SUMMARY RECORD OF THE 49th MEETING

Chairman: Mrs. MAIR (Jamaica)

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The meeting was called to order at 3.35 p.m.

AGENDA ITEM 87: OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES (continued)


(b) QUESTION OF CONTINUATION OF THE OFFICE OF THE HIGH COMMISSIONER (continued) (A/C.3/32/L.27)

1. Mr. OULD SID'AHMED VALL (Mauritania) paid a tribute to the High Commissioner and expressed regret at his imminent departure from office. He felt sure that the High Commissioner's work and influence would continue to guide the activities of the Office and wished him success in his future undertakings.

2. Speaking in exercise of the right of reply, he said that the position taken by the Algerian delegation was full of contradictions. Algeria claimed to be providing humanitarian aid to the Saharan refugees, but the attempts to destroy Mauritanian economic installations, the slaughtering of livestock and the taking of hostages could scarcely be described as "humanitarian aid". Furthermore, tens of thousands of Moroccans had been expelled from Algeria, where they had been living for a long time. It was not surprising that Algeria was reticent about a census of the refugees. The figures which it had given thus far for the number of refugees varied between 8,000 and 55,000. International humanitarian organizations could not very well provide aid when they were not permitted to verify the number of persons who needed it. Algeria preferred to use a humanitarian problem for political ends. It was trying to gain time and to brainwash people into believing that the 50,000 persons coming from the Sahel in the aftermath of the drought were refugees from Western Sahara.

3. Mr. SHERIFIS (Cyprus), speaking in exercise of the right of reply, said that he wished to set the record straight concerning certain comments made at the preceding meeting by the representative of Turkey. Firstly, he had not started a political debate but had simply replied to an earlier statement by the representative of Turkey. Secondly, he had not referred to Greek Cypriots or Turkish Cypriots but had pleaded for the return of all displaced persons in Cyprus, irrespective of their ethnic origin, to their homes and properties. Thirdly, if Turkey cared about the plight of the refugees in Cyprus, it should withdraw its military forces from the island, allow all displaced persons to return to their homes in implementation of United Nations resolutions, discontinue the process of colonization in Cyprus through the installation of settlers from Turkey and discontinue the harassment of Greek Cypriots in the occupied areas.

4. Mrs. SEMICHI (Algeria), speaking in exercise of the right of reply, recalled that the High Commissioner had transmitted to her country the Moroccan request for the reunion of families. Algeria continued to favour any action to reunite families,
provided that such action had the confidence of those concerned. Unfortunately, that was not the case; those who had sought refuge in Algeria feared reprisals, having declared their support for the struggle for national freedom. If action to reunite families had been taken by the Saharan refugees themselves, her Government would have taken steps to accelerate the process. Since that was not the case, it was evident that the Moroccan measures had been taken for propaganda purposes and threatened the safety of the refugees.

5. Her country fully supported the aspirations of the Saharan people for freedom. It spared no effort, in co-operation with the High Commissioner's Office and with other humanitarian organizations, to take any action to facilitate the reunion of families. The fact was that the Western Saharan refugees had sought shelter in Algeria, as had been verified by the representatives of organizations and the press, as well as the High Commissioner himself. She would not demean the work of the Committee by replying to Morocco's other allegations.

6. Mr. Ali Skalli (Morocco), speaking in exercise of the right of reply, said the fact remained that the problem of the reunion of families had not been solved. The representative of Algeria had declared that the High Commissioner's Office was not competent to conduct the census decided upon by the Secretary-General. Was the Algerian delegation contesting the Secretary-General's decision? A permanent solution obviously required an assessment of the number of persons to be repatriated or settled.

7. Mrs. Dincenim (Turkey), speaking in exercise of the right of reply, said that unfortunately the Greek Cypriots had discovered the existence of refugee problems in Cyprus only in 1974. Their view was that Cyprus had been a "paradise" until that date and that if the refugees now returned to their homes and Turkey left the Turkish community to the mercy of the Greek Cypriots, the island would return to its former "happy state". She would leave it to the Committee's discretion to decide whether that was actually the case.

8. Mr. SHERIFIS (Cyprus), speaking in exercise of the right of reply, recalled that the General Assembly, in resolution 3212 (XXIX), paragraph 5, had considered that all the refugees should return to their homes in safety and had called upon the parties concerned to undertake urgent measures to that end. Furthermore, Security Council resolution 365 (1974) had endorsed that resolution and had urged the parties concerned to implement it. Turkey had voted in favour of that General Assembly resolution. After its adoption, however, the number of refugees had increased. The Turkish Government should implement the resolution that it had supported. His delegation, for its part, was very sensitive to the plight of all displaced persons in Cyprus, irrespective of their origin.

9. Mrs. SIPILA (Assistant Secretary-General for Social Development and Humanitarian Affairs) said that in her work in the Finnish Refugee Council, in the Third Committee and in the United Nations Secretariat, she had had the pleasure...
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(Hrs. Sipila)

of co-operating with Prince Sadruddin Aga Khan for almost 12 years. She recalled the enthusiasm and deep interest with which he had taken up his duties, and she continued to admire the conviction and devotion with which he had persuaded Governments and peoples to support the activities of his Office. His thought-provoking statements had helped the Third Committee to understand its great humanitarian role. During the past few years, she had come to know the High Commissioner from the point of view of an international civil servant. Much as she regretted his departure, she was grateful for the inspiring example he had set as a most devoted and unselfish international civil servant and a true humanitarian.

10. The CHAIRMAN announced that Angola, Botswana, the Congo, Costa Rica, and Malawi wished to become sponsors of draft resolution A/C.3/32/L.26; that Angola, Botswana, the Central African Empire, Iceland, Japan and Malawi wished to become sponsors of draft resolution A/C.3/32/L.27; that Austria, Belgium, Canada, the Central African Empire, the Congo, Cuba, Cyprus, Fiji, Finland, France, the Federal Republic of Germany, Iceland, Malawi, Maldives, Mali, New Zealand, Oman, Qatar, Senegal, Spain, Swaziland, Sweden, Togo, Tunisia, the United Kingdom, the United Republic of Tanzania, the United States, Uruguay, Venezuela and Zambia wished to become sponsors of draft resolution A/C.3/32/L.29; and that Austria, Bangladesh, Belgium, Botswana, Canada, the Central African Empire, the Congo, Costa Rica, Cyprus, India, Iran, Iraq, Luxembourg, Malawi, Mauritania, Morocco, the Philippines, Swaziland, Togo, Trinidad and Tobago, the Upper Volta, Uruguay and Venezuela wished to become sponsors of draft resolution A/C.3/32/L.30.

11. Mr. de FARIA (Portugal) said that, in supporting the draft resolutions relating to the activities of the High Commissioner's Office, his delegation regretted that the tasks which UNHCR faced were becoming more complex and was saddened by the imminent departure of the High Commissioner, who had fulfilled his humanitarian tasks with wisdom and exceptional impartiality. It was in that spirit that his delegation had become a sponsor of draft resolution A/C.3/32/L.29, which it felt sure the General Assembly would adopt by acclamation.

12. Mr. SHERIFIS (Cyprus) proposed that draft resolutions A/C.3/32/L.26, L.27 and L.30 should be adopted without a vote and that, as a tribute to the High Commissioner, draft resolution A/C.3/32/L.29 should be adopted by acclamation.

13. The CHAIRMAN said that if there was no objection, she would take it that the Committee wished to adopt draft resolutions A/C.3/32/L.26, L.27 and L.30 without a vote and to adopt draft resolution A/C.3/32/L.29 by acclamation.


15. Draft resolution A/C.3/32/L.29 was adopted by acclamation.
16. The CHAIRMAN, referring to the draft Convention on Territorial Asylum, said it was hoped that, in accordance with General Assembly resolution 3456 (XXX), the Conference of Plenipotentiaries on Territorial Asylum would be reconvened at Geneva. The Committee did not have before it a formal proposal on that question, but consultations were continuing.

17. Under those circumstances, she felt that it would be appropriate for the High Commissioner to keep the Secretary-General informed of the progress of the consultations, so that at its thirty-third session the General Assembly might have more information available for further consideration of the matter.

18. If there was no objection, she would take it that the Committee wished her suggestion to be reflected in its report.

19. It was so decided.

20. Prince SADRUDDIN AGA KHAN (United Nations High Commissioner for Refugees) expressed his appreciation to those speakers who had commented on his report (A/32/12 and Add.1) and to the Assistant Secretary-General for Social and Humanitarian Affairs for her statement. He was especially grateful to those Governments which had sponsored and introduced the resolutions just adopted.

21. The individual rights of refugees were very important, and he would be certain to take into account all the comments stressing national protection. He appreciated the consensus on the draft resolutions and hoped that the approval expressed in the Committee for his Office would be reflected in material and financial support.

22. With respect to draft resolution A/C.3/32/L.29, he was grateful for the expressions of confidence in the manner in which he had discharged his responsibilities but wished to point out that his was a collegial office in which decisions were taken in consultation with his co-workers. He therefore regarded that draft resolution as a tribute not only to himself but also to his efficient and dedicated staff, at Headquarters and particularly in the field, where it had to protect refugees under trying circumstances. It had never become a bureaucratized administration, and that fact explained much of its effectiveness.

23. In conclusion, he thanked the Chairman and assured her that he would continue to serve the United Nations and would always remain particularly committed to the cause of the refugees.

24. The CHAIRMAN said that the Committee had benefited greatly from the personal contribution of the High Commissioner. His leadership over a period of many years had been a major factor in setting high standards for humanitarian work in behalf of refugees. The draft resolutions just adopted also reflected that view...
because they constituted an endorsement of the High Commissioner's tactfully executed and effective policies and expressed confidence and hope that his work would continue. She regretted his departure and wished to echo the tributes voiced in the Committee, which would be reflected in the records of the meeting. The greatest testimonial to the High Commissioner was the hope which his Office had brought to the suffering human beings who had benefited from its activities. His full personal participation would be missed, but she was glad to know that he would continue to be available to the United Nations as a consultant.


25. The CHAIRMAN said that the draft resolutions in document A/C.3/32/L.31 replaced those contained in document A/32/163 as well as the amendments in documents A/32/L.18 and L.20. She invited members to make general statements on the draft resolutions before the Committee.

26. Mr. MERKEL (Federal Republic of Germany) asked what result had emerged from the consultations on draft resolution A/C.3/32/L.19.

27. Mr. OZADOVSKY (Ukrainian Soviet Socialist Republic), speaking on behalf of the sponsors of draft resolution A/C.3/32/L.19, thanked the delegations which had supported it during the debate; he announced that Uruguay and the Upper Volta had become sponsors and that Lesotho and Mali had expressed a wish to become sponsors.

28. The consultations on the draft resolution had taken place in a spirit of co-operation and understanding. The result was that the sponsors had agreed that the sixth preambular paragraph should incorporate the first amendment proposed by the Australian delegation in paragraph 1 of document A/C.3/32/L.22. It had also been agreed that the words "through the Commission for Social Development" should be omitted from paragraph 2 and that the words "the Commission for Social Development" in paragraph 4 should be replaced with the words "the Economic and Social Council", as proposed by Australia in paragraph 3 of document A/C.3/32/L.22. The sponsors were convinced that with those changes the draft resolution would be generally acceptable and hoped that it could be adopted without a vote.

29. Mr. FILBY (United States of America) proposed that paragraph 4 of draft resolution A/C.3/32/L.19 should be amended to include the words "with half the membership being elected every two years" after the words "a term of four years" in order to stagger the elections and thereby ensure continuity.
30. Mr. OZADOVSKY (Ukrainian Soviet Socialist Republic) said that the sponsors with which he had been able to consult agreed that the United States procedural amendment made the wording clearer, and they would accept it.

31. Mr. LAMB (Australia) said that he was pleased at the successful outcome of the consultations on draft resolution A/C.3/32/L.19 and hoped that it would be adopted by consensus. He accepted the proposals made by the representatives of the Ukrainian SSR and the United States. He also noted that the draft resolutions in document A/C.3/32/L.31 had taken full account of the amendment proposed in document A/C.3/32/L.20 and therefore hoped that they would also be adopted by consensus.

32. Mr. AHLANDER (Sweden), introducing draft resolution A/C.3/32/L.21/Rev.1, said that the sponsors had agreed to the revised version in order to ensure consensus. The changes involved an abbreviated version of paragraph 5 and a rewording of paragraph 1.

33. The CHAIRMAN announced that Canada had joined the sponsors of draft resolution A/C.3/32/L.21/Rev.1.

34. Draft resolution A/C.3/32/L.19 was adopted as amended.

35. Draft resolution A/C.3/32/L.21/Rev.1 was adopted.

36. The draft resolutions in document A/C.3/32/L.31 were adopted.

37. The CHAIRMAN invited those delegations who wished to do so to explain their vote.

38. Mr. NOTHOMB (Belgium), speaking in explanation of vote on behalf of the nine members of the European Community, said that although they had joined in the consensus by which the Committee had adopted draft resolution A/C.3/32/L.19, they wished to make several points clear. Firstly, they retained full confidence in General Assembly resolution 415 (V); secondly, the right mentioned in the third preambular paragraph - a right which, to their knowledge, had not been reaffirmed by any previous General Assembly resolution - must be exercised with respect for the relevant international instruments and the principles of international law applicable to crime prevention and control; and thirdly, they appreciated greatly the way in which the Commission for Social Development and the Committee on Crime Prevention and Control had dealt with the problems relating to item 77. The latter, in particular, had clearly demonstrated the efficiency with which a group of duly recognized experts from all regions of the world could function, as could be seen from its reports and the draft code of conduct for law enforcement officials which it had prepared; the nine countries hoped that they would continue in the future to benefit from its experience.

39. Mr. FILBY (United States of America), referring to the last phrase of paragraph 1 of draft resolution A/C.3/32/L.21/Rev.1, said that the United States
could not endorse the abolition of capital punishment because under its federal system the individual States could enact such legislation. However, it favoured restricting the number of offences to which capital punishment should apply, as well as such safeguards as due process, non-discrimination and consideration of the individual character of the offender. With respect to draft resolution A/C.3/32/L.19, he agreed with the statement made by the representative of Belgium.

40. Mrs. SHAHANI (Philippines) said that her delegation welcomed the adoption of draft resolutions A/C.3/32/L.19, L.21/Rev.1 and L.31. Her country would host the regular United Nations Congress on the Prevention of Crime and the Treatment of Offenders in 1978 and was convinced that the draft resolutions just adopted would prove useful on that occasion.

41. With respect to paragraph 1 of draft resolution A/C.3/32/L.21/Rev.1, although her delegation favoured in principle the renunciation of capital punishment, it recognized that for the time being there might be instances in which that would be impossible.

42. Mrs. SATO (Japan), referring to draft resolution A/C.3/32/L.21/Rev.1, said Japan believed that the death penalty was still needed in the administration of justice but felt that it should be applied only when unavoidable.

43. Mr. FAURIS (France) said that his delegation had reservations with respect to paragraph 6 of draft resolution A/C.3/32/L.19 and paragraph 4 of draft resolution A/C.3/32/L.21/Rev.1 and would have abstained had there been a vote on those paragraphs.

44. Mr. SVIRNOV (Union of Soviet Socialist Republics) said that his delegation had been pleased to support draft resolution A/C.3/32/L.19. In paragraph 1, it favoured the convening once every five years of United Nations Congresses on the Prevention of Crime and the Treatment of Offenders. It favoured entrusting the Committee on Crime Prevention and Control with the preparation of the international Congresses, as provided for in paragraph 2, and was confident that that Committee would be chosen on an equitable geographical basis, as called for in paragraph 4, and that it would discharge its task well. The provision in paragraph 3 for reviewing the preliminary rules of procedure of the Congresses would facilitate their work.

45. With respect to draft resolution B in document A/C.3/32/L.31 and draft resolution A/C.3/32/L.24, his delegation felt that the documents of the United Nations Congresses on the Prevention of Crime and the Treatment of Offenders should be prepared by the Secretariat, which had all of the information, resources and staff required for that purpose. It therefore felt that the request expressed in paragraph 8 of draft resolution B in document A/C.3/32/L.31 and in paragraph 1 of document A/C.3/32/L.24 was not justified. Regional preparatory conferences should be funded from existing sources.
46. Mr. LAMB (Australia), referring to paragraph 2 of draft resolution A/C.3/32/L.19, said that the Committee on Crime Prevention and Control, as an expert body, had a rigid schedule, so that the Economic and Social Council should make provision for dealing with the problems which that Committee might therefore be unable to treat.


47. Mr. ALGARD (Norway) said that the devotion of the Norwegian people to the concept of the dignity of man constituted the root of his country's commitment to the cause of continuing protection and development in the field of human rights in general. There was no greater affront to human dignity than the mass poverty, hunger, unemployment and social misery which, under the existing economic and social order, were allowed to exist in so large a part of the world. The struggle for human rights must therefore aim at the eradication of mass poverty and at ensuring for everyone meaningful employment through which basic material and human needs could be met. To ensure those rights for all was a joint responsibility of the international community. In view of the universal character of the problems, his Government considered the United Nations the most suitable instrument for the promotion and protection of human rights.

48. The achievements of the United Nations in the codification of human rights had been impressive. They included the Universal Declaration of Human Rights and numerous conventions and declarations within the United Nations system. His Government attached particular importance to the binding character of the two International Covenants on Human Rights and appealed to all States to ratify them and to honour the commitment they would thereby voluntarily accept. In full conformity with social democratic philosophy, his Government considered economic and social rights and civil and political rights to be indivisible and interdependent.

49. Human rights had not only an individual but also a collective aspect, as discrimination was often based on membership in a group. He therefore hoped that concrete results would be achieved from the codification work under way relating to discrimination on grounds of sex or race and the refusal to grant peoples their inalienable rights of self-determination and independence, as well as to the questions of torture, religious intolerance, the rights of migrant workers, and the effects of the development of science and technology on human rights. His Government also welcomed the growing realization that a relaxation of international tension was of great importance to the full enjoyment of human rights. Freedom from fear was a basic human right.

50. He had, however, been forced to conclude that the achievements of the United Nations in the field of implementation and protection of human rights left much to be desired. The gulf between idealistic declarations and hard realities was greater in the human rights field than in any other. There had been numerous cases of gross violations of human rights that had brought no reaction whatsoever on the
part of the United Nations. The failure of the Commission on Human Rights to take appropriate action in the case of Uganda had been particularly distressing.

51. His Government believed that the urgent need for improving United Nations machinery in the field of human rights had been clearly demonstrated. The Human Rights Committee should be given all necessary support in carrying out its important function in a dispassionate and objective way. His delegation was also ready to examine in a constructive spirit the idea of establishing regional commissions for human rights, which could effectively assist the global commission on human rights in discharging its duties. Furthermore, it was in full agreement with the procedures laid down in Economic and Social Council resolution 1503 (XLVIII) and supported the appointment of a United Nations High Commissioner for Human Rights.

52. He stressed that the need for improved United Nations machinery in the field of human rights was due primarily not to the failure of the system to condemn violations of human rights but rather to the fact that the system was ill equipped to render effective assistance to those countries which, under difficult circumstances, were trying to honour their commitments in the human rights field. In particular, understanding was called for when newly independent societies, confronted with mass poverty, illiteracy and social misery, also had to cope with subversive activities by minorities which had failed to mobilize popular support for their goals through normal democratic processes. On the other hand, it was totally unacceptable that the need for economic and social development and the required political stability should be used as an excuse for such practices as the use of torture, arbitrary arrest and suppression of political dissent.

53. He visualized a High Commissioner for Human Rights not as an international policeman nor as the established conscience of the international community but as a co-ordinator, a mediator and an educator, capable of placing human rights in their economic and social context. He felt, moreover, that no person without a first-hand knowledge of the problems of the third world could fill that position. The idea of a High Commissioner for Human Rights should be considered on the basis of the present situation, rather than the conditions prevailing in 1972, when the question had last been considered in the General Assembly. Consultations had shown that some delegations had reservations concerning the proposal as it stood, but his delegation was nevertheless encouraged by the increasing understanding and support for the idea of a High Commissioner. To the greatest extent possible, all practical steps in the field of human rights should be taken on the basis of consensus or, at the very least, with wide support from the majority of the States Members of the United Nations. That was particularly necessary in connexion with the establishment of a post of High Commissioner for Human Rights, since the High Commissioner could function only if and when he enjoyed the support of most Member States.

54. Although his delegation sympathized with draft resolution A/C.3/32/L.17, it contained formulations that would be difficult to accept. He hoped that the sponsors of that draft resolution would show a spirit of co-operation and accommodation, so that it could be adopted by consensus.
55. His Government whole-heartedly supported all efforts which could strengthen United Nations machinery in the field of human rights. What was needed, after the broad consensus which had been reached on spelling out the basic human rights and freedoms, were practical steps to ensure respect for those rights and freedoms. The credibility of the United Nations was at stake. Every State which had voluntarily made commitments in the field of human rights must therefore contribute by its actions to the strengthening of the Organization in that field.

56. Mr. NOTHOMB (Belgium) said that his delegation considered the item to be one of the most important on the Committee's agenda. Everyone agreed on the need to strengthen the protection of human rights throughout the world. It was also generally admitted that the concept of human rights was capable of evolution. Furthermore, new institutions were needed in order to guarantee the continued protection of human rights. In that regard the excellent start which the new Human Rights Committee had made in its work had fully justified the hopes placed in it by the international community.

57. Draft resolution A/C.3/32/L.17 had proposed that the United Nations should adopt a new approach to the question of human rights. His delegation had reservations on the text in so far as it emphasized the importance of collective rights over those of the individual. He wished, however, to thank the sponsors for having agreed to open a dialogue on their draft. His delegation certainly approved the draft's first principle that human rights were indivisible.

58. Draft resolution A/C.3/32/L.25 proposed the creation of a post of United Nations High Commissioner for Human Rights. That idea was an old one, but the draft resolution had brought it up to date, in particular in the field of the protection of economic, social and cultural rights and the struggle against apartheid. His delegation visualized the mandate of the High Commissioner as comprising two functions: first, serving as a co-ordinator between the various United Nations organs concerned with the protection and promotion of human rights; and second, exercising good offices while maintaining respect for the sovereignty of States. In that connexion there was a similarity between the proposed role of High Commissioner for Human Rights and that already fulfilled by the United Nations High Commissioner for Refugees. The success of both posts depended essentially on the individual who held them.

59. On behalf of the sponsors, he introduced draft resolution A/C.3/32/L.28, which was based on an idea that his delegation had explained to the Third Committee during the thirty-first session of the General Assembly. Economic and Social Council resolution 1503 (XLVIII) had set out the procedures for dealing with communications relating to violations of human rights and fundamental freedoms; article 6 of that resolution had provided for the appointment of an ad hoc committee to investigate any situation which appeared to reveal a consistent pattern of gross violations of human rights. His delegation believed that access to the territory of the State involved represented the best method for enabling such ad hoc committees to carry out their investigations. Article 6 of resolution 1503, however, accorded States...
the right to withhold consent from the holding of such an investigation and to
deny the investigating committee access to their territory. The purpose of draft
resolution A/C.3/32/L.28 was to request States to make a sovereign declaration in
which they would voluntarily waive that right. Such a waiver would encourage the
use of the system of investigations on the whole question of human rights. By
granting such waivers, States would help the United Nations to strengthen the
protection of human rights by means of investigating committees. Some delegations
had objected to the draft resolution on the ground that it posed a challenge to
State sovereignty. It was true that the draft resolution would require those
States making the declaration to renounce part of their sovereignty, but on the
other hand, it offered States a sovereign choice by proposing that they should make
a partial renunciation of sovereignty in an absolutely sovereign manner. The
adoption of draft resolution A/C.3/32/L.28 would leave intact the other guarantees
provided in Economic and Social Council resolution 1503 (XLVIII). There was no
suggestion that the General Assembly should revise or modify resolution 1503; the
intent was to give encouragement to the system of investigations in the whole field
of human rights, whether or not they were undertaken under that resolution.

60. Mr. KUNZ ( Czechoslovakia) said that one of the purposes of the United Nations
was to ensure international co-operation in solving international problems of an
economic, social, cultural or humanitarian nature and to promote respect for human
rights and fundamental freedoms. Those goals would be attained by creating the
necessary conditions for peaceful and friendly relations among nations, based on
respect for the principle of equal rights and self-determination of peoples. The
entry into force of the Covenants on Human Rights marked a new stage in the
Organization's activities in that field, and the Czechoslovak Socialist Republic
had always sought to fulfil all obligations arising from the Charter, the Covenants
and other international treaties and conventions. His delegation had stated many
times that it would continue to encourage efforts by the United Nations to improve
the effective enjoyment of human rights and had always stressed that the protection
of human rights was closely connected with peaceful co-operation among States.

61. The report of the Secretary-General (A/32/178, part IV) dealt with the
ratification of the International Covenants on Human Rights and with other human
rights conventions. His delegation was convinced that such ratification was one of
the major pre-conditions for the effective enjoyment of human rights, and States
should adopt legal measures to implement the Covenants. They should rapidly become
binding for as many States as possible, and the organs established under the
Covenants should carry out their functions effectively.

62. With respect to part VII of the report, the United Nations should concentrate
chiefly on measures to eliminate massive and gross violations of human rights, such
as those occurring in occupied territories and those resulting from policies of
racial discrimination and apartheid, torture and inhuman and degrading treatment.
His delegation favoured the preparation of new conventions as, for example, on the
elimination of discrimination against women would be welcomed. Serious consideration
should be given to the proposals of the Soviet Union in the Commission on
Human Rights concerning the right to live in conditions of international peace and security. Attention should also be concentrated on measures to create conditions for the implementation of all rights, which would make it possible to eliminate poverty, exploitation, unemployment and other social evils.

63. On the other hand, the proposals in document A/C.3/32/L.25 to establish new organs within the United Nations system, such as the office of a United Nations High Commissioner for Human Rights, would not help to improve the effective enjoyment of human rights and would, in fact, constitute a serious setback. His delegation was convinced that the existing United Nations bodies concerned with human rights satisfied all requirements, and the establishment of a new office of a High Commissioner and would lead to a situation contrary to the aims set forth in the Covenants on Human Rights. It should be remembered that international treaties, especially the two Covenants, expressed the will of Member States as to ways and means of implementing the exercise of human rights. Under those circumstances, the High Commissioner's office would become a bureaucratic body with no legal foundation either in the Charter or in the Covenants on Human Rights. The High Commissioner would be vested with rights and powers in excess of the obligations assumed by States parties to the relevant conventions; furthermore, the establishment of such an office would result in certain transfer of the protection of human rights from the direct competence of collective bodies, such as the Economic and Social Council and organs established under the Covenants, to a monocratic organ, leading to a duplication of competence and complicating the entire United Nations system of protection of human rights. The establishment of a new organ, whose purpose would be to enhance and co-ordinate the activities of various bodies in the field of human rights, and thus mutatis mutandis the activities of States, could not be compatible with the principle of non-interference in the internal affairs of States.

64. There were many other ways and means for improving the effective enjoyment of human rights. States should be invited to give wide publicity to international documents such as the Universal Declaration of Human Rights, the Covenants on Human Rights and the Final Act of the Conference on Security and Co-operation in Europe. In Czechoslovakia both Covenants had been published in many thousands of copies, and the legal aspects of the protection of human rights were dealt with at the Czech and Slovak Faculties of Law and discussed by scientific organizations such as the Czech and Slovak Associations for International Law.

65. The establishment of various new bodies would complicate the entire United Nations system, would be costly and would be at variance with the political and legal principles governing the international protection of human rights in the United Nations system.

66. Only the broadest participation of States in the system of international conventions on human rights and the consistent implementation of all those instruments, including the co-operation of States with the bodies established under international treaties, could lead to an improvement of the effective enjoyment of human rights.

/...
67. **Mr. SOEBY (Egypt)** said that the item under consideration had become extremely urgent, particularly as rivalry among Member States was emerging as to the best way of dealing with the problem of human rights. Criticism of the performance of the United Nations in the field of human rights was not justified. It arose because the possibilities of United Nations action in the field of human rights had been overestimated, leading to exaggerated expectations of what the Organization should achieve. It was essential that efforts to achieve progress on the question should be undertaken within the United Nations framework. In the past, there had been disagreement between those who wished to improve the effectiveness of existing organs and those who wished instead to create new bodies. Debates in the Third Committee had frequently been clouded by emotionalism, which had prevented the matter from being studied properly. An objective and detailed study of possible solutions to the problems connected with human rights was now urgently needed. Measures adopted by the United Nations on that question, as on others, must be acceptable to all, and there must be no attempt to impose the views of one group on all others.

68. His delegation had joined in sponsoring draft resolution A/C.3/32/L.17 which, he believed, would eventually come to be regarded as a historical turning point in the work of the United Nations in the field of human rights. For the first time, principles had been drafted as a basis for the future human rights work of the Organization. Those principles had been based not on ideological or political considerations but rather on the needs and realities of the majority of the peoples of the world. They were not limited to one society or one political or social system. He had therefore been surprised to hear the representative of Norway ask the sponsors of draft resolution A/C.3/32/L.17 to show understanding of the views of others and to co-operate in the discussions currently taking place.

69. His delegation had been surprised that draft resolution A/C.3/32/L.25 had been introduced officially, as no unanimity yet existed among Member States regarding the creation of a post of United Nations High Commissioner for Human Rights. A decision on such a matter must be unanimous in order to ensure success. It was particularly surprising that draft resolution A/C.3/32/L.25 had been submitted after draft resolution A/C.3/32/L.17, which had called for a re-evaluation of the principles which should guide future United Nations action on the question of human rights. No new bodies should be created, or existing bodies reorganized, before the work of re-evaluation had been completed.

70. His delegation was not opposed to the proposal for the creation of a United Nations High Commissioner for Human Rights as such. What it sought was improvement in the way in which the United Nations handled human rights. The matter should be pursued in a logical order, and decisions on solutions should not be adopted before other possibilities had been considered.

71. **Mr. SALAZAR (Costa Rica)** said that human rights had been a matter of concern to the United Nations since its foundation. The United Nations had been based on the two major goals of maintaining international peace and security and defending and preserving human rights and fundamental freedoms. Peace in a global context had been strengthened by the United Nations, and the cold war had given way to a
new atmosphere of peaceful coexistence. Thus the United Nations had been able to return to its other main concern of promoting universal respect for human rights, in accordance with Articles 1, 13, 55 and 56 of the Charter. The Universal Declaration of Human Rights had been followed by the two International Covenants on Human Rights and the Optional Protocol to the International Covenant on Civil and Political Rights. However, definition and codification alone was not enough, and the promotion and encouragement of respect for human rights and fundamental freedoms, as clearly required by Articles 1, 55 and 56 of the Charter, necessitated an active role going far beyond the mere rhetorical proclamation of those rights.

72. The role which the United Nations should play in the field of human rights had not yet been sufficiently defined, and that was why the Committee was dealing with the question of "ways and means within the United Nations system for improving the effective enjoyment of human rights". The two Covenants and the Optional Protocol gave a clearer definition of the obligation of signatory States to promote respect for human rights in their own territory. The United Nations had established the embryo of a machinery to monitor respect for human rights, firstly through the reports of the Economic and Social Council under resolution 728 F (XXVIII) on human rights violations by Governments - a device that had not been successful - and secondly through the procedure established under resolution 1503 (XLVII) of 27 May 1970, whereby the Sub-Commission on Prevention of Discrimination and Protection of Minorities received evidence from victims of human-rights violations. Those interlinked procedures were related to the work of the Commission on Human Rights, and other bodies concerned with the question of human rights were the Third Committee, the Economic and Social Council, the Human Rights Committee set up under the International Covenant on Civil and Political Rights, and the Committee on the Elimination of Racial Discrimination. All those bodies had the major disadvantage of meeting infrequently and therefore being unable to give effective protection of human rights, since they could not intervene at times of emergency.

73. Because of the lack of permanent and flexible instruments to respond to those human-rights violations which led to pressure on the United Nations, ad hoc committees or working groups had been established to make investigations and provide reports. In spite of the good intentions of their promoters, his Government had never been an enthusiastic supporter of such ad hoc groups, since their investigations were undertaken on a selective and unilateral basis, and in certain countries only, with the result that only certain States concerned themselves with human rights and often merely for arbitrary political reasons, as when violations were alleged to have been committed by a Government to which they were hostile.

74. Among the ideas put forward to obtain an effective instrument for defending human rights on the world level, a proposal had been made to convert the Trusteeship Council into a Council on Human Rights. His delegation had insufficient information to reach a conclusion on that proposal, but it would be inadvisable to set up a new organ whose composition was essentially political and which, like the existing ones, would lack the necessary flexibility to take cognizance of emergency situations. The idea would, however, be worth considering if the new organ was given a permanent character, so that it could be convened at any time in an emergency, like the Security Council.
75. It was generally felt that the United Nations lacked an effective instrument to defend human rights in cases of persistent and flagrant violations which could not be ignored by the international community. It would therefore be useful to have an official able to act in such circumstances. Only an individual would be able to act with the necessary speed and flexibility, characteristics lacking in a political organ, which could easily be persuaded to do nothing. Such an official should possess integrity, impartiality and prestige and should be able to act with the requisite authority and speed to fulfil his functions effectively. His delegation therefore firmly supported the establishment of a post of High Commissioner for Human Rights, in order to provide the Organization with an instrument for fulfilling its responsibilities under Articles 13, 55 and 56 of the Charter.

76. The proposal for a High Commissioner for Human Rights was the outcome of considerable negotiating effort over a period of many years. The merits of the proposal were clear, and there was no other motive involved than the cause of human rights. He therefore urged the Committee to examine the proposal in a positive spirit and with political determination. The President of Costa Rica had stated to the General Assembly on 20 October that his country, and others which supported the initiative, favoured a consensus and had accepted various significant amendments to the original proposal. There was no further justification for delay. The High Commissioner would harm nobody and help many, emulating the activities of Dr. Fridtjof Nansen, the first Nobel Peace Prize winner in 1922, on behalf of stateless persons during the period of the League of Nations.

77. Mrs. NGUYEN Ngoc Dung (Viet Nam), said she agreed that there was an urgent need to unite efforts in seeking better ways within the United Nations system to guarantee the effective enjoyment of human rights. She felt that United Nations activities in that field had been largely positive. Since the proclamation of the Universal Declaration of Human Rights, the Organization had secured the adoption of nearly 20 international instruments, conventions or declarations on the inalienable rights of peoples to self-determination, national independence, racial equality and the like. The legal recognition of fundamental human rights would have been impossible without the victorious struggle of oppressed peoples to break the bonds of slavery, colonialism and racial discrimination; but it was also true that such recognition had had a positive effect on the struggle of peoples to attain their fundamental rights.

78. One of the outstanding merits of the United Nations in the field of human rights was its definition of ideas that made it clear that colonialism, racial discrimination, apartheid, armed aggression, and foreign domination and occupation constituted a massive denial and a grave violation of human rights. The United Nations also deserved credit for emphasizing through international instruments the interdependence between economic, social and cultural rights and political and civil rights. That interdependence was a fact of life, and only by recognizing it could the problem of guaranteeing human rights be fully understood. Progress had been made in guaranteeing human rights wherever peoples had been struggling on the basis of those two interlinked concepts. Any other criterion of the concept of human rights would be erroneous and would violate one of the fundamental principles...
of the Charter, namely that the United Nations was not authorized to intervene in matters essentially within the domestic jurisdiction of any State (Article 2, para. 7). The United Nations should be careful not to institutionalize any concept which could have grave consequences for human rights. Economic, social and cultural rights and political and civil rights were inseparable and could only be considered in all their aspects and in a global perspective. Problems involving them could be resolved only through the relevant organs of the United Nations system and at the level of the General Assembly. Because of the importance and complexity of human rights, an organ to centralize that field would have to be as representative as all the equivalent organs, such as the Security Council for peace and security matters and the Economic and Social Council in economic and social matters. It was therefore surely true that the Third Committee, with its representative composition and field of competence, was the organ best fitted for the task which it was proposed, in document A/C.3/32/L.25, to entrust to a High Commissioner's office.

79. While she did not question the good faith of the sponsors of the draft resolution, she felt that setting up bureaucratic machinery to remove the many remaining obstacles to the effective protection of human rights would make the situation not better but worse. Some people had already interpreted the proposal as an attempt to create an organ to intervene in matters within the national competence of States, which was expressly forbidden by the Charter. The Committee should therefore base its thinking on the great achievements of the United Nations in human rights and draw the necessary conclusions for the Organization's future activities aimed at effectively guaranteeing those rights.

80. Mrs. MORRISON (Lesotho) said that a surprising degree of emotion had been generated on an item of outstanding and apparent merit. The item under consideration opened unlimited horizons and gave room for many possible suggestions for examination by the Committee.

81. Lesotho was a sponsor of draft resolution A/C.3/32/L.25, and her delegation had listened with interest to the statement of the United Nations High Commissioner for Refugees because for Lesotho the question of refugees and the question of human rights were inextricably connected. The two were of equal importance, although observance of the Charter's principles on Human Rights would completely eradicate the refugee problem. Her delegation strongly believed that the spread of the refugee problem throughout the world was a direct result of the spread of human-rights violations in various forms. After so much effort had been directed towards giving the United Nations the universality it deserved, it was impossible to ignore the growing need to co-ordinate the provisions of international instruments relating to human rights. No country need feel so insecure in its nationhood as to fear that the Office of the High Commissioner for Human Rights would interfere with its sovereignty.

82. Draft resolution A/C.3/32/L.25 was a major step towards alleviating a problem which threatened to occupy the attention of the United Nations for many years. The proposal spoke for itself, and explanations should make it clearer to those who had originally mistaken its intentions. She therefore urged the members of...
the Committee to give the draft resolution the serious attention it deserved. The fears so far expressed could be set at rest by the provisions of paragraphs 2 (b) and (c), 3, 4 and 5, and positive amendments would be welcomed.

83. Her delegation also supported draft resolution A/C.3/32/L.28.

84. The CHAIRMAN announced that Surinam and El Salvador had joined the sponsors of draft resolution A/C.3/32/L.25 and the Comoros had joined the sponsors of draft resolution A/C.3/32/L.17.

The meeting rose at 6.30 p.m.