12, there was at present no universally-recognized definition of the concept of popular participation. However, the concept should reflect, and not be distinct from, the rights recognized in the International Covenants and the Universal Declaration; it should also be seen as fundamental to the enjoyment of the rights set forth in those instruments. The final study should not focus too much on worker participation but should allow scope for popular participation in other aspects of society, in accordance with article 21 of the Universal Declaration of Human Rights.

94. The Secretary-General, in a report on the status of the International Covenants on Human Rights (E/CN.4/1984/39), had noted an increase in the number of accessions to those Covenants. Unfortunately, almost half of the Organization's Member States were still not parties, and her delegation hoped that more States would ratify or accede to them.

95. The Human Rights Committee, through its independent experts, continued to carry out its task pursuant to the International Covenant on Civil and Political Rights. The Committee's serious and constructive approach was well reflected in its report. Her delegation hoped that all States would give the Committee full support, and it welcomed the strong plea made by the Commission and the Assembly for the widest possible publicity for the Committee's activities. It had accordingly supported Assembly resolution 38/116 for that purpose. The work of the Sessional Working Group on the Implementation of the International Covenant on Economic, Social and Cultural Rights had shown some gradual improvement, as a result of which States parties' reports were being considered more thoroughly. The Group had discussed suggestions and recommendations of a general nature after considering the country reports; the matters on which agreement had been reached were contained in the Group's report (E/1983/41).

96. At the General Assembly's thirty-eighth session, many delegations had expressed concern about delays in submitting reports pursuant to the International Covenants and the International Convention on the Elimination of All Forms of Racial Discrimination. Such instruments could be effectively implemented only if States parties fulfilled their obligation to submit reports. Many delegations had referred to the burden which the obligation imposed on the States parties; her delegation noted with interest, in that connection, Assembly resolution 38/117 concerning States parties' reporting obligations. It was to be hoped that the Council and the Sessional Working Group would find an appropriate solution to the problem of delayed submission, taking into account the suggestions contained in the Secretary-General's report as called for in Assembly resolution 38/117. The international community should spare no effort to strengthen international co-operation in the protection of the rights recognized in the International Covenants.

97. Mr. HABIMANA (Rwanda) said his delegation was pleased to note that the right to development, having long been kept apart from other human rights, was now deemed an essential human right of the highest priority. It was reflected in the Charter of the United Nations, the International Covenants and the Charter of Economic Rights and Duties of States, as well as in United Nations declarations relating to the new international economic order. The right to development had individual and collective aspects, and covered civil and political as well as economic, social, cultural and legal rights. In order to put it into the requisite world institutional framework, measures at the international and national levels were urgently required because of the continuing problems caused by balance-of-payments deficits, adverse terms of trade, inflation and indebtedness.

98. Article 25 of the Universal Declaration of Human Rights stated that everyone had the right to a standard of living adequate for the health and well-being of himself and his family. However, the reports of various international organizations showed that about 1 billion persons, roughly one third of the population of the developing countries, lived in abject poverty and that, by the year 2000 there would still be around 500 million people in that category. Quite clearly, the gap between the rich and poor nations would continue to widen. Responsibility

for that situation lay with the international community, particularly the developed countries, which, in striving to preserve their privileges, were directly responsible for mass human rights violations. A solution must urgently be sought not only for the purpose of establishing a new international economic order, but to protect international peace and security and avoid a world catastrophe.

99. The right to peace formed part of the right to development, but was being obstructed by the arms race, which could only strengthen the forces of oppression and further impede the developing nations' social and economic progress. It was tragic that over \$US 600 billion was swallowed up annually in expenditure on armaments, while so many people throughout the world were still in need of food, housing, medical care and education.

100. Measures were urgently required, at the international and national levels alike, to ensure that all could participate in the conduct of political and economic affairs and thus share equitably in the benefits of development. Since 1976, Rwanda had been institutionalizing community development work, encouraging local efforts to combat poverty and build health centres, schools, silos and roads. The country's five-year development plan was based essentially on integrated rural development, which affected over 90 per cent of the inhabitants.

101. All countries were aware of the urgent need to solve the problem of poverty. Rwanda hoped that effective measures would be taken to establish a new international economic order and bring about general and complete disarmament, in order to ensure justice and democracy in all States and in all spheres, without which the right to development would remain a pipe-dream for most of mankind.

102. Mr. TURLEJ (Observer for Poland) said that his Government attached great importance to the effective enjoyment of economic, social and cultural rights, pursuant to the relevant International Covenant and the Universal Declaration of Human Rights. Item 18 was one of the most important before the Commission at its current session. Despite the progress made, reflected in the growing number of countries which had ratified that Covenant, the world was far from achieving the ideal of a free human being within the terms of the Universal Declaration. There were still many obstacles, such as colonialism, neo-colonialism, apartheid, racial discrimination, foreign aggression, occupation and exploitation, interference in the internal affairs of States and the threat to world peace. The world accordingly had a duty to remove such obstacles and to overcome the current unjust international economic order with its attendant hunger, sickness, infant mortality and other tragedies which affected the developing countries so seriously and prevented the enjoyment of human rights. The current world economic crisis caused rising unemployment in the rich countries but, for the poor countries, it led to the deaths of thousands, especially children, women and elderly people. Moreover, the arms race was depriving mankind of huge financial resources which could be used to better the developing countries' economic conditions.

103. His Government attached great importance to the activity of the Working Group of Governmental Experts on the Right to Development; that right determined the natural right of all States and peoples to peaceful, free and independent development as well as the right of each individual to the free development of his personality and the economic and social rights on which human existence was based. International economic problems should be solved by means of world co-operation. It was to be hoped that the Working Group's efforts would lead to a draft declaration on the right to development, which would provide a basis for the genuine development of individuals and nations.

104. Mr. OGURTSOV (Observer for the Byelorussian Soviet Socialist Republic), referring to the passage in the report of the Working Group of Governmental Experts on the Right to Development to the effect that "the human being is the central subject of development" (E/CN.4/1984/13, annex II, art. 2(1)), said that social and economic rights, such as the right to work, leisure, education, health protection, social security and housing, formed the basis of the single and indivisible body of human rights. The all-round development of the personality and genuine enjoyment of civil and political rights were impossible without the enjoyment of social and economic rights. Man could not be politically free if he was a victim of economic slavery or was denied access to the attainments of culture. The mere proclamation of civil and political rights was of little value to the working person unless his social and economic rights, the right to work foremost among them, was guaranteed. Unemployment benefits and social assistance could not remove the fact that absence of work created insecurity and fear of the future, degraded the human personality and infringed upon the dignity of man. Unemployment was the quintessential mass violation of one of the most fundamental human rights, the right to work. As was also stated in the Working Group's report, "the State has the right and the duty to formulate appropriate development policies". Only the State was capable of doing so and it therefore bore the responsibility for guaranteeing the rights of its citizens. The provision thus fully corresponded to the fundamental principle by which the international community should be guided, namely, the principle of national sovereignty.

105. The right to development comprised the full range of rights ensuring the satisfaction of the human being's many and varied needs. It could not be reduced to the satisfaction of minimum or basic requirements ensuring mere physical survival. The well-known fact that the possibilities of many developing countries to enjoy their sovereign right to development were limited by the existing unjust international economic order was confirmed by documents on the item under consideration. It was no secret that the true causes of the difficulties in the development of the world economy and especially the economy of the developing countries were to be found in the arms race, the activities of transnational corporations, increasing protectionism and discrimination in Western trade policies, and the monetary policies of major capitalist States. The problem of establishing a new international economic order and the exercise of human rights was closely linked with the achievement of international détente, the halting of the arms race, and the strengthening of peace and international security. The growing recognition of that link within the United Nations was to be welcomed. Only under conditions of peace could human rights and especially the most fundamental right of all - the right to life - be guaranteed.

106. However, neither the establishment of a new international economic order nor the achievement of international détente and disarmament could in themselves guarantee the enjoyment of human rights and fundamental freedoms in any particular country. Progressive structural changes in social relations in the interest of the working masses were essential for such enjoyment. Only on that basis was it possible to ensure a just distribution of the national income and to eliminate social inequality, poverty and hunger. That was evidenced by the history of his own and other socialist countries. The main provisions of the International Covenants on Human Rights were guaranteed in the Constitution of the Byelorussian SSR and had been

applied as norms of national law long before their adoption in the United Nations. The important place occupied by social and economic rights in the Byelorussian Constitution reflected the conviction that the enjoyment of those rights was an essential precondition for the enjoyment of all other rights. In that connection, he pointed out that the Byelorussian Constitution guaranteed not only the right to work but the right to work in accordance with the individual's vocation, so that each human could freely develop his abilities and talents. In addition, the political rights and freedoms of Soviet citizens guaranteed under the Constitution associated the broad masses of the people with the running of State and public affairs. Lastly, in addition to political, social and economic rights, citizens of the Byelorussian Soviet Socialist Republic were guaranteed a large number of personal rights and freedoms together with every possibility for their enjoyment.

107. While recognizing the importance of the International Covenants to international co-operation in the human rights field, he noted with regret that many countries had not yet acceded to the Covenants. The Commission should once again call upon States which had not yet done so to become parties to the International Covenants so that they might become instruments of a truly universal nature.

108. His delegation generally endorsed the positive assessments made by previous speakers of the activities of the Council's Sessional Working Group and the Human Rights Committee. The existing mechanism for the consideration of State reports on compliance with the International Covenants fully corresponded to the Covenants' provisions. There was thus no need for a review of the organization and working methods of the Sessional Working Group or the Human Rights Committee.

109. Ms WIRTH (Pax Romana) expressed appreciation for the report of the Working Group of Governmental Experts on the Right to Development (E/CN.4/1984/13) and fully supported the proclamation of the right to development as a human right. The technical consolidated text reproduced in annex II to that document generally respected the principle of the interdependence and indivisibility of human rights. Her organization fully supported the provisions of article 10, in particular paragraph 2 thereof, which gave priority to the participation of women in development. The fact that women were still largely excluded from economic, political and cultural decision-making was a serious obstacle to the realization of the right to development, not only for women themselves, but also for men and the many millions of deprived children throughout the world.

110. The proclamation of the right to popular participation as a human right was of fundamental importance for the promotion of all human rights. The experience of Pax Romana, and the various Churches and other non-governmental organizations showed that the majority of peoples throughout the world - namely, the poor, the hungry, the oppressed, the deprived, the marginalized, and racial and ethnic minorities - believed that right to be already acquired, since it was fundamental to the realization, promotion and defence of all other human rights.

111. Many examples of the exercise of the right to popular participation existed throughout the world. Autonomous popular organizations, such as workers' unions, farmers' organizations, self-managed production organizations, co-operatives and neighbourhood associations, were examples of solidarity among workers and the poor,

and showed that men and women at grass-roots level wished to take their destiny into their own hands in order to survive, and to defend their culture, dignity and rights. Such grass-roots movements originated from their popular identity and did not confine themselves to any formal political ideology or any partisan political form of action. They were not to be confused with naive "popular fronts" manipulated from outside, but were authentic expressions of the popular will.

112. However, neither popular participation nor the right to development could be realized if basic civil, political, economic, social and cultural rights were denied by Governments. Nor could the aim of social justice under the new international economic order be achieved if Governments did not respect the basic human rights of their peoples. The Commission was already familiar with the tactic of suppressing popular participation by discrediting popular organizations. In many cases terrorism was used by the State, sometimes with the open support of transnational economic and political interests. As a result, numerous human rights violations occurred, ranging from the harassment, torture and disappearance of community and religious leaders to genocide, as in Guatemala and East Timor.

113. Popular participation was fundamental to the full realization of all human rights. The contributions made by UNESCO, the United Nations Fund for Population Activities, UNICEF, HABITAT and other United Nations agencies to the study on the right to popular participation (E/CN.4/1984/12), was encouraging. However, the contribution of Governments to that study was disappointing, while that of popular organizations themselves was negligible. The provisional outline of the final study, as contained in paragraph 57 of the aforementioned document, referred to the importance attached to popular participation in development by the various United Nations organs. That concept should be fully explored in the final study and many more contributions from Governments and popular organizations should be solicited so as to enable the final study to reflect existing popular participation efforts. In addition, more attention should be paid to obstacles to the exercise of the right to popular participation and the existing means of the protection of that right. Further study should also be made of the requirements for the promotion of popular participation, one obvious requirement being the provision of information to the people, which would enhance their awareness of possible courses of action.

114. Mr. NCHAMA (International Movement for Fraternal Union among Races and Peoples) said that his delegation greatly appreciated the report of the Working Group of Governmental Experts on the Right to Development (E/CN.4/1984/13) and considered that the Group should continue its efforts to establish a single text clearly codifying the right to development.

115. However, that right involved not simply codification or definition, but above all a change of political will on the part of all Members of the United Nations. The States of the northern hemisphere must realize that all human beings had the right to life, proper nutrition, health and education; that human rights must be implemented all over the planet and were not the exclusive property of a single people, race or nationality; and that the States of the South had the right to sovereignty over their natural resources. Above all, the northern States should not support the numerous oligarchies, dictatorships and bloodthirsty regimes which existed in the southern hemisphere. The peoples of the South had the impression that those regimes, which were responsible for the murder and disappearance of millions of human beings, were the result of the international economic order that had come into being during the colonial period.

116. A change in the thinking of the countries of the South was also necessary. A Government which tortured and massacred its people, or caused them to disappear, could not speak of the right to development. The realization of that right must be based on the realization of civil, political, economic, social and cultural rights.

117. Referring to the preliminary report of the Secretary-General on the right to popular participation (E/CN.4/1984/12), he said that, while there was currently no universal unanimity regarding its definition, popular participation in a country's public affairs could be seen as the continuous exercise of its right to self-determination.

118. In the 1960s, many African countries had won the right to self-determination for which they had been struggling since the nineteenth century, when they had been subjected to the odious system of colonialism. Unfortunately, the numerous oligarchies and bloodthirsty and dictatorial regimes which had usurped power since accession to independence were currently denying their peoples the right to popular participation, thus accounting for the stagnation prevailing in many African and other countries. How, in a country such as Paraguay, which had been living for more than 30 years in a permanent state of siege, could a national consensus for development be achieved? How could there be any national consensus on development projects in a country such as Equatorial Guinea, where article 58 of the Constitution denied the right to organize trade unions and where the Government issued laws by decree, without consulting the population? How could the right to development be claimed in a country such as Malawi, where President Banda ruled alone? The Governments of the southern hemisphere must be made to understand that the right to development could be achieved only through national consensus and with the agreement of the population.

119. Referring to the report on the new international economic order, contained in document E/CN.4/Sub.2/1983/24 and Add.1/Rev.1, he said that the most tragic problem was that of food. As the report stated, the developing countries, most of which had formerly been exporters of foodstuffs, had become major importers. If that situation continued, the African continent would be completely depopulated by the year 2000.

120. All human rights were interdependent. To give priority to civil and political rights, on the one hand, or to economic, social and cultural rights, on the other, would be unrealistic. Only through interaction between those two generations of human rights could the third generation - the right to development - be established.

121. Mr. LEONARDI (International Labour Organisation) said that in accordance with article 18 of the International Covenant on Economic, Social and Cultural Rights, and pursuant to Economic and Social Council resolution 1988 (LX), ILO had presented six reports between 1978 and 1983 on the progress made in achieving the observance of the provisions of that Covenant in areas falling within the scope of its activities. The most recent of such reports was contained in document E/1983/40 and included a review of the work of the ILO Committee of Experts on the Application of Conventions and Recommendations over the past six years, together with a number of general observations concerning the provisions of articles 6, 7, 8, 9 and 10 (2) and (3) of the Covenant. The appendix to the report contained a list of ILO conventions particularly relevant to individual articles of the Covenant.

122. International action for the achievement of the rights recognized in the Covenant took the form of the conclusion of conventions, the adoption of recommendations, technical assistance, and regional and technical meetings. Since 1919, the International Labour Conference had adopted 159 conventions and 163 recommendations, many of which were relevant to various matters within the scope of item 8 of the Commission's agenda and dealt with such important matters as freedom from forced labour, equality of opportunity and treatment, employment policy, vocational guidance and training, social policy, labour administration, labour relations, wages, conditions of work, occupational safety and health, social security, employment of women, children and young persons, and older and migrant workers. A large number of regional and technical meetings and studies had also been organized under the auspices of ILO in those and related fields, in which ILO had been actively implementing a comprehensive programme of technical co-operation for more than 20 years.

123. A recently published document entitled World Labour report contained a summary of the vast amount of information ILO received from its 150 member States. The publication in question was concerned mainly with providing an over-all picture of recent developments relating to major labour problems and contained information on various measures connected with the item under consideration.

124. Referring to the question of popular participation, he said that ILO had provided a number of comments, which were contained in paragraphs 85-99 of document A/38/338/Add.1. Being itself an organization with a participatory structure, ILO had been particularly well placed to follow developments in that regard. Many international labour conventions and recommendations included provisions calling for the participation of employers', workers' and other organizations in the formulation and implementation of the measures which they contained. Indeed, a number of such conventions and recommendations were specifically concerned with participation.

125. A wide range of studies and practical activities conducted in the context of technical co-operation in developing countries, together with meetings for the exchange of ideas and the sharing of experience, involved the promotion of participation in such areas as labour relations, workers' education, women and workers in the rural sector, co-operatives, employment and basic needs.

126. At its most recent session, in 1983, the International Labour Conference had considered the social aspects of industrialization and had concluded that, on the question of industrial labour policy, there was cause for urgent concern regarding freedom of association and protection against discrimination. Those conclusions had stressed that the existence of strong, independent employers' and workers' organizations, and efficient and effective labour administration in government were prerequisites for sound industrial relations and for social and industrial progress.

127. ILO had always emphasized that the enjoyment of freedom of association was essential for significant participation in the formulation and implementation of policies and programmes by employers, workers and other interested groups, and had consistently recognized that trade-union freedom and participation, ensured by representative organizations, could have no meaning unless public freedoms were guaranteed. Relevant ILO conventions dealt with the freedom of association and the protection of the right to organize, collective bargaining, rural workers' organizations and labour relations.

128. Lastly, a general survey carried out by the Committee of Experts on the Application of Conventions and Recommendations had recently been published under the title Freedom of Association and Collective Bargaining.