

ARTICLE 55

CONTENTS

	<i>Paragraphs</i>
Text of Article 55	
Introductory note	1-2
I. Economic and social fields	3-191
A. General survey	3-82
1. International Development Strategy for the Third United Nations Development Decade	15-27
2. Decisions with regard to cooperation and technical assistance for development	28-32
(a) Economic and technical assistance	28-29
(b) Economic and technical cooperation among developing countries	30-32
3. Decisions with regard to financing economic development	33-36
4. Institutional arrangements and national capacities	37-48
(a) Questions relating to administrative, fiscal, legislative and statistical matters	37-39
(b) Decisions with regard to population matters	40-41
(c) Science and technology	42-43
(d) Industrial development	44-45
(e) Transport and communications	46-48
5. Decisions regarding rational use of natural resources and the human environment	49-53
(a) Natural resources	49
(b) Protection and preservation of the human environment	50-53
6. Decisions with regard to the least developed countries	54-58
7. Decisions with regard to international trade	59-62
8. Decisions with regard to social development and policies	63-74
9. Decisions with regard to transnational corporations	75-76
10. Decisions regarding disaster relief	77-82
B. Analytical summary of practice	83-191
1. Role of the principal organs of the United Nations in respect of promoting economic and social development and solutions of international economic, social, health and related problems	83-191
(a) Negotiations towards the establishment of the new international economic order: eleventh special session of the General Assembly	83-95
(b) International Development Strategy for the Third United Nations Development Decade	96-108
(c) Question of the consolidation and progressive development of the principles and norms of international economic law relating in particular to the legal aspects of the new international economic order	109-117
(d) Formulation of a code of conduct for transnational corporations	118-136
(e) United Nations Conference on the Least Developed Countries	137-152
(f) The problem of material remnants of war	153-161

	<i>Paragraphs</i>
(g) New and renewable energy sources	162-173
(h) Consumer protection	174-188
(i) Declaration on social and legal principles relating to adoption and foster placement of children nationally and internationally	189-191
**2. Role of the principal organs of the United Nations in respect of promoting international, educational and cultural cooperation	
II. Human rights	192-506
A. General survey	192-238
1. Decisions mainly of a preparatory, procedural or coordinating nature	192-204
**2. Creation of new specialized agencies	
3. Recommendations and other decisions designed generally to influence States, organized or unorganized groups or world opinion at large	205-206
4. Conventions and other international instruments	207-211
**5. International conferences	
6. Services relating to human rights	212-217
7. Decisions dealing individually with allegations regarding violations of human rights in specific States or Territories	218-230
8. Miscellaneous actions	231-238
B. Analytical summary of practice	239-506
**1. Question of the meaning of the phrase "respect for, and observance of"	
2. Question of the meaning of the term "human rights and fundamental freedoms"	239-505
(a) General remarks	239-244
(b) Rights and freedoms proclaimed as human rights and fundamental freedoms in the Universal Declaration of Human Rights	245-452
(i) General provisions	245-281
a. Code of Conduct for Law Enforcement Officials	245-248
b. Convention on the Elimination of All Forms of Discrimination against Women	249-256
c. Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief	257-261
d. Principles of Medical Ethics relevant to the role of health personnel, particularly physicians, in the protection of prisoners and detainees against torture and other cruel, inhuman or degrading treatment or punishment	262-266
e. Safeguards Guaranteeing Protection of the Rights of those Facing the Death Penalty	267-268
f. Declaration on the Right of Peoples to Peace	269-270
g. Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	271-281
(ii) Civil and political rights	282-392
a. International Covenant on Civil and Political Rights	282
b. Rights relating to the freedom and integrity of the person	283-319
c. Rights relating to recognition before the law and protection of the law	320-354
d. Rights relating to remedies in connection with violation of rights and to civil procedures	355
e. Rights relating to criminal offences	356-360

	<i>Paragraphs</i>
f. Rights relating to privacy and to honour and reputation	361-362
g. Freedom of movement and residence	363-364
h. Right of asylum and related rights.	365-374
i. The right to a nationality	375
j. Rights relating to marriage and the family.	376-380
k. The right to own property.	381
l. Freedom of thought, conscience and religion.	382-385
m. Freedom of opinion and expression.	386-387
n. Freedom of peaceful assembly and association	388
o. The right to take part in the Government, the right of access to public service and rights relating to the will of the people	389-392
(iii) Economic, social and cultural rights	393-452
a. International Covenant on Economic, Social and Cultural Rights	393-396
b. Rights relating to work.	397-408
c. Rights relating to the standard of living and social security	409-432
d. Rights relating to motherhood and childhood	433-441
e. The right to education	442-448
f. Rights relating to cultural life, the arts and scientific advancement	449-452
**g. Rights to protection of scientific, literacy or artistic production	
(c) Question of the relation of rights and freedoms, other than those proclaimed in the Universal Declaration of Human Rights, to the concept of "human rights and fundamental freedoms"	453-505
(i) The right of petition	453-459
(ii) The right of peoples and nations to self-determination	460-474
(iii) Rights of minorities	475-476
(iv) Other rights	477-505
3. Question of the meaning of the expression "for all without distinction as to race, sex, language or religion"	506
**4. Question of the meaning of the term "universal"; territorial scope of the provisions relating to human rights	

TEXT OF ARTICLE 55

With a view to the creation of conditions of stability and well-being which are necessary for peaceful and friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, the United Nations shall promote:

- (a) Higher standards of living, full employment and conditions of economic and social progress and development;
- (b) Solutions of international economic, social, health and related problems; and international cultural and educational cooperation; and
- (c) Universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language or religion.

INTRODUCTORY NOTE

1. The presentation and organization of the material in this study follows the pattern established in the previous studies of Article 55 of the *Repertory* and its *Supplements Nos. 1, 2, 3, 4, and 5*. As in the previous *Supplements*, the material is divided into two parts, dealing with economic and social matters, and with human rights. Each part is divided into a general survey and an analytical summary of practice. The general survey gives a broad view of the activities of the United Nations in those fields consonant with the words "shall promote" in Article 55. With regard to the general survey for Part I, the reader will note that the topic headings in the present *Supplement* have been revised. As in *Supplement No. 5*, the analytical summary for Part I provides an understanding of the functional work of the General Assembly, the Economic and Social Council and the Secretary-General on those agenda items relevant to promoting the goals of Article 55 (a) and (b). An account of the ways and means used by the United Nations to achieve the purposes of Article 55 through the exercise of specified functions and powers of the General Assembly and the Economic and Social Council is contained in this *Supplement* in the studies on the Articles which set forth those functions and powers.

2. As in the previous studies, the question of the scope given to the objectives of the United Nations in the economic, social and human rights fields is set forth in subparagraphs (a), (b) and (c) of Article 55, in the Preamble of the Charter, and in certain other Articles,¹ is dealt with in this *Supplement* solely in the study of a single Article, namely, Article 55.

¹See *Repertory*, under Article 55, para. 4, and related table.

I. ECONOMIC AND SOCIAL FIELDS

A. General survey

3. A brief survey of the promotion by the General Assembly and the Economic and Social Council of the economic and social objectives of Article 55 during the period covered by the present *Supplement* is given in the present section. The major decisions of these two organs of the United Nations pertaining to international action in the economic and social fields are briefly described.

4. During the period under review, the principal organs of the United Nations continued to consider the promotion of economic and social development and, albeit to a lesser extent, international educational and cultural cooperation. No direct reference to the interpretation of Article 55 was made. The United Nations addressed specific and general aspects of economic and social development. With regard to decisions dealing with these fields generally, for example,

the United Nations focused its attention on overall trends in the world economy.² Both the Economic and Social Council and the General Assembly expressed concern over the deteriorating world economic situation, its effects on the developing countries, and on the least developed countries in particular. The Assembly continued to examine the long-term trends in economic and social development, requesting the Secretary-General, in cooperation with the bodies of the United Nations system, to continue analytical work devoted to the question, and to submit his views to the Assembly on the possible outline and method of preparation of an overall socio-economic perspective of the development of the world economy up to the year 2000.³

²See, e.g., G A resolution 37/203.

³G A resolution 34/75.

5. During the period under review, the United Nations put considerable focus on the restructuring of international economic relations. The United Nations organs reaffirmed their determination to establish a new international economic order⁴ and reaffirmed the provisions contained in the Charter of Economic Rights and Duties of States, while expressing concern at the limited and partial progress in the attainment of the aims and objectives established thereon.⁵ Both the new international economic order and the Charter were invoked in a considerable number of decisions throughout the period, and the United Nations took a number of initiatives to review progress in this area and promote its implementation.⁶ The effort to establish the new international economic order was carried into the legal and moral sphere: the General Assembly continued its efforts with regard to the question of the consolidation and progressive development of the principles and norms of international economic law relating in particular to the legal aspects of the new international economic order,⁷ requesting, *inter alia*, UNITAR to complete a study on the existing and evolving principles of international law relating to the new international economic order.⁸ In addition, the Organization examined a proposal for the drafting of a declaration on a new international human order.⁹ At its second 1983 session, the Economic and Social Council adopted a decision annexed to which was a draft resolution, as well as comments made by Governments and by the Council, transmitted to the General Assembly at its thirty-eighth session. The annex contained a "Declaration on a new international human order: moral aspects of development". The draft declaration cited Article 55 and noted that the United Nations had not fully and effectively achieved its objectives, embodied in the Charter, in the field of economic and social development.¹⁰ By its resolution 38/170, the General Assembly took note of the Council decision and decided to include the item in the provisional agenda of its fortieth session. In addition, another significant area of initiative during the period was the implementation of the recommendations contained in the annex to General Assembly resolution 32/197 on the restructuring of the economic and social sectors within the United Nations itself.¹¹

6. The Organization continued to take decisions related to principally political fields affecting the promotion of economic and social development. Within the International Development Strategy for the Third United Nations Development Decade, the General Assembly recognized the close relationship between disarmament and development, and considered that progress in the former would help greatly in the realization of the latter. Taking into consideration the recommendations of the tenth special

session of the General Assembly relating to the relationship between disarmament and development, the Assembly stated that effective measures should be taken, following disarmament measures, to use resources thus released for economic and social development, particularly for the benefit of the developing countries.¹² The Economic and Social Council recognized the link between disarmament and enhanced food security,¹³ and the economic and social effects of military occupation.¹⁴ In another instance, the Assembly took a decision deploring actions by some developed countries employing economic measures as a means of political and economic coercion against developing countries.¹⁵

7. The Organization explored new approaches to existing problems and addressed a number of new issues. For example, with regard to the implementation of the new international economic order,¹⁶ the General Assembly took steps to explore confidence-building measures in economic relations.¹⁷ As in the past, the principal organs called for¹⁸ and endorsed the results¹⁹ of various international conferences. In addition, the United Nations established modalities for review of its various programmes and Plans of Action. For example, by its resolution 1983/21, the Economic and Social Council requested the Secretary-General to convene an expert group meeting for the preparation for the review and appraisal of the International Plan of Action on Ageing called for in General Assembly resolution 37/51.²⁰

8. Some provisions of the decisions of the principal organs put forward a conceptual approach or parameters within which to view a given economic or social problem. For example, in one instance the General Assembly acknowledged that disability should be viewed as a relationship between an individual and his or her environment.²¹ In another instance, by its resolution 1983/71, the Economic and Social Council emphasized the need to consider the food problem in a comprehensive manner to include technical, economic, financial and human dimensions. In addition, both the Council and the Assembly reaffirmed that environmental considerations should be viewed in the context of national plans and priorities and the development objectives of all countries, in particular the developing countries.²²

9. The principal organs in their decisions continued to reserve areas of action and/or policy measures that remained specifically within the control of Member States. Such decisions often made recommendations for international action while identifying general or specific parameters reserved for national action. For example, in one instance,

⁴See, e.g., G A resolution 35/56.

⁵See, e.g., G A resolution 35/57.

⁶See, part B, sects. 2 and 3, for more discussion.

⁷G A resolution 34/150.

⁸G A resolution 35/166.

⁹G A resolution 37/225.

¹⁰E S C decision 1983/171.

¹¹See, e.g., G A resolutions 34/212, 34/213, 34/214 and 34/215. For more detailed discussion on this topic, see *Repertory*, vol. IV, *Suppl. No. 6*, under Articles 58 and 63.

¹²G A resolution 35/56, annex, para. 114.

¹³E S C resolution 1983/71.

¹⁴See, e.g., E S C resolution 1983/43.

¹⁵G A resolution 39/210.

¹⁶G A resolutions 3201 (S-VI) and 3202 (S-VI).

¹⁷G A resolutions 38/196 and 39/226.

¹⁸See, e.g., G A resolution 34/203 and E S C resolution 1981/87.

¹⁹See, e.g., G A resolution 36/193.

²⁰E S C resolution 1983/21.

²¹G A resolution 34/154.

²²E S C resolution 1980/49 and G A resolution 35/74.

the General Assembly stated that, within the International Development Strategy, States themselves would formulate and implement education policies appropriate to their economic and social requirements, determining the balance between the necessary efforts to promote universal education, including the goal of free education at all levels, and the resources required.²³ In another instance, the Assembly affirmed that population policies would be considered as an integral part of overall national, social and economic goals and strategies.²⁴ Similarly, these decisions often served to reaffirm State sovereignty over areas of international concern. For example, the General Assembly affirmed that each country had the inalienable right to adopt the economic and social system it deemed most appropriate.²⁵ Moreover, the decisions articulated the responsibilities of Member States for areas of action or policy measures. For example, the Economic and Social Council reaffirmed that the main responsibility for solving the problems of crime prevention and control lay with national Governments.²⁶

10. Decisions of the principal organs during the period under review identified in a number of instances the necessary prerequisites for development, including an environmentally sustainable development process,²⁷ the development of human resources and, by extension, the improvement of education,²⁸ and the strengthening of the scientific and technological capacities of developing countries.²⁹ As in the past, the decisions of the General Assembly and the Economic and Social Council served to emphasize or recognize priority areas of concern with regard to the achievement of international economic and social development, as well as in cultural cooperation. The Council requested all organizations of the United Nations system to take into account, in the elaboration of programmes in their respective areas of specialization, the preliminary list of options contained in the interim report of the Secretary-General on consumer protection. By its resolution 39/123, the Assembly emphasized the importance of the establishment of the new international economic order for the achievement of social progress.³⁰ The Assembly noted that a just and lasting peace and social progress, as well as the establishment of a new international economic order, required the active participation of women in promoting international peace and cooperation and in the process of development. The Assembly also affirmed that the achievement of equal and full participation of women in all spheres of activity constituted an inseparable part of the political, economic, social and cultural development of all countries.³¹

11. Similarly, certain decisions served to identify and maintain a focus on pressing problems requiring special attention by the international community such as transport

and communications problems, least developed countries, landlocked island countries,³² and the need to upgrade the living and working conditions of low-income and disadvantaged groups in rural and urban areas.³³ By its resolution 1980/48, for example, the Economic and Social Council emphasized the urgent need to develop and strengthen the scientific and technological capacity of developing countries and, in that context, the role to be played by the United Nations.

12. In addition, the decisions of the Organization recommended and served to coordinate the elaboration of internationally accepted definitions, terminology, guidelines, standards and principles in a number of areas, such as mineral resources,³⁴ communication between the United Nations and youth,³⁵ and transnational corporations.³⁶

13. As in the past, the General Assembly and the Economic and Social Council promoted the aims of Article 55 through international years and decades, such as the International Year of Shelter for the Homeless,³⁷ and the International Drinking Water Supply and Sanitation Decade.³⁸ By its resolution 1980/67, the Council, recognizing the contribution that the celebration of international years could make to the furtherance of international cooperation and understanding, adopted a set of guidelines as its criteria and procedures for future proposals for international years, and submitted them to the General Assembly for its consideration.³⁹

14. Both the General Assembly and the Economic and Social Council continued to establish bodies to focus on particular problems in the field of economic and social development.⁴⁰ For example, at its thirty-fifth session, the General Assembly requested the Trade and Development Board to establish an intergovernmental group of experts on restrictive business practices operating within the framework of a committee of UNCTAD. The functions of the group were set out within the Set of Multilaterally Agreed Equitable Principles and Rules for the Control of Restrictive Business Practices approved by the United Nations Conference on Restrictive Business Practices.⁴¹

1. INTERNATIONAL DEVELOPMENT STRATEGY FOR THE THIRD UNITED NATIONS DEVELOPMENT DECADE

15. At its thirty-fifth session, the General Assembly proclaimed the Third United Nations Development Decade, to commence 1 January 1981.⁴² In the same resolution, the Assembly adopted the International Development Strategy for the Third United Nations Development Decade. Like the International Development Strategy for the Second United

²³G A resolution 35/56, annex, para. 164.

²⁴*Ibid.*, para. 166.

²⁵See G A resolution 37/54.

²⁶E S C resolution 1979/19.

²⁷G A resolution 35/56, annex, para. 41.

²⁸*Ibid.*, para. 46.

²⁹*Ibid.*, para. 36.

³⁰G A resolution 37/54.

³¹G A resolution 39/123.

³²G A resolution 35/56, annex, para. 136.

³³G A resolution 35/76.

³⁴E S C resolution 1979/72.

³⁵G A resolution 35/139.

³⁶E S C resolution 1980/60.

³⁷G A resolution 37/221.

³⁸G A resolution 35/18.

³⁹E S C resolution 1980/67.

⁴⁰See *Repertory*, vol. II, *Supplement No. 6*, under Article 22, and vol. IV, *Supplement No. 6*, under Article 68.

⁴¹G A resolution 35/63.

⁴²G A resolution 35/56.

Nations Development Decade, the current International Development Strategy set out goals and objectives for the Decade as well as a number of specific policy measures in the fields of international trade, industrialization, food and agriculture, financial resources for development, international monetary and financial issues, technical cooperation, science and technology for development, energy, transport, economic and technical cooperation among developing countries, human settlements, disaster relief and social development. It also contained measures for a review and appraisal of its implementation. Throughout the period under review, decisions relating to these fields recalled the International Development Strategy. Drawing as its basis upon the new international economic order and the Charter of Economic Rights and Duties of States, the Strategy established areas of responsibility for implementation among national Governments, at the regional and international levels, and by developed and developing countries.

16. Objectives and policy measures were set out in either general terms — e.g., “Measures for the benefit of youth will be adopted.”⁴³ — or were articulated with more specific provisions — e.g., specific targets for the expansion of annual exports and imports for goods and services,⁴⁴ and for the acceleration of production.⁴⁵

17. With regard to the promotion of employment, the Organization maintained the goal of full employment by the year 2000 as a primary objective.⁴⁶ In that light, each developing country would decide, within the framework of a unified approach to development, the content of a national programme for the development of its human resources.⁴⁷ The development of human resources was linked to the elements of education and training.⁴⁸ In addition, the Organization continued to take decisions with regard to the problem of reverse transfer of technology, or brain drain.⁴⁹

18. During the period under review, the principal organs took only a limited number of decisions in the areas of international cultural and educational cooperation. With regard to educational cooperation, the General Assembly took most of the decisions, which principally consisted of reviewing the activities of and making recommendations to the United Nations University⁵⁰ and to UNITAR.⁵¹ At its thirty-fifth session, the Assembly approved the establishment of the University for Peace.⁵²

19. The decisions of the principal organs with regard to international cultural cooperation made general recommendations to UNESCO and served to affirm the importance and encourage the protection and development of cultural values. In one instance, the Economic and Social Council, reaffirming that cultural development was one of

the most important factors of social progress, called upon States to protect and further develop cultural values “as social and spiritual energy for authentic national development, appealing to all nations to create cultural values which promote friendship and better social relations in the world”.⁵³ The General Assembly made recommendations both to promote cultural values in general⁵⁴ and specifically with respect to the return of cultural and artistic property to their countries of origin.⁵⁵

20. During the period under review, the principal organs continued to take decisions to improve the production and supply of food, addressing recommendations to and noting the initiatives of organs and bodies within the United Nations system such as IFAD⁵⁶ and the World Food Council,⁵⁷ and international financial institutions such as the World Bank,⁵⁸ as well as the international community in general.⁵⁹

21. The General Assembly, having expressed its concern⁶⁰ at the unsatisfactory progress made by the international community towards achieving the general objectives of the Universal Declaration on the Eradication of Hunger and Malnutrition,⁶¹ stated as one of the goals of the Third Development Decade the elimination by latest the end of the century of hunger and malnutrition, promoting food self-sufficiency and security in developing countries so as to ensure an adequate level of nutrition for everybody.⁶² The International Development Strategy envisioned strengthened agricultural development at the national level and an improved international framework for agricultural development, including additional resource transfers to developing countries and increased market stability.⁶³ Within the International Development Strategy, policy measures in this field centred on recommendations to be considered in the context of national development plans⁶⁴ and efforts by the international community acting in concert⁶⁵ aimed at addressing a number of aspects of food shortage problems, including research,⁶⁶ goals for emergency food reserves⁶⁷ and trade.⁶⁸

22. Other action in this area included appeals for increased technical, capital and financial assistance,⁶⁹ the endorsement of principles and programmes in the field,⁷⁰

⁴³Ibid., annex, para. 163.

⁴⁴Ibid., para. 22.

⁴⁵Ibid., para. 23.

⁴⁶Ibid., para. 44.

⁴⁷Ibid., para. 167.

⁴⁸Ibid., para. 46.

⁴⁹See, e.g., G A resolution 34/200.

⁵⁰See, e.g., G A resolutions 34/112 and 35/54.

⁵¹See, e.g., G A resolution 35/53 A.

⁵²G A resolution 35/55.

⁵³E S C resolution 1981/17.

⁵⁴G A resolution 35/127.

⁵⁵G A resolution 35/128.

⁵⁶See, e.g., E S C resolution 1983/71.

⁵⁷See, e.g., G A resolution 34/16, 36/185; E S C resolution 1980/58.

⁵⁸See, e.g., G A resolution 34/130.

⁵⁹See, e.g., G A resolution 36/186.

⁶⁰G A resolution 35/68.

⁶¹See *Repertory*, vol. III, *Supplement No. 5*, para. 25, under Article 55.

⁶²G A resolution 35/56, annex, para. 28.

⁶³Ibid., paras. 28-29.

⁶⁴Ibid., para. 81.

⁶⁵Ibid., para. 85.

⁶⁶Ibid., para. 84.

⁶⁷Ibid., para. 92.

⁶⁸Ibid., para. 94.

⁶⁹See, e.g., E S C resolution 1980/58.

⁷⁰See, e.g., G A resolution 34/14.

recommendations to reduce and eliminate, where appropriate, barriers to trade,⁷¹ and support for the establishment of regional mechanisms to reduce food vulnerability.⁷² In several instances, the General Assembly identified the need for special attention to the food situation in a certain region,⁷³ or in specific countries.⁷⁴ By its resolution 37/246, the Assembly considered a proposal to declare an international year for the mobilization of financial and technological resources for food and agriculture in Africa. Such an international year would focus the attention of the international community on the problem and improve the food situation in the region.⁷⁵

23. The principal organs took relatively few decisions with regard to the fields of health and nutrition: the International Development Strategy set out as a goal the attainment by the year 2000 of a level of health that would permit all peoples to lead a socially and economically productive life.⁷⁶ The principal organs gave one area relevant to the field of health, that of consumer protection, increased attention.⁷⁷

24. The principal organs continued to take decisions in the field of housing and human settlements during the period, articulating a long-term goal for the provision of basic shelter and infrastructure for all people in rural as well as urban areas.⁷⁸ In formulating its decisions, the principal organs looked mainly to the work of the Commission on Human Settlements and the United Nations Centre for Human Settlements (Habitat),⁷⁹ both of which were urged to provide support to developing countries in the formulation and implementation of their programmes on human settlements.⁸⁰ The General Assembly recommended that the Executive Director of Habitat should take the necessary steps to establish a unified information service within the Centre to comprise a suitable range of information and communication skills and capabilities. As in the past, the Assembly also addressed the question of the living conditions of the Palestinian people.⁸¹

25. The General Assembly and the Economic and Social Council adopted decisions to promote the effective participation of women at various levels of the development process and to increase the number of competent women within the United Nations system.⁸² The General Assembly, within the International Development Strategy, stated that countries would adopt effective measures to enhance the involvement of women in the development process.⁸³ The Assembly set out the overall objectives for initiatives in this

area. In addition, it proclaimed the Declaration on the Participation of Women in Promoting Peace and Cooperation, calling for, inter alia, the full and increasing participation of women in the economic, social and cultural affairs of society.⁸⁴ The Economic and Social Council made a number of recommendations for initiatives in this area, including proposals to improve the health, working conditions and educational conditions of women in rural areas,⁸⁵ a programme of action for the second half of the United Nations Decade for Women: Equality, Development and Peace,⁸⁶ and the establishment of national machinery for monitoring and implementing the Programme.⁸⁷ The Council also devoted attention to preparations for the 1985 World Conference to Review and Appraise the Achievement of the United Nations Decade for Women.⁸⁸ The Organization furthermore took decisions to follow up on the United Nations Decade for Women, calling for a World Conference to Review and Appraise the Achievements of the United Nations Decade for Women.⁸⁹ The General Assembly and the Economic and Social Council also continued to direct the work of the Commission on the Status of Women.⁹⁰ In addition, the principal organs took decisions to establish the International Research and Training Institute for the Advancement of Women (INSTRAW).⁹¹

26. Both the General Assembly and the Economic and Social Council made recommendations for the specialized agencies to develop comprehensive policies regarding the concerns of women, both as participants and as beneficiaries, in development activities.⁹² In several instances, the principal organs made recommendations directed towards the United Nations system regarding the social perception of women by society: for example, by its resolution 1981/126, the Economic and Social Council invited all organizations of the United Nations system "to refrain from perpetuating the widely accepted idea that women constitute a marginal category relating only to social welfare".⁹³

27. The Organization also took decisions on the question of the integration of women in the context of other initiatives, including agrarian reform and rural development, industrial development,⁹⁴ violence in the family⁹⁵ and the situation of Palestinian women within and outside the occupied Arab territories.⁹⁶ The General Assembly urged the needs and concerns of women be taken fully into account at various conferences, such as the United Nations Conference on New and Renewable Sources of Energy.⁹⁷ The Economic and Social Council made recommendations specifically on

⁷¹E S C resolution 1981/71.

⁷²E S C resolution 1983/71.

⁷³G A resolution 35/69.

⁷⁴G A resolution 34/16.

⁷⁵G A resolution 37/246.

⁷⁶G A resolution 35/56, annex, para. 48.

⁷⁷See the present study, part I.B, sect. 1 (h).

⁷⁸G A resolution 35/56, annex, para. 49.

⁷⁹G A resolution 35/76.

⁸⁰See G A resolutions 35/76, 37/223; E S C resolutions 1982/46, 1984/57.

⁸¹See, e.g., G A resolutions 36/73 and 37/222.

⁸²Regarding the latter, see G A resolution 37/61; see also the present *Supplement*, under Article 8.

⁸³G A resolution 35/56, annex, paras. 8 and 163.

⁸⁴G A resolution 37/63, annex, articles 2 and 3.

⁸⁵E S C resolution 1980/1.

⁸⁶E S C resolution 1980/3.

⁸⁷E S C resolution 1980/35.

⁸⁸E S C resolution 1982/26.

⁸⁹G A resolutions 35/136, 36/128 and 37/56.

⁹⁰E S C resolution 1984/20.

⁹¹G A resolution 34/204.

⁹²G A resolution 37/57, E S C resolutions 1980/37 and 1982/19.

⁹³E S C resolution 1981/26.

⁹⁴G A resolution 34/204.

⁹⁵E S C resolution 1984/14.

⁹⁶E S C resolution 1984/18.

⁹⁷G A resolution 35/78.

the question of elderly women⁹⁸ and on the promotion of opportunities for young women.⁹⁹

2. DECISIONS WITH REGARD TO COOPERATION AND TECHNICAL ASSISTANCE FOR DEVELOPMENT

(a) *Economic and technical assistance*

28. The decisions of the General Assembly and of the Economic and Social Council frequently referred to, or implied the need for, international cooperation in the promotion of economic and social development. At its thirty-fifth session, the General Assembly stated that the implementation of the International Development Strategy must include intensified emphasis on the important role of technical cooperation in the development process.¹⁰⁰ As one of their principal concerns, the United Nations organs continued to reiterate the need for substantial increase in the flow of resources for operational activities.¹⁰¹

29. The decisions of the United Nations have contemplated technical assistance in preparations for international conferences. By its section II of its resolution 35/205, the General Assembly requested the Secretary-General to entrust the Director-General for Development and International Economic Cooperation with the full mobilization of the United Nations system in the preparation for the United Nations Conference on the Least Developed Countries, and to provide technical and other assistance to the least developed countries in their preparations, as requested.¹⁰² In another instance, the Economic and Social Council endorsed the proposal for the organization of interdisciplinary advisory missions, staffed by experts from the various organizations of the United Nations system, to render technical assistance to Governments.¹⁰³

(b) *Economic and technical cooperation among developing countries*

30. During the period under review, the promotion of economic and technical cooperation among developing countries was considered one of the basic components in the efforts towards the establishment of a new international economic order.¹⁰⁴ It was envisioned that the international community would take measures to support and assist developing countries in that regard.¹⁰⁵ Many of the priorities and recommendations in the field arose in the context of programmes and action plans, such as the Lagos Plan of Action for the Implementation of the Monrovia Strategy for the Economic Development of Africa, and the Arusha Programme for Collective Self-Reliance.

31. Decisions of the United Nations focused on the need for support and coordination of economic cooperation among developing countries. A number of decisions were addressed to organs and organizations of the United Nations

system, requesting that they provide and, as appropriate, intensify support and assistance to economic cooperation among developing countries. In one instance, the General Assembly requested the Secretary-General, giving due consideration to the conclusions of the ongoing cross-organizational programme analysis on this field, to be considered by the Committee for Programme and Coordination (CPC), to pay careful attention to economic cooperation among developing countries.¹⁰⁶ The Assembly also requested the Secretary-General to consult with the executive heads of the bodies and organizations of the United Nations system and of the specialized agencies to keep the activities of the United Nations system in support of economic cooperation among developing countries under periodic review in the existing inter-agency machinery.¹⁰⁷

32. By its resolution 33/134, the General Assembly endorsed the Buenos Aires Plan of Action for Promoting and Implementing Technical Cooperation among Developing Countries as an important instrument of the international community to intensify and strengthen cooperation among developing countries, making international cooperation for development more effective. The Assembly urged Governments and development organs of the United Nations system to take action to implement the Buenos Aires Action Plan as well as the Caracas Programme of Action, adopted by the 1981 High-level Conference on Economic Cooperation among Developing Countries. The Plan and the Programme provided the basic framework for specific activities and arrangements in the field of economic cooperation among developing countries.¹⁰⁸

3. DECISIONS WITH REGARD TO FINANCING ECONOMIC DEVELOPMENT

33. During the period under review, the Organization continued to regard the question of financing economic development as one of the major problems in considering international action to promote economic development. The General Assembly and the Economic and Social Council reaffirmed that developing countries would continue to bear the main responsibility for financing their development.¹⁰⁹ The United Nations also continued to emphasize the importance of providing and increasing the international flow of financial assistance for the economic and social development of developing countries, particularly through official development assistance, and multilateral and bilateral assistance programmes.¹¹⁰ By the International Development Strategy, the General Assembly set targets for the increase in official development assistance by developed countries,¹¹¹ set out a framework¹¹² and established priorities for the flow of financial resources, and articulated recommendations for the terms, conditions and procedures for assistance.¹¹³

⁹⁸E S C resolution 1984/13.

⁹⁹E S C resolution 1984/15.

¹⁰⁰G A resolution 35/56, annex, para. 116.

¹⁰¹Sec., e.g., G A resolutions 36/199 and 38/171.

¹⁰²G A resolution 35/205, sect. II.

¹⁰³E S C resolution 1981/80.

¹⁰⁴G A resolution 35/56, annex, para. 134.

¹⁰⁵Ibid., para. 135.

¹⁰⁶G A resolution 39/216.

¹⁰⁷Ibid.

¹⁰⁸Ibid.

¹⁰⁹G A resolution 35/56, annex, para. 96.

¹¹⁰See, e.g., G A resolution 34/189.

¹¹¹G A resolution 35/56, annex, para. 98.

¹¹²Ibid., paras. 99-101.

¹¹³Ibid., paras. 103, 104, 105-107 and 112.

34. As in the past, the principal organs called for a range of action in this area. States were urged to make contributions and to undertake necessary preparations with regard to pledges towards a number of funds and initiatives.¹¹⁴ In one instance, at its thirty-fourth session, the General Assembly decided to establish a United Nations Financing System for Science and Technology for Development.¹¹⁵ The Organization continued to strengthen existing institutions. The Assembly, reaffirming the role and mandate of the United Nations Capital Development Fund as a supplementary source of concessional capital assistance, endorsed the proposal that the Fund should be enabled to play a direct role in the implementation of the Substantial New Programme of Action for the 1980s for the Least Developed Countries.¹¹⁶

35. In a few instances, the Organization requested the examination of new or additional means of programme finance and additional means to attain necessary resources. For example, by its resolution 34/184, the General Assembly requested the Secretary-General, in consultation with the Governing Council of UNEP, to submit a report prepared on the basis of a study by a group of high-level specialists in international financing dealing with, inter alia, the feasibility of the creation of a public international corporation which would attract investments from countries as well as institutions and would provide financing for suitable anti-desertification projects.¹¹⁷

36. With regard to the international monetary situation, during the period under review, the General Assembly and the Economic and Social Council devoted few decisions to this area of economic development. Within the International Development Strategy, the Assembly laid out policy measures to the international community to describe and create a stable, equitable and effective international monetary system.¹¹⁸ By its resolution 34/216, the General Assembly recognized the need for comprehensive reform of the international monetary system, and invited the appropriate organs of the United Nations system to examine the Outline for a Programme of Action on International Monetary Reform.

4. INSTITUTIONAL ARRANGEMENTS AND NATIONAL CAPACITIES

(a) *Questions relating to administrative, fiscal, legislative and statistical matters*

37. During the period under review, the Organization continued to take decisions regarding the strengthening of administrative, fiscal, legislative and statistical capacities of developing countries. Resolutions relating to public administration and institutional reforms drew the attention of Member States, particularly Governments of developing countries, to the importance of measures to increase the administrative capability for economic and social

¹¹⁴See, e.g., G A resolution 39/221; and E S C resolutions 1979/55 and 1981/75.

¹¹⁵G A resolution 34/218.

¹¹⁶G A resolution 36/196.

¹¹⁷G A resolution 34/184.

¹¹⁸G A resolution 35/56, annex, para. 115.

development, and the desirability of making such measures an integral part of development plans at all levels. Decisions related, inter alia, to the intensification of training in the field of integrated development analysis and planning by Governments,¹¹⁹ the National Household Survey Capability Programme,¹²⁰ the Ad Hoc Intergovernmental Group of Experts on International Standards of Accounting and Reporting,¹²¹ international cooperation in tax matters,¹²² and the role of the public sector in promoting economic development in developing countries.¹²³

38. The Economic and Social Council requested the Secretary-General to convene a group of experts to develop a common set of definitions and terminology to be used for the reporting, compilation and publication by the United Nations of statistics on mineral production and consumption.¹²⁴ The Council also examined the proposal of the Secretary-General for the establishment of an international centre for public accounting and auditing to serve potentially "as the focal point for strengthening international technical cooperation in the field of public accounting and auditing" to promote training of trainers and the professionalization of public officials in developing countries".¹²⁵

39. To a good degree, decisions in these fields initiated reports intended to inform and assist national Governments. For example, the Economic and Social Council requested the Secretary-General to report on the role of the public sector in promoting the economic development of developing countries.¹²⁶ The Council also requested the Secretary-General, in cooperation with the International Statistical Institute and specialized agencies, to propose technical standards and procedures for national household survey activities.¹²⁷ Furthermore, the Council requested the Secretary-General to provide, within existing resources and at the request of Governments of developing countries, the technical assistance they needed for promoting public administration and finance for development.¹²⁸ The Council also invited UNDP, in formulating its regional and interregional programmes, to bear in mind the need for improving the administrative and managerial capabilities of developing countries in the field of public administration.¹²⁹

(b) *Decisions with regard to population matters*

40. With regard to population matters, the General Assembly, within the framework of the International Development Strategy, stated that population policies would be considered as an integral part of overall development policies. All countries would continue to integrate their population measures and programmes into their social and economic goals and strategies. The General Assembly

¹¹⁹G A resolution 1979/23.

¹²⁰E S C resolution 1979/5.

¹²¹E S C decision 1980/172.

¹²²E S C resolution 1982/45.

¹²³E S C resolution 1983/61.

¹²⁴E S C resolution 1979/72.

¹²⁵E S C resolutions 1981/53 and 1982/67.

¹²⁶E S C resolution 1979/47.

¹²⁷E S C resolution 1979/5.

¹²⁸E S C resolution 1982/43.

¹²⁹Ibid.

increased international population assistance.¹³⁰ The Council also made specific requests to the Secretary-General regarding the work programme in the field of population.¹³¹

41. For its part, the Economic and Social Council continued to monitor and encourage¹³² the implementation of the World Population Plan of Action,¹³³ and convened an international conference on population in 1984.¹³⁴ By its resolution 1983/6, the Economic and Social Council decided to convene the International Conference on Population at Mexico City. The General Assembly subsequently endorsed the report of the Conference, including the recommendations for the further implementation of the World Population Plan of Action and the Mexico City Declaration on Population and Development.¹³⁵ By its resolution 36/201, the Assembly established the United Nations Population Award.¹³⁶

(c) *Science and technology*

42. During the period under review, the Organization continued to devote considerable attention to strengthening the scientific and technological capacities of developing countries generally and in specific fields. For example, the General Assembly took decisions to strengthen the technological capacity of the developing countries in the development of their energy resources¹³⁷ and the environment.¹³⁸ It also took various decisions with regard to conferences held in this field. It endorsed the Vienna Programme of Action on Science and Technology for Development, as adopted by the 1979 United Nations Conference on Science and Technology for Development.¹³⁹ In the International Development Strategy, the General Assembly envisioned efforts at the national and international levels indicating that, to implement the 1979 Vienna Programme of Action on Science and Technology, the pattern of international scientific and technological relations would need to be restructured.¹⁴⁰

43. The General Assembly and the Economic and Social Council both took decisions regarding institutional arrangements in this field. At its thirty-fourth session, the Assembly established an Intergovernmental Committee on Science and Technology for Development, to be composed of high-level representatives of Member States meeting annually, submitting its reports and recommendations to the General Assembly through the Economic and Social Council. The Assembly requested the Secretary-General to establish, as a new, organizationally distinct entity within the Secretariat, a Centre for Science and Technology for Development.¹⁴¹ At the same time, the Assembly

established a United Nations Financing System for Science and Technology for Development,¹⁴² which would become operative in January 1982.¹⁴³ The Assembly also recommended to the Economic and Social Council that its Committee on Science and Technology for Development should cease to exist.¹⁴⁴ Subsequently, the Council decided to discontinue the Committee,¹⁴⁵ as well as its Advisory Committee on the Application of Science and Technology for Development, requesting the Secretary-General and all bodies concerned in the United Nations system to support the activities of a newly established Centre for Science and Technology for Development.¹⁴⁶

(d) *Industrial development*

44. During the period under review, the General Assembly continued to take decisions with regard to industrial development on the basis of the reports of the Industrial Development Board¹⁴⁷ and those of the General Conference of UNIDO.¹⁴⁸ In addition, the Assembly continued to convene and make recommendations to the Conferences of UNIDO.¹⁴⁹ The General Assembly and the Economic and Social Council declared the Industrial Development Decade for Africa to be one of the most important programmes of UNIDO and made a number of recommendations in that respect.¹⁵⁰

45. The General Assembly took a number of decisions encouraging the restructuring of world industrial production. The International Development Strategy also called for far-reaching changes in the structure of world production, in the spirit of mutual benefit, "to increase and diversify the production of the developing countries and create new sources of employment there".¹⁵¹ The Strategy also set out more specific policy measures to be implemented by developed and developing countries, by UNIDO and by the international community in general.¹⁵²

(e) *Transport and communications*

46. With regard to transport and communications, the International Development Strategy called for special attention to be given "to overcoming bottlenecks and constraints of transport and communication facing the developing countries, particularly with a view to strengthening intraregional and interregional links".¹⁵³

¹³⁰G A resolution 35/56, annex, para. 166.

¹³¹E S C. resolution 1984/4.

¹³²See, e.g., E S C resolutions 1979/23 and 1981/28.

¹³³See G A resolution 3344 (XXIX); see also *Repertory*, vol. III, *Supplement No. 5*, under Article 55, para. 57.

¹³⁴E S C resolutions 1981/87 and 1983/6.

¹³⁵G A resolution 39/228.

¹³⁶G A resolution 36/201.

¹³⁷G A resolution 38/169.

¹³⁸G A resolution 35/56, annex, para. 156.

¹³⁹G A resolution 34/218.

¹⁴⁰G A resolution 35/56, annex, para. 36.

¹⁴¹G A resolution 34/218, sect. III.

¹⁴²*Ibid.*, sect. VI.

¹⁴³G A resolution 36/183.

¹⁴⁴*Ibid.*, sect. II, and footnote 243.

¹⁴⁵E S C decision 1980/101.

¹⁴⁶E S C resolution 1980/48.

¹⁴⁷See, e.g., G A resolution 36/182 and E S C resolution 1980/61.

¹⁴⁸See, e.g., G A resolution 35/66. Both the Economic and Social Council and the General Assembly took decisions with respect to the conversion of UNIDO into a specialized agency; see, e.g., E S C resolution 1979/54. See also the present *Supplement*, under Articles 57, 59 and 63.

¹⁴⁹See, e.g., G A resolution 34/97.

¹⁵⁰G A resolution 36/182 and E S C resolution 1982/66.

¹⁵¹G A resolution 35/56, annex, para. 29.

¹⁵²*Ibid.*, paras. 72-80, 117-125.

¹⁵³*Ibid.*, para. 30.

47. The Economic and Social Council proposed the year 1983 as World Communications Year: Development of Communications¹⁵⁴ and the General Assembly endorsed the proposal.¹⁵⁵ The Council furthermore decided on preparatory recommendations.¹⁵⁶ As in the past, the Council devoted its attention to the work of the Committee of Experts on the Transport of Dangerous Goods.¹⁵⁷

48. The United Nations continued to take creative initiatives to promote transport and communications in individual regions. Both the Economic and Social Council and the General Assembly took decisions to support the Transport and Communications Decade in Africa, proclaimed in General Assembly resolution 32/160, to be implemented with the Economic Commission for Africa (ECA) as the lead agency, in cooperation with the Organization of African Unity, the specialized agencies and UNDP.¹⁵⁸ Decisions in that regard served to encourage the provision of adequate resources for the implementation of the Decade,¹⁵⁹ and in particular to organize, with the assistance of the Secretary-General, pledging conferences of donors to mobilize the financial resources necessary for implementing the programme. The General Assembly approved the convening of and made recommendations for technical consultative meetings and studies on the harmonization and coordination of various subsectors of transport and communications.¹⁶⁰ The Assembly also endorsed the programme for the second phase of the Decade approved by the Conference of Ministers of ECA.¹⁶¹ Also in that regard, the General Assembly took decisions drawing attention to transport and communications problems facing specific African nations.¹⁶² The Council examined the question of a Europe-Africa permanent link through the Strait of Gibraltar.¹⁶³ The Council also examined the question of a regional satellite communication system for Africa, noting the establishment of the Inter-Agency Coordinating Committee consisting of, inter alia, OAU, the African Development Bank and UNESCO.¹⁶⁴ Also during the period, the Council declared the Transport and Communications Decade in Asia and the Pacific.¹⁶⁵

5. DECISIONS REGARDING RATIONAL USE OF NATURAL RESOURCES AND THE HUMAN ENVIRONMENT

(a) *Natural resources*

49. During the period under review, the Organization reaffirmed the principle of the full and permanent sovereignty of each State over its natural resources, as well as the responsibility of States to ensure that activities within their jurisdiction did not cause damage to the environment of

other States, and the responsibility to cooperate in developing the international law regarding liability and compensation for such damage.¹⁶⁶ In addition, the Organization continued to support "the efforts of the developing countries and the peoples of Territories under colonial and racial domination and foreign occupation in their struggle to regain effective control over their natural and all other resources".¹⁶⁷ The International Development Strategy called for the rational development, management and utilization of natural resources, and specifically called upon industrialized countries that bore "the heaviest responsibility for the use of natural resources" to prevent the early exhaustion of resources and encourage new patterns of consumption and production.¹⁶⁸ The General Assembly continued to encourage the elaboration within UNEP of principles for the conservation and harmonious utilization of natural resources shared by two or more States. By its resolution 34/186, the Assembly requested all States to use the principles as guidelines and recommendations in the formulation of bilateral or multilateral conventions regarding natural resources shared by two or more States.¹⁶⁹ Moreover, the Economic and Social Council took a number of decisions with respect to mineral resource development.¹⁷⁰

(b) *Protection and preservation of the human environment*

50. During the period under review, the General Assembly continued to take decisions addressing problems of the human environment, affirming the need for due regard to the interrelationships between development, environment, population and resources.¹⁷¹ The General Assembly attached importance to a development process that was ecologically sustainable.¹⁷² The International Development Strategy set out policy measures in this field whereby methods would "be devised to assist interested developing countries in environmental management and in the evaluation of the costs and benefits, quantitative and qualitative, of environmental protection measures".¹⁷³ The International Development Strategy called for research on the interrelationships between development, environment, population and resources.¹⁷⁴ The Strategy also included measures by which bilateral and multilateral donors would consider meeting the costs of taking into account environmental aspects in the design and completion of development projects and provide technical assistance, including in the field of training, to develop the capacity of developing countries to follow environmentally sound methods.¹⁷⁵

¹⁵⁴E S C resolution 1980/46.

¹⁵⁵G A resolution 36/40.

¹⁵⁶E S C resolution 1981/60.

¹⁵⁷E S C resolutions 1981/3 and 1983/7.

¹⁵⁸G A resolution 34/15.

¹⁵⁹See, e.g., E S C resolutions 1981/67 and 1983/67.

¹⁶⁰G A resolutions 38/150 and 39/230.

¹⁶¹G A resolution 39/230.

¹⁶²See, e.g., G A resolution 34/193.

¹⁶³E S C resolution 1982/57.

¹⁶⁴E S C resolution 1982/54.

¹⁶⁵E S C resolution 1983/69.

¹⁶⁶See, e.g., G A resolution 34/184.

¹⁶⁷See, e.g., G A resolution 34/136.

¹⁶⁸G A resolution 35/56, annex, para. 32.

¹⁶⁹G A resolution 34/186.

¹⁷⁰See, e.g., E S C resolution 1981/79.

¹⁷¹G A resolution 35/56, annex, para. 41.

¹⁷²G A resolutions 35/56, para. 156, and 35/74.

¹⁷³G A resolution 35/56, annex, para. 156.

¹⁷⁴Ibid.

¹⁷⁵Ibid., para. 157.

51. To a large extent, during the period, decisions of the Organization in this field were taken on the basis of the reports of the Governing Council of UNEP.¹⁷⁶ For example, at its thirty-seventh session, the General Assembly took note of the Governing Council's decision on programme matters, including the progress report on cooperation in the field of environment concerning natural resources shared by two or more States, and also took note of the conclusions of the study of the legal aspects concerning the environment related to offshore mining and drilling within the limits of national jurisdiction made by the Working Group of Experts on Environmental Law and the views of Governments thereon.¹⁷⁷ In addition, the Assembly made recommendations for the work of UNEP. For example, at its thirty-eighth session, the Assembly suggested the terms of reference for a special commission responsible for elaborating relevant proposals regarding the Environmental Perspective in the Year 2000 and Beyond, to be thereafter developed by the Governing Council and transmitted to the General Assembly for adoption.¹⁷⁸

52. The principal organs devoted considerable attention to the crisis in energy resources. The International Development Strategy recognized that favourable conditions for development and the world economy would require an intensified search by the international community for a long-term solution to the energy problem, with developed countries facilitating access to energy technologies.¹⁷⁹ The International Development Strategy set out a number of measures to attain the goals of the Third Decade in that respect.¹⁸⁰ In addition, the Assembly took a number of decisions geared towards the implementation of the Nairobi Programme of Action adopted at the 1981 United Nations Conference on New and Renewable Sources of Energy.¹⁸¹ At its thirty-seventh session, the Assembly decided to create a high-level intergovernmental Committee on the Development and Utilization of New and Renewable Sources of Energy that would make policy recommendations as well as plans and programme recommendations for carrying out the Nairobi Programme of Action.¹⁸² The Secretariat set up a number of institutional arrangements to implement the Programme.¹⁸³

53. Action in this field mainly encompassed recommendations to States, international institutions and/or specialized agencies to address a specific problem of the environment or to intensify activities in a given area of environmental protection.¹⁸⁴ The Organization took decisions in a wide array of areas, including marine pollution,¹⁸⁵ desertification,¹⁸⁶ water resources,¹⁸⁷ new and

renewable sources of energy,¹⁸⁸ protection against products harmful to health and the environment,¹⁸⁹ measures to be taken regarding mines and remnants of war,¹⁹⁰ cooperation in the uses of the sea and coastal area development,¹⁹¹ climatic situation and drought in Africa and the coordination of the implementation of the Mar del Plata Action Plan on water resources development and management within the United Nations system at the regional level.¹⁹²

6. DECISIONS WITH REGARD TO THE LEAST DEVELOPED COUNTRIES

54. During the period under review, the General Assembly singled out for special attention the problems of the least developed countries, the landlocked, island and most seriously affected developing countries.¹⁹³ The Assembly set out the priorities for action in this field within the International Development Strategy.¹⁹⁴ In many decisions directed at assisting those countries, the Assembly invited developed countries, bilateral institutions, international development institutions and financial institutions of the United Nations system to provide additional resources within their sphere of competence to meet the particular needs of and respond or increase their response to requests for assistance from least developing countries.¹⁹⁵ At the same time, the Economic and Social Council took a number of decisions with regard to special economic assistance programmes.¹⁹⁶

55. At its thirty-fourth session, the General Assembly decided to convene a United Nations Conference on the Least Developed Countries in 1981.¹⁹⁷ By its resolution 36/194, the Assembly endorsed the Substantial New Programme of Action for the 1980s for the Least Developed Countries, adopted at the Conference, and decided that the UNCTAD Intergovernmental Group on the Least Developed Countries would carry out the review and adjustments. The Assembly followed up with several decisions regarding the implementation of the Programme.¹⁹⁸

56. As in the past, the General Assembly continued to authorize the Economic and Social Council to consider the recommendations of the Committee for Development Planning to add a number of countries to the list of least developed countries on the basis of existing criteria.¹⁹⁹ In accordance with the recommendation of the Committee, endorsed by the Council and forwarded to the General Assembly,²⁰⁰ the Assembly decided²⁰¹ to include those countries in the list. As in the past, the United Nations

¹⁷⁶See, e.g., G A resolution 37/217 and E S C resolution 1979/56.

¹⁷⁷G A resolution 37/217.

¹⁷⁸G A resolution 38/161.

¹⁷⁹G A resolution 35/56, annex, paras. 34-35.

¹⁸⁰Ibid., paras. 126-127.

¹⁸¹See, e.g., G A resolution 38/169.

¹⁸²G A resolution 36/193.

¹⁸³G A resolution 38/169.

¹⁸⁴G A resolution 34/183.

¹⁸⁵Ibid.

¹⁸⁶See, e.g., G A resolution 35/56, annex, para. 158, and E S C resolution 1984/65.

¹⁸⁷See, e.g., E S C resolution 1981/80.

¹⁸⁸See, e.g., G A resolution 36/193.

¹⁸⁹G A resolution 37/137.

¹⁹⁰G A resolution 38/162.

¹⁹¹E S C resolution 1980/68.

¹⁹²E S C resolutions 1979/67, 1979/68 and 1983/57.

¹⁹³G A resolution 35/56, annex, paras. 37-38. See the present study, part I.B, sect. 1 (e).

¹⁹⁴G A resolution 35/56, annex, paras. 136-155.

¹⁹⁵G A resolutions 35/205 and 39/209.

¹⁹⁶See, e.g., E S C decision 1981/168.

¹⁹⁷G A resolution 34/203.

¹⁹⁸See, e.g., G A resolutions 37/224 and 38/195.

¹⁹⁹See, e.g., G A resolution 35/106.

²⁰⁰See E S C resolution 1982/41.

²⁰¹See, e.g., G A resolution 37/133.

organs continued to review the criteria for the inclusion of countries on the list of least developing countries.²⁰² At its thirty-fifth session, the Assembly decided to undertake a comprehensive review of the implementation of measures in favour of developing island countries.²⁰³

57. During the period under review, the Organization focused special attention on development in Africa. By its resolution 35/64, the General Assembly recognized that the international community should adopt special measures for the social and economic development of African countries.²⁰⁴ Consequently, the Organization adopted a number of decisions embracing initiatives in numerous areas, including the Industrial Development Decade in Africa,²⁰⁵ the climatic situation and drought in Africa,²⁰⁶ problems of transit, transport and access to foreign markets faced by Zaire,²⁰⁷ development of the African remote-sensing programme,²⁰⁸ environment and development in Africa,²⁰⁹ the Transport and Communications Decade in Africa,²¹⁰ a Europe-Africa permanent link through the Strait of Gibraltar²¹¹ and the situation of food and agriculture in Africa.²¹²

58. Decisions in this area envisioned a variety of action. Donor countries and financial institutions were urged to lend financial and technological resources for the achievement of many of the initiatives outlined above.²¹³ In some cases, decisions served to coordinate the efforts to implement special measures for Africa within the United Nations system. In one instance, the Economic and Social Council recommended that the Joint Meeting of CPC and ACC discuss the topic of the implementation of the International Development Strategy with special emphasis on Africa;²¹⁴ in another, with respect to ECA, the General Assembly called upon the Secretary-General to investigate new approaches to regional and subregional programming and management of the inter-country projects of the United Nations system, and to initiate an examination of the progress made in decentralizing United Nations activities. The Executive Secretary of ECA was urgently requested to organize a special scientific round-table meeting on the problems of the climatic situation in Africa.²¹⁵

7. DECISIONS WITH REGARD TO INTERNATIONAL TRADE

59. As in the past, the General Assembly continued to convene UNCTAD.²¹⁶ The United Nations continued to

²⁰²See, e.g., E S C decision 1982/106 and E S C resolution 1984/58; G A resolution 39/198.

²⁰³G A resolution 35/61.

²⁰⁴G A resolution 35/64.

²⁰⁵G A resolution 35/66 B.

²⁰⁶E S C resolution 1983/68.

²⁰⁷E S C resolution 1983/64.

²⁰⁸E S C resolution 1984/69.

²⁰⁹E S C resolution 1984/72.

²¹⁰G A resolution 35/108.

²¹¹E S C resolution 1984/75.

²¹²G A resolution 37/245.

²¹³See, e.g., E S C resolution 1983/67 and G A resolution 38/198.

²¹⁴E S C resolution 1984/1.

²¹⁵E S C resolution 1983/68.

²¹⁶See, e.g., G A resolution 36/142.

consider questions in the field of international trade, often with the assistance of the reports of the Trade and Development Board and UNCTAD.²¹⁷ The Assembly addressed the topic of multilateral trade negotiations in the context of GATT, *inter alia*, drawing attention, within the context of the Tokyo Round negotiations, to various aspects of negotiations relating to the interests and concerns of developing countries, particularly those regarding the principle of non-reciprocity in trade relations between developed and developing countries, and to improving the responsiveness of the legal framework for the conduct of international trade so that it would be more responsive to the needs of developing countries.²¹⁸

60. The Organization took decisions regarding international trade in particular sectors. For example, by its resolution 35/68, the General Assembly expressed concern over the downward trends in agricultural commodity prices and the increase in protectionist trade practices affecting the economic potential of developing countries and therefore reducing their capacity to import their food requirements. The Assembly recommended that the World Food Council give continuing attention to the impact of food trade on levels of food production in the world.²¹⁹ It also took decisions with regard to an arrangement regarding international trade in textiles,²²⁰ and the Agreement Establishing the Common Fund for Commodities.²²¹

61. The Organization also continued to take decisions with regard to restrictive business practices, adopting a set of multilaterally Agreed Equitable Principles and Rules for the Control of Restrictive Business Practices, approved by the United Nations Conference on the topic.²²² Also, the General Assembly continued to take decisions with regard to the United Nations Conference on an International Code of Conduct on the Transfer of Technology with the aim of successfully concluding negotiations.²²³

62. During the period, the Organization also took a limited number of decisions regarding problems of inflation. By its resolution 34/197, the General Assembly, bearing in mind the deteriorating international economic conditions and the high rates of world inflation hindering the growth of economies of all countries, particularly the developing countries, noted with regret that UNCTAD, at its fifth session, had not taken a firm decision on international policy measures to combat the world inflationary phenomenon or on the conclusions and recommendations contained in the report of the Group of Experts. The Assembly affirmed the urgent need for the implementation of policies, particularly by industrialized countries, to control inflation by, *inter alia*, such measures as the elimination of protectionism, fiscal and monetary policies, acceleration of the transfer of real resources to developing countries, structural adjustments and sustained economic growth. The Assembly also requested

²¹⁷See, e.g., G A resolutions 36/145 and 36/142.

²¹⁸G A resolution 34/199.

²¹⁹G A resolution 35/68.

²²⁰G A resolution 36/144.

²²¹See, e.g., G A resolutions 36/143 and 37/211.

²²²See under this Article, under I.B.

²²³G A resolutions 34/195 and 36/140.

the Trade and Development Board to continue to discuss measures to combat the world inflationary phenomenon.²²⁴

8. DECISIONS WITH REGARD TO SOCIAL DEVELOPMENT AND POLICIES

63. During the period under review, the principal organs of the United Nations continued to take decisions with regard to social development and policies, often with the assistance of the Commission on Social Development.²²⁵ When addressing social development overall, the Organization continued to focus on social policy as an integral process embodying both economic and social objectives.²²⁶ This was consistent with the Organization's continued emphasis on a unified approach to development analysis and planning.²²⁷ The General Assembly set out the basic framework for efforts in this field, affirming within the International Development Strategy that "each country will freely determine and implement appropriate policies for social development within the framework of its development plans and priorities and in accordance with its cultural identity, socio-economic structure and stage of development".²²⁸ The international community would provide technical and financial assistance "through, inter alia, specific international programmes to support national endeavours of the developing countries in key areas of social policy".²²⁹

64. On the basis, inter alia, of the Declaration of Social Progress and Development,²³⁰ General Assembly resolutions 3201 (S-VI), 3202 (S-VI), 3281 (XXIX) and 3362 (S-VII), as well as Assembly resolution 32/197 on the restructuring of the economic and social sectors of the United Nations system, at its first 1979 session, the Economic and Social Council established the Ad Hoc Working Group on the Social Aspects of Development Activities of the United Nations.²³¹ During the period under review, the Organization addressed the recommendations of the Ad Hoc Working Group.²³²

65. The Economic and Social Council also called upon Governments to intensify their efforts to implement developmentally oriented social welfare policies, requesting the Secretary-General to strengthen the activities of the Secretariat relating to policy, planning, training and operational aspects of social welfare.²³³

66. As in the past, the United Nations organs continued to address world social problems as a whole, in part by means of the Report on the World Social Situation.²³⁴ The General Assembly, "guided by the desire to promote a higher standard of life, full employment and conditions for economic and social progress and development", requested

that the Secretary-General hold, within the programme of advisory services, regular, regional and interregional seminars to study the national experience of developing and developed countries in carrying out far-reaching social and economic changes for social progress, and requested that he report thereon.²³⁵ The Economic and Social Council requested the Secretary-General to prepare a report on emerging social issues of international concern in connection with the changes in the world economic situation, giving special attention to the relationship between disarmament and development.²³⁶

67. With regard to children and family development, the General Assembly articulated broad mandates during the period under review. Within the International Development Strategy, the Assembly envisioned several primary goals, under the rubric of objectives highlighted during the International Year of the Child,²³⁷ including efforts "to improve the living conditions of children and to eliminate child labour in conformity with the relevant international labour conventions",²³⁸ and to pay special attention to the large numbers of children under 15 years of age living in poor areas.²³⁹ The United Nations set out general policy measures to eliminate child labour and to promote the general welfare of children.²⁴⁰

68. Both the General Assembly and the Economic and Social Council continued to affirm the role of UNICEF and to endorse its policies.²⁴¹ At its thirty-fourth session, the Assembly expressed its appreciation of the enlarged responsibilities of UNICEF and "the broad range of activities on behalf of children to be undertaken by it in the light of the enormous unmet needs of children in developing countries".²⁴² The Assembly commended UNICEF for its elaboration and implementation of the basic services approach for children as part of a comprehensive development strategy.²⁴³ Moreover, the Economic and Social Council invited all Governments to participate in the General Assembly debate on the International Year of the Child, and urged Governments to include in their national plans and programmes, where appropriate, measures aimed at the improvement of the situation of children.²⁴⁴ The Assembly appealed to Governments and relevant international organizations to re-examine their activities on behalf of children.²⁴⁵ The Council took decisions in the areas of the welfare of migrant worker families,²⁴⁶ the adoption and the foster placement of children,²⁴⁷ social aspects of rural development,²⁴⁸ the role of the family in the

²²⁴G A resolution 34/197.

²²⁵See, e.g., E S C resolution 1979/28.

²²⁶G A resolution 35/56, annex, para. 42.

²²⁷See, e.g., E S C decision 1981/107 and G A resolution 38/179.

²²⁸G A resolution 35/56, annex, para. 162.

²²⁹Ibid.

²³⁰G A resolution 2543 (XXIV).

²³¹E S C resolution 1979/45.

²³²G A resolution 36/159 and E S C resolution 1981/24.

²³³See E S C resolutions 1979/18 and 1981/20.

²³⁴G A resolutions 34/152 and 37/54.

²³⁵G A resolution 36/19.

²³⁶E S C resolution 1981/19.

²³⁷See G A resolution 31/169.

²³⁸G A resolution 35/56 annex, para. 50.

²³⁹Ibid.

²⁴⁰Ibid., para. 163.

²⁴¹See E S C resolution 1979/53 and G A resolution 39/222.

²⁴²G A resolution 34/105.

²⁴³Ibid.

²⁴⁴E S C resolution 1979/57.

²⁴⁵G A resolution 35/79.

²⁴⁶See, e.g., E S C resolution 1979/13.

²⁴⁷E S C resolution 1979/28.

²⁴⁸E S C resolution 1983/10.

development process²⁴⁹ and the convening of a seminar of experts on violence in the family, with emphasis on the effect of such violence on women.²⁵⁰

69. The United Nations organs continued to address the topic of youth and the role of young people in the world. The Organization made recommendations with respect to the International Youth Year: Participation, Development, Peace.²⁵¹ The General Assembly adopted guidelines for the improvement of channels of communication between the United Nations and youth and youth organizations.²⁵² For its part, the Economic and Social Council requested the Secretary-General to invite Member States, specialized agencies and other United Nations bodies to continue to submit replies on measures taken to implement the Declaration on the Promotion among Youth of the Ideals of Peace, Mutual Respect and Understanding between Peoples.²⁵³ The Council took several decisions to improve coordination and information in this field.²⁵⁴

70. The Organization also continued to address the questions of the elderly and the aged, including those regarding elderly women,²⁵⁵ with the desire to promote societal responsiveness to the socio-economic implications of the ageing of populations and to the specific needs of elderly persons.²⁵⁶ The General Assembly requested the Secretary-General to establish a voluntary fund for the World Assembly on the Elderly,²⁵⁷ which had been established by its resolution 33/52, and endorsed the International Plan of Action on Ageing adopted by consensus by the World Assembly.²⁵⁸ Both the Assembly and the Economic and Social Council invited Governments to make efforts to implement the Action Plan, including the retention or establishment of mechanisms at the national level.²⁵⁹

71. The United Nations took a number of decisions with regard to disabled persons. The General Assembly affirmed that the major focus of the International Year of Disabled Persons, established by its resolution 31/123, was at the national level, with supporting activities at the regional and international levels.²⁶⁰ The Assembly also adopted the World Programme of Action concerning Disabled Persons, as set out in the recommendation of the Advisory Committee for the International Year of Disabled Persons,²⁶¹ and made recommendations to Member States with regard to the Year.²⁶²

72. With regard to women, the General Assembly continued to emphasize the need for women to play an active role at all stages of the development process, and set out

²⁴⁹E S C resolution 1983/23.

²⁵⁰E S C resolution 1984/14.

²⁵¹See G A resolution 35/126 and E S C resolution 1983/17.

²⁵²G A resolution 36/17.

²⁵³E S C resolution 1979/16.

²⁵⁴See, e.g., E S C resolutions 1980/25 and 1981/25.

²⁵⁵E S C resolution 1982/23.

²⁵⁶G A resolution 35/129.

²⁵⁷Ibid.

²⁵⁸G A resolution 37/51.

²⁵⁹G A resolution 38/27 and E S C resolution 1983/21.

²⁶⁰G A resolution 34/154.

²⁶¹G A resolution 37/52; see also G A resolution 37/53.

²⁶²G A resolution 35/133.

goals and recommendations to be implemented at the national level for that purpose.²⁶³ The measures set out in both the 1975 World Plan of Action for the Implementation of the Objectives of the International Women's Year and the Programme of Action for the Second Half of the United Nations Decade for Women were invoked in a number of instances.²⁶⁴

73. With regard to crime prevention, the United Nations organs continued to take decisions on the basis of the reports of the United Nations Congress on the Prevention of Crime and Treatment of Offenders. For its part, the Economic and Social Council set out the functions and the long-term programme of work of the Committee on Crime Prevention and Control, entrusting the Committee with such functions as the preparation of United Nations congresses on crime prevention and treatment of offenders, the provision of assistance to the Council in the coordination of activities of the United Nations bodies in that field and the promotion of exchanges of experience gained by States.²⁶⁵

74. The principal organs continued to examine strategies and policies for drug control with the assistance of the Commission on Narcotic Drugs.²⁶⁶ The Economic and Social Council took a number of decisions to coordinate efforts in the field of drug abuse control and make more recommendations with regard to the control of specific types of illicit drugs. For example, by its resolution 1979/8, the Council urged Governments of major producing countries to take effective measures to restrict their production programmes so as to restore a lasting balance between supply and demand, and to prevent drug diversion to illicit channels.²⁶⁷ Council decisions in this field also addressed such topics as the maintenance of a worldwide balance between the supply of narcotic drugs and the legitimate demand for those drugs for medical and scientific purposes,²⁶⁸ financial assets and transactions related to illicit drug trafficking,²⁶⁹ the implementation of the 1971 Convention on Psychotropic Substances,²⁷⁰ measures to improve international cooperation in the interdiction of illicit drug traffic,²⁷¹ demand and supply of opiates for medical and scientific needs,²⁷² and the cannabis problem.²⁷³

9. DECISIONS WITH REGARD TO TRANSNATIONAL CORPORATIONS

75. During the period under review, the Organization continued to address the topic of transnational corporations, with the priority placed on the formulation of a code of conduct for transnational corporations.²⁷⁴ The Economic and Social Council, usually with the assistance of the

²⁶³See, e.g., G A resolution 35/56, annex, paras. 51 and 168.

²⁶⁴See, e.g., *ibid.*, para. 168, and G A resolution 35/136.

²⁶⁵E S C resolution 1979/19.

²⁶⁶G A resolution 37/168.

²⁶⁷E S C resolution 1979/8.

²⁶⁸E S C resolution 1980/20.

²⁶⁹E S C resolution 1980/21.

²⁷⁰E S C resolution 1981/7.

²⁷¹E S C resolution 1982/8.

²⁷²E S C resolution 1982/12.

²⁷³E S C resolution 1984/22.

²⁷⁴See the present study, part I.B, sect. 1 (d).

Commission on Transnational Corporations, addressed the role of transnational corporations in specific areas of development. For example, the Council took several decisions with regard to the activities of transnational corporations in southern Africa.²⁷⁵ The Council also examined the role of transnational corporations as an obstacle to progress in the establishment of the new international economic order.²⁷⁶ Decisions in this field were often geared towards improving the capacity of developing countries to regulate and monitor the activities of transnational corporations. For example, the Council continued to take decisions regarding the elaboration of a code of conduct and restrictive business practices, setting out the overall characteristics such documents should embody.²⁷⁷

76. In one instance, the Council requested the Secretary-General to make arrangements for public hearings to be held by the Commission on Transnational Corporations, with the assistance of the United Nations Centre on Transnational Corporations, on the activities of transnational corporations in southern Africa and their collaboration with the racist minority regime then in power.²⁷⁸ In another, the Council decided to establish an Intergovernmental Working Group of Experts on International Standards of Accounting and Reporting to serve as an international body to improve the availability and comparability of information disclosed by transnational corporations.²⁷⁹

10. DECISIONS REGARDING DISASTER RELIEF

77. During the period under review, both the Economic and Social Council and the General Assembly devoted a considerable number of decisions to the question of assistance for relief and reconstruction for countries suffering from the effects of both natural and non-natural disasters and emergency situations,²⁸⁰ such as drought,²⁸¹ hurricanes,²⁸² outside aggression²⁸³ and the application of mandatory sanctions.²⁸⁴ Assistance was sought for countries from a variety of regions, especially from Africa, and included a number of landlocked and least developed countries. The Council also took a number of decisions to address the situation of refugees, requesting the Secretary-General and the United Nations High Commissioner for Refugees to consult with the Secretary-General of OAU on appropriate ways and means of convening a pledging conference for refugees in Africa.²⁸⁵ Decisions continued to address the implementation of the medium- and long-term recovery and rehabilitation programme in the Sudano-Sahelian region.²⁸⁶

²⁷⁵ E S C resolutions 1979/75 and 1980/59.

²⁷⁶ E S C resolution 1980/60.

²⁷⁷ *Ibid.*

²⁷⁸ E S C resolutions 1981/86 and 1982/70.

²⁷⁹ E S C resolution 1982/67.

²⁸⁰ See, e.g., G A resolutions 34/120, 36/212 and 36/217 and E S C resolution 1980/43.

²⁸¹ See, e.g., G A resolution 35/90.

²⁸² See, e.g., G A resolution 35/95.

²⁸³ See, e.g., G A resolution 35/88.

²⁸⁴ See, e.g., G A resolutions 35/94 and 36/219.

²⁸⁵ See, e.g., E S C resolutions 1980/53 and 1980/54.

²⁸⁶ See, e.g., E S C resolution 1980/51.

78. The decisions of the Organization during the period often set out the parameters for United Nations reconstruction and relief assistance, reaffirming the sovereignty of individual Member States and stressing that all relief operations should be carried out and coordinated in a manner consistent with the priorities, needs and requests of the countries concerned.²⁸⁷ In that regard, reaffirming the mandate of the Office of the United Nations Disaster Relief Coordinator as the focal point of the United Nations system in this field, the General Assembly decided that, in response to a request from a disaster-stricken State and in disaster-prone countries, the United Nations resident coordinator would, "with the full concurrence, consent and participation of the Government, convene meetings of the concerned organs, organizations and bodies of the United Nations system to plan, monitor and take immediate action to provide assistance", with the participation of relief organizations as approved by the host country.²⁸⁸

79. The decisions of the principal organs envisioned a variety of actions in disaster relief efforts. In their resolutions they urged Governments to continue contributing to reconstruction efforts,²⁸⁹ requested that they provide financial, material and technical assistance,²⁹⁰ and invited them to consider the adoption of appropriate legislative, administrative or operational measures to remove obstacles and expedite international relief assistance to the victims of disasters.²⁹¹

80. In some cases, action envisioned in decisions of the United Nations focused on the consideration of specific countries suffering the effects of natural or non-natural disasters for inclusion in special programmes. In one instance, the General Assembly requested the Economic and Social Council to invite the Committee for Development Planning to consider, on the basis of existing criteria, the eligibility of a country suffering the effects of a disaster for inclusion in the list of the least developed countries.²⁹² And in certain instances, the Organization set out specific relief to be offered: for example, by its resolution 36/206, the Assembly urged Member States and relevant United Nations bodies to provide, as appropriate, food, medicines and essential equipment for hospitals and schools to the Central African Republic.²⁹³

81. Also during the period, the Secretary-General established a special account, open for voluntary contributions from the international community, for the purpose of facilitating the channelling of contributions to Djibouti.²⁹⁴ In addition, the Economic and Social Council invited Governments to contribute to the trust fund for the strengthening of the Office of the United Nations Disaster Relief Coordinator.²⁹⁵

²⁸⁷ G A resolution 36/225.

²⁸⁸ *Ibid.*

²⁸⁹ See, e.g., G A resolution 35/84.

²⁹⁰ See, e.g., G A resolution 35/88 and E S C resolution 1979/2.

²⁹¹ E S C resolution 1979/59.

²⁹² See, e.g., G A resolution 36/204.

²⁹³ G A resolution 36/206.

²⁹⁴ G A resolution 36/216.

²⁹⁵ E S C resolution 1979/59.

82. The General Assembly requested the Secretary-General to mobilize international assistance,²⁹⁶ to establish a programme of assistance, usually in consultation with the Government,²⁹⁷ and to send a multi-agency mission to the country in question to assess the needs of the situation.²⁹⁸ In the same vein, by its resolution 36/225, the Assembly decided on a general procedure following a request for disaster relief to consult, assess and address the requirements of a given situation. In a number of cases, the Assembly endorsed the recommendations made by multi-agency missions.²⁹⁹ At its thirty-eighth session, the Assembly recognized that a workable system to promote, facilitate and coordinate relief activities carried out by the United Nations system, in cooperation with Governments and voluntary agencies, was now in place.³⁰⁰

B. Analytical summary of practice

1. ROLE OF THE PRINCIPAL ORGANS OF THE UNITED NATIONS IN RESPECT OF PROMOTING ECONOMIC AND SOCIAL DEVELOPMENT AND SOLUTIONS OF INTERNATIONAL ECONOMIC, SOCIAL, HEALTH AND RELATED PROBLEMS

(a) *Negotiations towards the establishment of the new international economic order: eleventh special session of the General Assembly*

83. By its resolution 32/174, the General Assembly, recalling its resolutions 3201 (S-VI) and 3202 (S-VI) on the new international economic order, its resolution 3281 (XXIX) containing the Charter of Economic Rights and Duties of States, and resolution 3362 (S-VII) on development and international cooperation, as well as its resolution 2626 (XXV) containing the International Development Strategy for the Second United Nations Development Decade, had expressed its deep concern at the deteriorating economic situation of developing countries and at the limited results emerging in negotiations conducted on the establishment of the new international economic order. The Assembly had affirmed that all negotiations of a global nature relating to the establishment of a new international economic order should take place within the framework of the United Nations system. Thus, it had decided to convene a special session of the General Assembly in 1980 and established a committee of the whole, with the Committee to meet during the intersessional periods until the special session of the General Assembly in 1980 and act as a focal point in the negotiations towards the establishment of a new international economic order and to exchange views on global economic problems.³⁰¹

84. The intersessional Committee of the Whole held three sessions in January 1979 and discussed a variety of issues, including the transfer of resources in real terms to

developing countries, and food and agricultural issues in developing countries.³⁰² At each stage it formulated a set of agreed conclusions. At its third session, the Committee considered a draft resolution submitted by a delegation on behalf of the Group of 77 regarding global negotiations relating to international economic cooperation for development, and adopted a decision recommending that the General Assembly, at its thirty-fourth session, consider the proposal as a matter of priority. The Committee established two negotiating groups to consider draft proposals submitted on behalf of the Group of 77, on industrial development and on special measures to resolve the problems of least developed, landlocked and island developing countries.³⁰³

85. Also during 1979, the Director-General for Development and International Economic Cooperation prepared and the Secretary-General submitted to the General Assembly a preliminary version of an analytical report on developments that had occurred in the field of international economic cooperation towards the establishment of a new international economic order since the sixth special session in 1974.³⁰⁴

86. At its thirty-fourth session, the General Assembly, having considered the report of the Committee of the Whole,³⁰⁵ decided to launch, at its 1980 special session, sustained, action-oriented negotiations on international economic cooperation for development. Consultations were to take place within the United Nations system and proceed simultaneously in order to ensure a coherent and integrated approach to issues under negotiation, including raw materials, energy, trade, development, money and finance. The negotiations were to contribute to the implementation of the International Development Strategy for the Third United Nations Development Decade and to solutions to international economic problems, as well as to steady global economic development.³⁰⁶ At the same session, the Assembly urged the Committee of the Whole Established under General Assembly Resolution 32/174 to organize its work in such a manner as to be able to submit its final report to the Assembly at its eleventh special session, in 1980.³⁰⁷

87. During 1980, the intersessional Committee of the Whole Established under General Assembly Resolution 32/174 held an organizational session and three substantive sessions. At its substantive sessions the Committee met in formal and informal meetings as well as in an open-ended negotiating group to consider the issues involved in drawing up an agenda, procedures and a time frame for the global negotiations, as well as issues in the fields of raw materials, energy, trade, development, and money and finance. At its third substantive session, the Committee established an open-ended drafting group to consider written proposals submitted on the question of procedures and a time frame for negotiations. However, the Committee reported that no

²⁹⁶See, e.g., G A resolution 35/90.

²⁹⁷See, e.g., G A resolutions 35/88 and 36/204 and E S C resolution 1984/58.

²⁹⁸See, e.g., G A resolution 35/90 and E S C resolution 1983/44.

²⁹⁹See, e.g., G A resolution 37/147.

³⁰⁰G A resolution 38/202.

³⁰¹G A resolution 32/174.

³⁰²A/34/34.

³⁰³Ibid.

³⁰⁴A/34/596.

³⁰⁵Transmitted to the Assembly by E S C decision 1979/51.

³⁰⁶GA resolution 34/138.

³⁰⁷G A resolution 34/207.

agreement had been reached with respect to those issues during the period under review.³⁰⁸

88. At the 1st plenary meeting of its eleventh special session, the General Assembly established an Ad Hoc Committee of the Eleventh Special Session, as recommended by the Committee of the Whole Established under General Assembly Resolution 32/174, to assess progress made in the establishment of the new international economic order and to promote the development of developing countries and international economic cooperation. This was to include work on (a) a new international development strategy for the Third United Nations Development Decade³⁰⁹ and (b) global negotiations relating to international economic cooperation for development. Debate on the item would take place in plenary meetings.³¹⁰

89. The Ad Hoc Committee held five meetings and various informal consultations. The Committee established two working groups to deal with, respectively, the strategy and the global negotiations. The Committee had before it the reports of the Committee of the Whole Established under General Assembly Resolution 32/174 and the Preparatory Committee for the International Development Strategy, as well as four reports submitted by the Secretary-General on: developments in the field of international economic cooperation since the sixth special session of the Assembly; immediate measures in favour of countries most seriously affected by economic crises; accelerating the transfer of real resources; and economic cooperation among developing countries.

90. With regard to global negotiations relating to international economic cooperation for development, the Director-General for Development and International Economic Cooperation, addressing the Ad Hoc Committee, stated that global negotiations should arrive at integrated policy measures commanding political commitment in order to ensure their full and effective implementation. Measures regarding a number of short-, medium- and long-term problems should be adopted. The central negotiating process would involve the specialized forums and allow them to follow up without impeding the integrated approach.³¹¹

91. At its 5th meeting, the Ad Hoc Committee considered a revised proposal on procedures and a time frame for global negotiations submitted by the Chairman of Working Group II.³¹² Under the proposal, the General Assembly would convene a United Nations conference with universal participation at a high political level to act as a forum for coordinating and conducting global negotiations, with a view to ensuring a simultaneous, coherent and integrated approach to the issues negotiated, resulting in a package agreement. Specialized forums within the United Nations system or such specially created ad hoc groups would negotiate the details of specific agenda items and

would submit their results to the conference. The resulting package agreement would be implemented by the parties acting through the intergovernmental bodies of the specialized forums. Also under the proposal, the conference, which would operate by consensus, would open on 12 January 1981 and would try to conclude by 11 September 1981.³¹³

92. The Ad Hoc Committee, however, was unable to reach a consensus on the draft proposal and decided to inform the General Assembly that, with the exception of three delegations, all Committee members had expressed readiness to accept the text of the Working Group II proposal as the procedural framework for the global negotiations, on the basis of an agenda to be agreed upon at the thirty-fifth session of the General Assembly.³¹⁴

93. Meeting in plenary, the General Assembly decided to take note of the Committee's decision and transmit all documents relevant to the global negotiations to its thirty-fifth session.³¹⁵ In another decision, the General Assembly, deeply concerned at the gravity of the deteriorating economic and social situation of the least developed and other developing countries, particularly those in special categories, where development needs and problems were greatest, and emphasizing the imperative need for simultaneous and parallel action to resolve the problems of developing countries, requested the Secretary-General to elaborate further on his suggestions to overcome the critical economic situation of many developing countries in his address to the Economic and Social Council at its second regular session of 1980,³¹⁶ and to submit them to the General Assembly at its thirty-fifth session for consideration and appropriate action.³¹⁷

94. At the thirty-fifth session, the President of the General Assembly announced that, as a result of consultations, he intended to set up an informal consultative group under his chairmanship prior to the Assembly's consideration of global negotiations. Discussion in the "group of friends of the President" found consensus on at least four subjects: objectives of the global negotiations; the question of competence; relationships between the central body and the specialized agencies; and the approach to be adopted for negotiations. In addition, consensus on substantive areas such as trade, food and energy seemed possible. However, no agreed text on procedures and agenda was achieved. By its decision 35/443, the Assembly requested the President to continue consultations regarding global negotiations and to report on the results at its resumed thirty-fifth session.

95. At its resumed thirty-fifth session, the General Assembly decided, on an oral proposal by the President, to request that he pursue his consultations on the subject and report on their outcome to the Assembly at a later date.

³⁰⁸A/S-11/1.

³⁰⁹For further information on the International Development Strategy for the Third United Nations Development Decade, see sect. 1 (b) below.

³¹⁰A/S-11/25.

³¹¹A/S-11/AC.1/1.

³¹²G A (S-11), A/S-11/AC.1/SR.5, para. 1.

³¹³A/S-11/AC.1/L.1 and Rev.1.

³¹⁴G A (S-11), A/S-11/AC.1/SR.5, paras. 40-41.

³¹⁵G A decision S-11/24.

³¹⁶G A (35), Suppl. No. 3, chap. II, paras. 7-28.

³¹⁷G A resolution S-11/3.

(b) *International Development Strategy for the Third United Nations Development Decade*

96. In accordance with General Assembly resolution 33/193 establishing the Preparatory Committee for the New International Development Strategy,³¹⁸ the Preparatory Committee held one organizational and three substantive sessions during 1979. At its first substantive session, the Committee convened an informal working group to consider suggestions made in connection with the draft preamble to the new international development strategy.³¹⁹ At its second substantive session, the Committee, *inter alia*, heard statements and considered informal working papers from 29 agencies, organizations and regional commissions of the United Nations system. The Committee considered a draft outline of the new international development strategy, including documents submitted by a number of Member States. Finally, the Committee considered the objectives of the new strategy.³²⁰

97. Also involved in preparations for the Third Development Decade was the Committee for Development Planning, which, in 1979, reviewed the development performance of developing countries during the 1970s, examining the causes for the shortcomings in the success of the International Development Strategy for the Second Development Decade.³²¹

98. The Economic and Social Council considered the work of the Preparatory Committee and the Committee for Development Planning at its second regular session in 1979. The Chairman of the Preparatory Committee, presenting an oral report pursuant to General Assembly resolution 33/193, stated that the most frustrating aspect for the Preparatory Committee at the second session in 1979 was the failure to reach an agreement on an outline of the strategy. The issue on which the negotiations had broken down, he stated, went to whether the goals and objectives of the strategy should be addressed either to developed or developing countries or whether they should be formulated as goals of the entire international community.³²²

99. The Economic and Social Council took note of the report of the Preparatory Committee and transmitted it to the General Assembly at its thirty-fourth session, authorizing the Secretary-General to transmit the report of the Committee's third and last substantive session in 1979.³²³ The Council also took note of the report of the Committee for Development Planning in its decision 1979/51. With regard to social aspects of the strategy, by its resolution 1979/25, the Council recommended that the Preparatory Committee take full account of the Declaration on Social Progress and Development as well as the deliberations on the issue in the

³¹⁸G A resolution 33/193. The Preparatory Committee was to establish its programme of work, which would enable it to submit to the Assembly, through the Economic and Social Council at its second regular session of 1979, a preliminary draft of the new international development strategy, with a view to finalizing it in 1980.

³¹⁹G A (34), Suppl. No. 44, vol. I.

³²⁰*Ibid.*, vol. II.

³²¹E/1979/37.

³²²E/1979/110.

³²³E S C decision 1979/51.

Commission for Social Development. In another resolution, the Council decided to establish an ad hoc working group on the social aspects of the development activities of the United Nations to examine the implementation of, *inter alia*, the preparations for the Third United Nations Development Decade.³²⁴

100. At its third session in 1979, the Preparatory Committee focused on the draft preamble to the new strategy and, on the basis of discussions held on a paper submitted by the Chairman, a text of the draft preamble was submitted. Other inputs into the process of formulating the new strategy included the resolution of the Trade and Development Board of UNCTAD on its contribution to the preparation of the new international development strategy, by which it requested the UNCTAD Secretary-General to convene a high-level intergovernmental group to prepare a draft for the UNCTAD contribution to the formulation of the strategy.³²⁵

101. The General Assembly, in its decision 34/452, took note of the report of the Preparatory Committee on its first, second and third sessions. By its resolution 34/207, the Assembly urged the Preparatory Committee for the New International Development Strategy to accelerate its work so as to be able to submit to the General Assembly through the Economic and Social Council a draft of the strategy for adoption and proclamation at the eleventh special session of the General Assembly.³²⁶ And by its resolution 34/211, the Assembly reaffirmed its decision in resolution 33/193 that the new strategy should address as one of its priority objectives the substantial increase of the flow of resources in real terms to the developing countries on a predictable, continuous and increasingly assured basis. The Assembly agreed that the Preparatory Committee should consider the proposal presented to the Assembly concerning the transfer to developing countries of an additional amount of \$300 billion in the form of financial resources, material resources and technical assistance between 1980 and 1990.³²⁷

102. The Preparatory Committee for the New International Development Strategy held three additional sessions in 1980. At the first session, the Committee was informed, in a report by the ACC Task Force on Long-term Development Objectives, of the 1979 meetings of the Task Force focusing on issues of structural change and institutional reform in major economic areas such as primary commodities, energy, trade, money, science and technology.³²⁸ The Preparatory Committee also considered several working papers submitted by Member States, as well as the report of the Committee for Development Planning, which examined the strategy's general premises and basic objectives, priority areas for action and means of implementation.³²⁹ The Committee concluded that, based on the experience of the Second Development Decade, the third decade would require a more flexible approach, giving less attention to rigid, quantitative targets, with the exception of the targets for the acceleration of the rate of economic

³²⁴E S C resolution 1979/45.

³²⁵GA (34), Suppl. No. 15, vol. II, part I, chap. II C and annex 1.

³²⁶G A resolution 34/207.

³²⁷G A resolution 34/211.

³²⁸A/S-11/PV.2, pp. 23-24.

³²⁹A/S-11/2.

development in developing countries, satisfaction of individual and community human needs, international structural change, and changes in international institutions and mechanisms.³³⁰

103. At its second session in 1980, the Preparatory Committee continued its informal discussions on the goals and objectives of the strategy based on an informal paper submitted by a delegation on behalf of the Group of 77. The Committee discussed policy measures based on another informal paper also authored by the Group of 77 and considered two reports of a high-level group on the contribution of UNCTAD to the preparation of the new strategy. For its final session, the Chairman of the Committee had prepared an informal consolidated text of the strategy's preamble, goals and objectives, policy measures, and a review and appraisal of the strategy. The Committee undertook a first reading of the consolidated text at informal meetings and conducted the second readings at meetings of "friends of the Chairman" and "friends of the Rapporteur".³³¹ The Economic and Social Council, in its decision 1980/54, took note of the report of the Committee, and in its decision 1980/162, took note of the report of the Committee for Development Planning.

104. At its sixth resumed session, the Preparatory Committee decided to transmit to the General Assembly the draft of the new international development strategy containing the agreed and tentatively formulated paragraphs.³³²

105. As stated above, at the eleventh special session of the General Assembly, the new international development strategy was allocated to the Ad Hoc Committee of the Eleventh Special Session, though debate on the item took place in plenary meetings. The Ad Hoc Committee thus had before it the report of the Preparatory Committee, including the above-mentioned texts. The Chairman of the Preparatory Committee indicated that the progress achieved in the Preparatory Committee had been mixed, with several key issues in the strategy remaining unresolved, including quantitative targets for growth and the time frames for official development assistance, energy, money and finance. Agreement also had yet to be reached on how to reflect the need for far-reaching policies of structural adjustment and change, especially in the areas of trade and industrialization, and how best to define the concept of countries in special categories.³³³

106. Over the course of the debate in the General Assembly and the five meetings of the Ad Hoc Committee, Working Group I was successful in achieving consensus and producing a consensus text of the entire draft international development strategy, on the understanding that when the Strategy came to be adopted, delegations would have an opportunity to state their positions on individual parts of the document.³³⁴ At the 5th meeting of the Committee, it approved a draft decision by which the Assembly would take

note with satisfaction of the consensus reached on the text of the International Development Strategy;³³⁵ the decision was adopted as General Assembly decision S-11/23.

107. At its thirty-fifth session, the General Assembly, on the recommendation of the Second Committee,³³⁶ adopted resolution 35/56 proclaiming the Third United Nations Development Decade, to commence on 1 January 1981, and adopted the International Development Strategy for the Decade. The preamble, in part, states:

"In launching the Third United Nations Development Decade ... Governments rededicate themselves to the fundamental objectives enshrined in the Charter of the United Nations. They reaffirm solemnly their determination to establish a new international economic order. To this end, they recall the Declaration and the Programme of Action on the Establishment of a New International Economic Order ... the Charter of Economic Rights and Duties of States, and the resolution on development and international economic cooperation ... which laid down the foundations for the establishment of the new international economic order."³³⁷

108. Interpretive statements or statements of position or understanding regarding certain elements of the Strategy were made in both the Second Committee and at plenary meetings of the General Assembly.³³⁸

(c) *Question of the consolidation and progressive development of the principles and norms of international economic law relating in particular to the legal aspects of the new international economic order*

109. At its thirty-third session, the General Assembly had decided to include in the provisional agenda of its thirty-fourth session an item on the consolidation and progressive development of the principles and norms of international economic law, relating in particular to the legal aspects of the new international economic order.³³⁹ Thus, at its thirty-fourth session, the General Assembly allocated the item to its Sixth Committee. The Committee had before it a working paper submitted by a delegation providing an analysis and an outline of a work programme on the topic, and a draft resolution.

³³⁵ GA (S-11), A/S-11/AC.1/SR.5, paras. 46, 48-50.

³³⁶ A/35/464.

³³⁷ G A resolution 35/56, para. 1.

³³⁸ A/35/592/Add.1.

³³⁹ G A decision 33/424. The question had originally been raised at the thirtieth session of the General Assembly in 1975, in the course of its consideration of the item entitled "Report of the Economic and Social Council". On the recommendation of the Second Committee, the Assembly had taken note of the draft resolution entitled "Consolidation and progressive evolution of the norms and principles of international economic law" (A/C.2/L.1474/Rev.1) and had decided to include that question as a separate item in the provisional agenda of its thirty-first session in the hope that it would be allocated to the Sixth Committee for consideration. At its thirty-first session, the General Assembly had included the item on its agenda and allocated it to the Sixth Committee. The Assembly thereafter deferred consideration of the item until the thirty-fourth session (A/35/466, para. 3).

³³⁰ E/1980/3.

³³¹ A/S-11/2, Part I.

³³² A/S-11/2, Parts II and III.

³³³ A/S-11/PV.2, paras. 35-55.

³³⁴ G A (S-11), A/S-11/AC.1/SR.2, para. 1, /SR. 3, paras. 1-4, /SR.5, paras. 42-47.

110. On the recommendation of the Sixth Committee, the General Assembly noted³⁴⁰ the relevant provisions of the Charter relating to international economic relations, in particular, inter alia, "the promotion of higher standards of living, full employment and conditions of economic and social progress and development in Article 55".³⁴¹ The Assembly requested the Secretary-General, in collaboration with UNITAR and in coordination with the United Nations Commission on International Trade Law (UNCITRAL), to study the question with a view to embodying the Charter provisions in one or more instruments, as appropriate. The Assembly invited Member States to submit their views on the question, and requested the Secretary-General to submit a preliminary report to the Assembly at its thirty-fifth session.³⁴²

111. Discussions held in the Sixth Committee revealed considerable disagreement among the Member States on the very basic issues of whether to undertake any consolidation and progressive development of international economic law. While many delegations expressed the view that there was an increasingly urgent need for a systematic effort in that regard that would govern the economic behaviour of States, international organizations, transnational enterprises and other entities, many other delegations felt that codification in this area, and the drafting of an international convention as proposed in the original draft resolution during the thirty-fourth session, was premature. Codification of one or another of the economic rights and duties of States as a formula for dealing with the problem could be a disservice to the continuous process of negotiations at the intergovernmental level on the subject where profound differences existed between various States and groups of States with regard to the definition of the concept of the new international economic order.³⁴³

112. At its thirty-fifth session the General Assembly continued consideration of the item within the Sixth Committee. The Committee had before it a preliminary report of the Secretary-General on the topic, submitted in accordance with General Assembly resolution 34/150. The report consisted of observations by the Secretary-General on the approach taken towards the task entrusted to him under the resolution and on the concept of the consolidation and progressive development of the principles and norms as applied in international economic law, a review of the work of UNCITRAL in the field, a survey of related activities in UNITAR and an annex containing the views of a number of Member States.³⁴⁴ The General Assembly adopted resolution 35/166, entitled "Consolidation and progressive development of the principles and norms of international economic law relating in particular to the legal aspects of the new international economic order", by which it requested UNITAR:

"To prepare a list of the existing and evolving principles and norms of international law relating to the new international economic order concerning the

economic relations among States, international organizations and other entities of public international law, and the activities of transnational corporations, as contained, inter alia, in the following texts:

- (i) Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations;³⁴⁵
- (ii) Declaration and Programme of Action on the Establishment of a New International Economic Order;
- (iii) Charter of Economic Rights and Duties of States;
- (iv) General Assembly resolution 3362 (S-VII) of 16 September 1975 on development and international economic cooperation;
- (v) International Development Strategy for the Third United Nations Development Decade;³⁴⁶
- (vi) Set of Multilaterally Agreed Equitable Principles and Rules for the Control of Restrictive Business Practices;
- (vii) Final Acts of the United Nations Conference on Trade and Development and declaration adopted by all United Nations conferences relevant to the new international economic order."

In addition, the Assembly requested UNCITRAL, UNCTAD, UNIDO, the regional economic commissions, the United Nations Centre on Transnational Corporations and other relevant intergovernmental and non-governmental organizations active in this field to submit relevant information and to cooperate with UNITAR in implementing the resolution. The Secretary-General was requested to submit a report to the General Assembly at its thirty-sixth session.

113. In 1981, UNITAR completed the first phase of the study, a compendium consisting of the list requested in paragraph 1 (a) of General Assembly resolution 35/166, by topic or issues, of, inter alia, articles, sections, paragraphs and clauses of the existing and evolving principles and norms of international law relating to the new international economic order concerning economic relations among States, international organizations and other entities of public international law, and the activities of transnational corporations. The UNITAR list of references to provisions of international conventions and resolutions of international bodies covered international trade and monetary issues, international development assistance, debt, technology, foreign direct investment and transnational corporations, and global commons.³⁴⁷ UNITAR had guidance from the *travaux préparatoires* to resolution 35/166, the views submitted by Member States, the cooperation and support from the specialized agencies and information submitted by other intergovernmental as well as non-governmental

³⁴⁰ G A resolution 34/150.

³⁴¹ Ibid.

³⁴² Ibid.

³⁴³ See generally A/35/466, paras. 4-8.

³⁴⁴ A/35/466.

³⁴⁵ G A resolution 2625 (XXV), annex.

³⁴⁶ G A resolution 35/56, annex.

³⁴⁷ A/36/143, paras. 10, 11 and 16.

organizations.³⁴⁸ UNITAR stated that phase II of the study, an analytical study on the progressive development of those principles and norms, would require a further year's work and funding.³⁴⁹

114. At the thirty-sixth session of the General Assembly, the Sixth Committee once again considered the legal aspects of the new international economic order. The Committee had before it a report of the Secretary-General³⁵⁰ containing the UNITAR list of existing and evolving principles and norms of international law in the field and information from Member States with respect to the UNITAR study. The Assembly adopted a resolution requesting UNITAR to prepare an analytical study on the subject for consideration by the General Assembly in 1982.³⁵¹

115. The General Assembly continued to consider the item at its thirty-seventh and thirty-eighth sessions. During this period, UNITAR continued to implement paragraph 1 (b) of General Assembly resolution 35/166, specifically with its work on the second and third phases on the topic.³⁵² The second phase, submitted in 1982 and 1983, produced analytical papers on the following principles: preferential treatment for developing countries, stabilization of export earnings of developing countries, permanent sovereignty over natural resources, the right of each State to benefit from science and technology, entitlement of developing countries to development assistance, the principle of participatory equality of developing countries in international economic relations, the common heritage of mankind.³⁵³ In 1982 and 1983, UNITAR, on its own initiative and pursuant to the direction of the General Assembly in its resolution 37/103, convened meetings of panels of experts to review and critically evaluate the work in progress prior to the submission of its progress reports.³⁵⁴ The General Assembly adopted the mandate for continued work on the item in its resolutions 37/103 and 38/128.

116. In 1984, proceeding from the premise that all the relevant principles and norms derived from and revolved around the fundamental principles of contemporary international law — sovereign equality and the duty to cooperate³⁵⁵ — the third phase of the UNITAR study analysed the principles of the new international economic order with respect to their integration into the general framework of international law and examined the legal scope of their content, concentrating on salient legal issues. The report concluded that an evaluation was warranted in international law where there was no possibility of instant creation of norms of general international law. The principles which had been discussed, as well as the new international economic order itself, were considered as necessary preconditions for the creation of an international economic environment favourable to the development of developing countries and could thus be viewed as collectively

constituting a “right to development”, parallel on the economic level to self-determination on the political plane. UNITAR recommended that the process of progressive development of the relevant principles and norms should continue, so as to complete their elaboration. It further recommended that the General Assembly consider continuing action by an intergovernmental working group within the framework of the Sixth Committee of the Assembly or a commission with appropriate machinery and expert resources.³⁵⁶

117. At its thirty-ninth session, on the recommendation of the Sixth Committee, the General Assembly by its resolution 39/75, expressed its appreciation to UNITAR for the completion of the analytical study and urged Member States to submit their views and comments thereon, including proposals concerning further action and procedures to be adopted within the framework of the Sixth Committee. By the same resolution, the Assembly decided to include the item in the provisional agenda of its fortieth session.

(d) *Formulation of a code of conduct for transnational corporations*

118. During the period under review, the United Nations organs continued to address the issue of transnational corporations generally, and the elaboration of a code of conduct for transnational corporations in particular. Prior to the reporting period, at its sixth special session in 1974, the General Assembly had adopted resolution 3202 (S-VI), entitled “Programme of Action on the Establishment of the New International Economic Order”, in which it had decided, inter alia, that all efforts should be made to formulate and adopt and implement an international code of conduct for transnational corporations.³⁵⁷ The formulation of the code had been included in the terms of reference of the Commission on Transnational Corporations,³⁵⁸ which in turn had established, at its second session in 1976, the Intergovernmental Working Group on a Code of Conduct.³⁵⁹ The Working Group had held four sessions between 1977 and 1979. By its resolution 1978/71, reaffirming that the formulation of the code should be given the highest priority, the Council endorsed the conclusion of the Commission on Transnational Corporations that the Intergovernmental Working Group should hold three sessions in order to enable it to make expeditious progress towards the fulfilment of its mandate and requested the Commission to report to the Council at its second regular session.

119. In preparing the Code, the Intergovernmental Working Group followed a step-by-step approach whereby each section of the Code evolved through successive stages of discussion, negotiation and formulation. An identification of the key elements in each issue was followed by the presentation of common elements with a tentative formulation prepared by the Centre on Transnational

³⁴⁸Ibid., paras. 6-9.

³⁴⁹Ibid., para. 4.

³⁵⁰A/36/143.

³⁵¹G A resolution 36/143.

³⁵²See A/37/409 and A/38/366.

³⁵³A/38/366, paras. 12 and 15.

³⁵⁴A/39/504/Add.1, annex IV, para. 10.

³⁵⁵Ibid., annex II, para. 2.

³⁵⁶Ibid., sect. III.

³⁵⁷G A resolution 3202 (S-VI), sect. V.

³⁵⁸The Commission was established and the item was allocated to it pursuant to E S C resolution 1913 (LVII).

³⁵⁹The Commission's decision was approved by the Economic and Social Council in its decision 180 (LXI). See E/C.10/79, para. 1.

Corporations, which were then followed by negotiations on the drafting of provisions by the Group on the basis of formulations prepared by the Chairman.³⁶⁰ Organizations that participated in the development of a code of conduct included the United Nations Conference on Trade and Development, the International Labour Organization, the Organisation for Economic Cooperation and Development, the European Economic Community and many NGOs, such as the International Chamber of Commerce and the Sierra Club.³⁶¹

120. The Commission on Transnational Corporations considered the report of the Intergovernmental Working Group at its 56th and 57th meetings in 1979, focusing on areas of agreement in the code and gaps remaining. The Rapporteur informed the Commission that, at the end of the fifth, sixth, and seventh sessions of the Working Group, further discussions were required regarding formulations on the preamble, definitions, implementation and intergovernmental cooperation. Furthermore, the legal nature of the code had been discussed but not resolved, and formulations on technology, restrictive business practices and corrupt practices were under way in other United Nations bodies.³⁶² The Chairman of the Working Group noted that, after a first reading of the formulations in most of the substantive areas and discussions on the fundamental elements involved in the implementation of the code as well as follow-up procedures at various levels, the Working Group was ready to start drafting the end product.³⁶³ Highlighting areas of remaining disagreement, the Chairman informed the Commission that, with regard to State sovereignty, the sovereign right of States to regulate the establishment of transnational corporations would not be affected by the code since the code would only deal with transnational corporations that had already been established. Other contentious issues included nationalization and compensation.³⁶⁴

121. Several delegations to the Commission noted several important issues remaining, among them the formulation of a definition of transnational corporation. The primacy of national sovereignty was stressed by several delegations, which thought that the Code should not contain any provisions compromising or restricting national sovereignty.³⁶⁵ The Commission took note of the report, expressed its appreciation for the progress made and instructed the Working Group to continue its work with a view to presenting a comprehensive draft code to the Commission. The Commission requested the Economic and Social Council to continue the work of the Intergovernmental Working Group on a Code of Conduct for three more sessions in order to accomplish its task.³⁶⁶

122. At its second regular session of 1979, the Economic and Social Council allocated the item to its First (Economic)

³⁶⁰E/C.10/62, para. 23.

³⁶¹E/C.10/1982/6, paras. 5-8.

³⁶²E/C.10/L.33/Add.3/Rev.1, para. 1.

³⁶³Ibid., para. 2.

³⁶⁴Ibid., para. 3.

³⁶⁵Ibid., paras. 6-7.

³⁶⁶Ibid., para. 9.

Committee. On the recommendation of the Committee,³⁶⁷ the Council decided that the Working Group should hold three more sessions in 1980, and transmitted the report on the code to the General Assembly at its thirty-fourth session for further consideration.

123. At its fifth session, the Working Group requested that a note be prepared by the United Nations Group of Experts on Tax Treaties between Developed Countries and Developing Countries on taxation issues relevant to the draft Code of Conduct.³⁶⁸ The Group suggested that there should be a section in the Code taxation with reference to disclosure of information and abstention from practices resulting in tax evasion or tax avoidance.³⁶⁹

124. At its eighth, ninth and tenth sessions, the Intergovernmental Working Group concluded the drafting of 24 provisions and reached consensus on a number of them, with the stipulation that agreement was provisional pending the conclusion of the drafting of the Code as a whole.³⁷⁰ In addition, the Group held a preliminary discussion on the preamble to the Code, on the basis of the key elements contained in a working paper prepared by the Centre on Transnational Corporations. The Group also considered the section of the Code dealing with implementation, on the basis of the common elements prepared by the Centre, and drafted the Code's provisions under each heading on the basis of the Chairman's formulations.³⁷¹

125. The Commission on Transnational Corporations considered the report of the eighth, ninth and tenth sessions of the Intergovernmental Working Group in June 1980.³⁷² During the discussion, delegations made a number of observations. Discussing the definition of the term "transnational corporation", most delegations agreed that a descriptive rather than a precise and detailed definition was needed.³⁷³ However, several considered that a precise and detailed definition was called for. All delegations agreed to the three basic elements from a working paper.³⁷⁴ They agreed that a transnational corporation was a commercial enterprise comprising economic activities in two or more countries, with one or more decision-making centres for a global strategy, through the sharing of information among branches. Delegations could not agree on whether the definition should apply to mixed and public corporations in addition to private enterprises.³⁷⁵ A number of delegations felt that the profit motivation should be a factor in classifying an entity as a transnational corporation. Some delegations also felt that small corporations and ones that aided developing countries should not be required to comply with the Code of Conduct.³⁷⁶

126. The Commission took note of the report of the Working Group and requested the Economic and Social

³⁶⁷E/1979/123, para. 15.

³⁶⁸E/C.10/AC.2/10, para. 1.

³⁶⁹Ibid., para. 26.

³⁷⁰E/C.10/62, para. 23.

³⁷¹Ibid., paras. 24-26.

³⁷²E/1980/40, para. 99.

³⁷³Ibid., para. 100.

³⁷⁴Ibid., para. 101.

³⁷⁵Ibid., paras. 102-105.

³⁷⁶Ibid.

Council to authorize the Group to hold three sessions before the end of 1980.³⁷⁷ In addition, the Commission accepted the three elements as the basis for the definition of a transnational corporation and decided that further work should be done by the Group towards the possible elaboration of the definition in the light of the discussion within the Commission.³⁷⁸

127. At its second regular session in 1980, the Economic and Social Council transmitted, *inter alia*, a draft decision to the General Assembly for consideration at its thirty-fifth session. By the draft decision the Assembly would decide to convene a conference to adopt a code of conduct on transnational corporations in the last quarter of 1981.³⁷⁹ No further action was taken on the proposed decision.

128. By its resolution 1980/60, the Economic and Social Council affirmed that the Code should, *inter alia*:

“(a) Be effective, comprehensive, generally accepted and universally adopted;

“(b) Associate effectively the activities of transnational corporations with the efforts to establish the new international economic order and their capabilities with the developmental objectives of the developing countries;

“(c) Reflect the principle of respect by transnational corporations for the national sovereignty, laws and regulations of the countries in which they operate, as well as the established policies of those countries and the right of States to regulate and accordingly to monitor the activities of transnational corporations;

“... ”

“(h) Provide appropriate arrangements for the effective implementation of the code.”³⁸⁰

129. The Council affirmed that the draft Code should be completed before the seventh session of the Commission on Transnational Corporations in 1981.

130. The Intergovernmental Working Group on a Code of Conduct continued to discuss and elaborate the provisions of the draft Code over the course of six sessions, from 1980 to 1982.³⁸¹ By its seventeenth and final session, the Working Group had finalized its work on the draft Code,³⁸² except for the preamble and the objectives, and submitted the results to the Commission on Transnational Corporations at its eighth session. Nevertheless, it did not reach agreement on the formulation of all the provisions.³⁸³

131. Pursuant to Economic and Social Council resolution 1982/68, the Commission on Transnational Corporations held a special session in 1983, broken up in three parts, to continue and complete the formulation of the draft Code of Conduct on Transnational Corporations. The Commission considered the outstanding issues of the preamble and the

objectives, the definitions and the scope of application of the Code, and the activities and treatment of transnational corporations.³⁸⁴ The Commission decided to establish two working groups: Working Group I was to deal with the section on the preamble and on definitions of scope,³⁸⁵ while Working Group II considered sections of the draft on activities of transnational corporations and their treatment.³⁸⁶ During the first part of the special session, the elements to be included in the part of the draft Code on the preamble and the objectives were the subject of discussion, on the basis of which the Chairman proposed texts for further consideration, which in turn were submitted to the Commission at the second part of its special session in the form of a working paper.³⁸⁷ Major issues dealt with at the session included the preamble and the objectives, definitions and scope of application, respect for national sovereignty in the activities of transnational corporations and the applicability of international law, non-collaboration by transnationals with racist minority regimes in southern Africa, and treatment of transnational corporations in terms of jurisdiction, nationalization and compensation.³⁸⁸ Nevertheless, work on a draft Code was not completed by the end of the special session. The Commission had reached agreement only on some of the outstanding issues,³⁸⁹ but no agreement was reached on a variety of topics such as Africa, non-interference in intergovernmental relations, and the definition and scope of transnational corporations.³⁹⁰

132. By its decision 1983/183, the Economic and Social Council decided to submit the issues surrounding the draft Code of Conduct to the General Assembly at its thirty-eighth session.³⁹¹ After considering the report of the Council, the Assembly decided to reconvene the special session of the Commission on Transnational Corporations to assess the work on the draft Code and facilitate the negotiation of outstanding issues. By its resolution 38/428, the Assembly decided that, if the outcome of the session were successful, the Commission would recommend to the Council, at its organizational session for 1984, the reconvening of a final convening of the special session for the completion of the Code.³⁹² At the reconvened special session in January 1984, the Commission decided to recommend to the Economic and Social Council that it reconvene the special session of the Commission early in 1984 with a view to completing the Code.

133. The Commission was reconvened twice,³⁹³ in January and June of 1984, to continue, at one formal and a number of informal meetings, discussions on a draft Code. The Commission considered definitions and scope of application, respect for national sovereignty and observance of domestic laws, regulations and administrative practices,

³⁷⁷ E/1980/40, para. 106.

³⁷⁸ *Ibid.*

³⁷⁹ E S C decision 1980/174.

³⁸⁰ E S C resolution 1980/60.

³⁸¹ See E/C.10/79, para. 2; E/C.10/1982/6, paras. 1-2.

³⁸² E/C.10/1982/6, annex.

³⁸³ *Ibid.*, paras. 53-54.

³⁸⁴ E/C.10/1983/S/2, para. 25.

³⁸⁵ E/C.10/1983/S/L.1/Add.1, para. 3.

³⁸⁶ *Ibid.*

³⁸⁷ E/C.10/1984/S/2, para. 5.

³⁸⁸ E/C.10/1984/S/2, paras. 9-30.

³⁸⁹ E/1983/17.

³⁹⁰ E/C.10/1984/S/2.

³⁹¹ E S C decision 1983/183.

³⁹² G A decision 38/428.

³⁹³ Pursuant to G A decision 38/428 and E S C decision 1984/109, respectively.

treatment of transnational corporations by countries in which they operated, nationalization and settlement of disputes, conflicts of jurisdiction, non-interference in internal affairs, free transfer by transnational corporations of payments relating to their investments, and non-collaboration by transnational corporations with racist minority regimes in southern Africa.³⁹⁴ Although a number of delegations at the reconvened session in June stated they could accept the compromise proposals by the Chairman and the Rapporteur on the outstanding issues, the Commission was unable to resolve these issues.³⁹⁵

134. On the recommendation of the First (Economic) Committee, the Economic and Social Council adopted decision 1984/163, in which it took note of the report of the Commission on Transnational Corporations at its reconvened session and decided to transmit the report to the General Assembly at its thirty-ninth session for consideration.

135. On the recommendation of its Second Committee, the General Assembly adopted decision 39/443, by which it took note of the report of the Commission on Transnational Corporations and requested the Chairman of the Commission, with the assistance of the United Nations Centre on Transnational Corporations (CTC), to initiate negotiations to overcome the impasse, bearing in mind the proposals of the Chairman and the Rapporteur. The Assembly requested CTC to prepare a study on the outstanding issues in the draft Code of Conduct and also decided to reconvene the special session of the Commission on Transnational Corporations in June 1985, and requested it to prepare a report, including suggestions regarding the most appropriate steps to be taken to complete the Code.³⁹⁶

136. The draft of the Code was composed of six chapters: (a) preamble and objective; (b) definition and scope of application; (c) activities of transnational corporations; (d) treatment of transnational corporations; (e) intergovernmental cooperation; and implementation of the Code of Conduct.³⁹⁷

(e) *United Nations Conference on the Least Developed Countries*

137. By its resolution 33/149, the General Assembly had welcomed the request by the Intergovernmental Group on the Least Developed Countries of UNCTAD that the Secretary-General of UNCTAD prepare an outline, to be given full consideration at the forthcoming Conference, for launching a substantial new programme of action for the 1980s on behalf of the least developed countries.³⁹⁸ In 1979, UNCTAD decided to launch a two-phased Comprehensive New Programme of Action for the Least Developed Countries.³⁹⁹ This had been followed by the far-reaching recommendations of the Group of High-Level Experts on the Comprehensive New Programme of Action for the 1980s.

³⁹⁴E/1984/9/Add.2.

³⁹⁵E/C.10/1984/S/2.

³⁹⁶G A decision 39/443.

³⁹⁷E/C.10/1984/3, para. 5.

³⁹⁸G A resolution 33/149.

³⁹⁹UNCTAD resolution 122 (V) of 3 June 1979.

138. The first phase envisioned within UNCTAD resolution 122 (V), the Immediate Action Programme 1979-1981, was aimed at providing an immediate boost to the economies of the least developed countries and immediate support for projects for the provision of the most pressing social needs, paving the way for larger, long-term development efforts.⁴⁰⁰ The first phase also called for the provision of greatly expanded resources to speed up the approval and implementation of all assistance projects already in the pipeline, and to identify and to implement projects and programmes that could be executed quickly and bring immediate benefits in areas such as nutrition, health, education, transport and communications, housing and job problems, and social needs as well as agricultural and rural development and other areas and activities at the community level. In addition, it urged that the fullest use be made of all existing arrangements for the provision of emergency assistance and that actions be taken for their improvement or for new arrangements in order to mitigate the effects of natural disasters.⁴⁰¹ The second phase encompassed a Substantial New Programme of Action for the 1980s, which would consist of structural change in the least developed countries to transform their economies towards self-sustaining development and enable them to provide at least internationally accepted minimum standards of nutrition, health, transport and communications, housing and education, as well as job opportunities for all.⁴⁰²

139. In preparation for the Substantial New Programme of Action for the 1980s, the Conference called for studies on an improved strategy to assist the least developed countries. The Conference therefore convened a high-level expert group for late 1979 to consider the studies, and called for a 1980 session of its Intergovernmental Group on the Least Developed Countries to review them. The Conference invited the General Assembly to convene a United Nations conference on the least developed countries to finalize and adopt the Substantial New Programme of Action.

140. By its decision 1979/51, the Economic and Social Council took note of, inter alia, the note by the Secretariat reproducing the text of UNCTAD resolution 122 (V) and decided to transmit it to the General Assembly.

141. At its thirty-fourth session, the General Assembly adopted resolution 34/210, by which it endorsed the decision contained in UNCTAD resolution 122 (V) to launch a Comprehensive New Programme of Action for the Least Developed Countries, comprising the two phases, and invited all international development institutions and specialized agencies, bilateral donor institutions, regional commissions and governmental and non-governmental organizations to give their full support to the New Programme of Action. In another resolution, the Assembly invited the Preparatory Committee for the New International Development Strategy to take full account, in formulating the new strategy for the 1980s, of the special problems of the least developed countries.⁴⁰³

⁴⁰⁰See UNCTAD resolution 122 (V) of 3 June 1979, para. 1.

⁴⁰¹Ibid., para. 3 (a)-(d).

⁴⁰²Ibid., para. 1.

⁴⁰³G A resolution 34/196.

142. At the same session, the General Assembly adopted resolution 34/203, by which it decided to convene a United Nations Conference on the Least Developed Countries in 1981 to finalize, adopt and support the Substantial New Programme of Action for the 1980s. The Assembly requested the Secretary-General to designate the Secretary-General of UNCTAD as Secretary-General of the Conference and to entrust the Director-General for Development and International Economic Cooperation with the responsibility, in collaboration with the Secretary-General of UNCTAD, for mobilizing and coordinating organs of the United Nations system. In the same resolution, the General Assembly invited the organs, organizations and bodies of the United Nations system concerned, especially the regional commissions, UNDP and the World Bank, to extend their fullest cooperation, support and contribution to the preparatory process for the Conference. The Assembly furthermore decided to initiate the studies provided for in UNCTAD resolution 122 (V) and requested the Preparatory Committee to consider any additional studies necessary for the Conference.⁴⁰⁴

143. Pursuant to a resolution of the Trade and Development Board, the High-Level Group of Experts on the Comprehensive New Programme of Action for the Least Developed Countries met at Geneva in late 1979.⁴⁰⁵ In its report the Group addressed the goals and objectives of the new programme, the problems and potentials of the agricultural, manufacturing, minerals energy and water resources sectors, as well as the physical infrastructure sectors. The report discussed the development of human resources and, *inter alia*, made proposals for the implementation of the Substantial New Programme and for coordination arrangements.⁴⁰⁶

144. In 1980, the Preparatory Committee for the United Nations Conference on the Least Developed Countries held two sessions at Geneva. At its first session, the Committee recommended that preparations should include specific plans and programmes of national action of the individual least developed countries themselves, and invited those States to hold country and/or subregional consultations to review their proposed programmes. The Committee decided that its second session should, *inter alia*, make recommendations concerning the venue and date of the Conference, as well as take further the drafting of elements of the Substantial New Programme of Action, and prepare a report on its work for the consideration of the General Assembly at its thirty-fifth session.⁴⁰⁷

145. At its second session in 1980, the Preparatory Committee discussed the progress in the preparation of individual country presentations and made recommendations on the organization of individual country review meetings with aid partners. In addition, the Committee discussed the organizational structure of the Conference and heard views on elements of the Substantial New Programme and called for the convening of a third session in June 1981.

146. By its resolution 35/205, the General Assembly endorsed the recommendations of the Preparatory Committee with regard to the date, venue and preliminary consultations of the Conference and endorsed the Committee's recommendation for a third session. The Assembly requested least developed countries to submit their individual country presentations no later than 1 March 1981. The Assembly furthermore requested the Secretary-General to entrust the Director-General for Development and International Economic Cooperation, working with the Secretary-General of the Conference, with the full mobilization of the United Nations system in the preparations for the Conference.⁴⁰⁸

147. At its eleventh special session, in 1980, the General Assembly, by its resolution S-11/4, regretted that, more than one year after the adoption of the Immediate Action Programme for 1979-1981, very limited progress had been made towards its implementation. The Assembly urged all developed countries, developing countries in a position to do so, multilateral development institutions and other sources to take urgent steps to implement without any further delay, on a priority basis, the commitments undertaken in the Immediate Action Programme for 1979-1981.⁴⁰⁹ It also requested the Secretary-General to monitor the implementation of measures adopted in favour of the least developed countries, including those of the Immediate Action Programme for 1979-1981, and to report thereon to the Economic and Social Council at its second regular session of 1981 and to the General Assembly at its thirty-sixth session.⁴¹⁰

148. At its third session, the Preparatory Committee for the Conference considered a "non-paper" submitted by the Conference secretariat proposing a draft of the Substantial New Programme of Action for the 1980s.⁴¹¹ A Contact Group considered the draft, along with several informal texts and amendments submitted by different groups, and thereafter transmitted all texts together with the Chairman's statement outlining areas of the draft on which no agreement was reached. Also prior to the Conference, four rounds of consultations were organized for the least developed countries and their development partners in 1981. At the regional level, the first meeting of the Conference of Ministers of African least developed countries was held at Addis Ababa, and the ministerial meeting of Member States of ESCAP and ECWA was held at Bangkok.⁴¹²

149. At its second regular session in 1981, the Economic and Social Council, in its resolution 1981/46, expressed deep concern that, more than two years after its adoption and nearly at the end of the period, the Immediate Action Programme had not been fully implemented. The Council urged donor Governments and other States Members of the United Nations to attend the Conference at the highest political level to make firm commitments to support and implement the agreed measures.⁴¹³

⁴⁰⁴G A resolution 34/203.

⁴⁰⁵TD/B/775.

⁴⁰⁶*Ibid.*

⁴⁰⁷TB/B/787, annex I, resolution 7 (III).

⁴⁰⁸G A resolution 35/205, sect. II.

⁴⁰⁹G A resolution S-11/4.

⁴¹⁰*Ibid.*

⁴¹¹A/36/45.

⁴¹²A/CONF.104/22/Rev.1, paras. 5-6.

⁴¹³E S C resolution 1981/46.

150. The United Nations Conference on the Least Developed Countries was held in Paris from 1 to 14 September 1981.⁴¹⁴ At the 1st plenary meeting, the Chairman of the Preparatory Committee, in his capacity as Chairman of the Consultation among Senior Officials that had taken place at Paris in August 1981, introduced his report on the consultations, containing recommendations on the procedural, organizational and administrative matters relating to the Conference.⁴¹⁵ The Conference established two Main Committees to consider, respectively, that portion of the agenda dealing with (Committee I) "Finalization and adoption of the Substantial New Programme of Action for the 1980s for the least developed countries", including objectives, priorities and policies at the national level and international support measures; and (Committee II) "Consideration of the reports of the individual country review meetings" and that portion of the agenda item "Finalization", dealing with arrangements for implementation and follow-up.⁴¹⁶

151. At its final meeting, the Conference adopted a resolution entitled "The Substantial New Programme for the 1980s for the Least Developed Countries", by which it recalled General Assembly resolutions 3201 (S-VI) and 3202 (S-VI), containing respectively the Declaration and the Programme of Action on the Establishment of a New International Economic Order, resolution 3281 (XXIX) containing the Charter of Economic Rights and Duties of States, and resolution 3362 (S-VII) on development and international cooperation. The Conference decided to adopt and recommend the immediate implementation of the Substantial New Programme of Action for the 1980s for the least developed countries (SNPA).⁴¹⁷ The SNPA consisted of a preamble and three chapters addressing the general situation of least developed countries and national measures to deal with it, international support measures envisioning the transfer of financial resources, an immediate action component, technical assistance and other international economic policy measures, as well as arrangements for implementation, follow-up and monitoring at the national, regional and global levels.⁴¹⁸

152. At its thirty-sixth session, the General Assembly adopted resolution 36/194, by which it endorsed the SNPA and called upon all Member States, intergovernmental and multilateral institutions, the organs, organizations and bodies

⁴¹⁴The Conference had before it, in addition to the reports of the Preparatory Committee, a report of the Secretary-General of the Conference on "The least developed countries in the 1980s", a synopsis of proposals made at the Preparatory Committee on the draft Substantial New Programme of Action, prepared by the Chairman of the Preparatory Committee, a draft resolution submitted by Peru on behalf of the States members of the Group of 77 containing a draft text of the Substantial New Programme, basic data and other tables on least developed countries prepared by the Conference secretariat, contributions to the Conference by the organizations of the United Nations system, and a consultant's paper, prepared at the request of the Conference secretariat, on the role of non-governmental organizations in aid to the least developed countries. A/CONF.104/22/Rev.1, para. 7.

⁴¹⁵A/CONF.104/22/Rev.1, Part III, para. 4, p. 72.

⁴¹⁶Ibid., paras. 8 and 9, p. 74.

⁴¹⁷Ibid., Part I, para. 1, p. 3.

⁴¹⁸Ibid., Part I, pp. 8-39.

of the United Nations system and all others concerned to take immediate, concrete and adequate steps to implement the SNPA. Once again expressing its deepest concern that more than two years after the adoption of the Immediate Action Programme for 1979-1981, very limited progress had been made towards its implementation, emphasized that the least developed countries, "in view of their desperate socio-economic plight ... need the urgent and special attention and the large-scale and continued support of the international community to enable them to progress towards self-reliant development, consistent with the plans and programmes of each least-developed country".⁴¹⁹ In the same resolution, the Assembly urged all donor countries to make adequate special allocation to the Special Measures Fund for the Least Developed Countries of UNDP and the United Nations Capital Development Fund, or through other suitable channels for the least developed countries. The Assembly also decided on modalities for review and monitoring, deciding that the Intergovernmental Group on the Least Developed Countries of UNCTAD would, at its 1985 meeting, carry out the mid-term review and consider the possibility of holding a global review at the end of the decade. The Assembly devoted several provisions to activity within the United Nations system, requesting, inter alia, the Secretary-General to entrust the Director-General for Development and International Economic Cooperation, in close collaboration with the Secretary-General of UNCTAD, the executive secretaries of the regional economic commissions and the lead agencies for the aid groups, with the responsibility of ensuring at the Secretariat level the full mobilization of and coordination of all organs, organizations and bodies of the United Nations system.⁴²⁰

(f) *The problem of material remnants of war*

153. During the period under review, the General Assembly continued⁴²¹ to address the problem of material

⁴¹⁹G A resolution 36/194, para. 4.

⁴²⁰Ibid., para. 13.

⁴²¹The General Assembly had first turned its attention to the problem of material remnants of war at its thirtieth session. At that time, the Assembly, by its resolution 3435 (XXX), recognized that the presence of material remnants of war (such as mines) in certain developing countries had impeded the development of those countries, and emphasized the duty of the international community to take adequate measures to protect and improve the environment, including, in particular, the continuation and strengthening of international cooperation in this field. The Assembly called upon States taking part in wars in colonial Territories and/or aggressive war to make available to affected States information on the areas in which such remnants were placed, to provide technical assistance for their removal and to compensate those countries "for any material and moral damage suffered by them". G A resolution 3435 (XXX). The Assembly requested UNEP to undertake a study of the problem, particularly with regard to mines, and its effect on the environment. Ibid. By its resolution 31/111, the Assembly took note of the report of the Secretary-General transmitting the interim report of the Executive Director of UNEP on the study of the problems of the material remnants of war, particularly mines, and their effect on the environment, and requested the Governing Council of UNEP to ensure its completion. By its resolution 32/168, the Assembly took note of the completed UNEP report as well as of a relevant decision of the Governing Council of UNEP, and invited the Governments

remnants of war,⁴²² primarily with the assistance of UNEP.⁴²³ Noting a number of resolutions on the subject passed by the fifth Conference of Heads of State or Government of Non-Aligned Countries, the Governing Council of UNEP and the Eleventh Islamic Conference of Foreign Ministers, the General Assembly, in its resolution 35/71, expressed its regret that no action had been taken to solve the problem, despite the various resolutions and decisions adopted by both the General Assembly and the Governing Council of UNEP. Reiterating the appeal set out in its resolution 3435 (XXX), the Assembly called upon those States taking part in colonial and/or aggressive wars to make available information on the location and types of mines in affected States. In the same resolution, the Assembly supported the demand of those States affected by the implantation of mines that they be compensated for the losses they had incurred by the States that had planted them. The Assembly requested the Secretary-General to consult with States concerned to find ways and means to address those issues, including the possibility of convening a United Nations conference, and to report to the Assembly at its thirty-sixth session on those consultations, on steps taken towards the implementation of the resolutions and decisions of the United Nations and UNEP, and on the obstacles faced in that regard.⁴²⁴ Throughout the period under review, the General Assembly would reiterate its support of

“the just demands of the developing countries affected by the implantation of mines and the presence of other remnants of war in their territories for full compensation from the States responsible for those remnants”.⁴²⁵

154. In its resolution 36/188, the General Assembly took note of the report of the Secretary-General on the implementation of the above-mentioned resolutions, and reiterated its request that the Secretary-General continue his contacts and consultations with Member States in order to

concerned to cooperate with the Executive Director in the implementation of the decision. A/36/531, paras. 3-9.

⁴²²For the definition and scope of the phrase “remnants of war”, see “Explosive remnants of conventional war”, A/38/383, annex, para. 3. The consideration of the problem of remnants of war focused primarily on unexploded and thus potentially explosive remnants of conventional war, such as land and sea mines and booby traps. Remnants and residues of chemical, biological or nuclear war are beyond the scope of the present discussion.

⁴²³UNEP, in fulfilling General Assembly resolution 3435 (XXX), consulted an advisory group of experts established by the Executive Director and submitted to the Governing Council his recommendations concerning the preparation of the study. The UNEP Governing Council authorized the Executive Director to seek information from and consult with Governments to prepare the study and to examine the desirability of convening an intergovernmental meeting to deal with the environmental problem of the material remnants of war. The Governing Council took a number of other decisions in the years leading up to the period under review, including a request that the Executive Director urge Governments to register with the International Referral System for Sources of Environmental Information (INFOTERRA) and sources of appropriate technology for dealing with the environmental hazards caused by remnants of wars. A/36/531, paras. 3-8.

⁴²⁴G A resolution 35/71.

⁴²⁵See G A resolutions 37/215, 38/162 and 39/167. See also G A resolution 36/188.

find ways and means of solving the problem, including the possibility of convening a conference under the auspices of the United Nations.⁴²⁶ A similar request was made at the ninth session of the Governing Council.⁴²⁷

155. Throughout the period, UNEP assisted the United Nations organs in this field primarily through its reporting capacity. This function, performed both on its own and in conjunction with the Secretary-General of the United Nations,⁴²⁸ was undertaken primarily on the basis of the views of all States, as mandated for example by paragraph 4 of General Assembly resolution 35/71. In one instance, those views were sought by means of a letter from the Executive Director of UNEP on behalf of the Secretary-General.⁴²⁹ However, because of an apparent lack of interest and/or reticence on the part of the majority of States, the Secretary-General noted that it was difficult to make any concrete recommendations with a view to solving the problem of remnants of war.⁴³⁰ He therefore recommended that the General Assembly reiterate its call to all Governments to cooperate more fully with the Secretary-General in communicating to him their views on the problem.⁴³¹ The Secretary-General emphasized that the General Assembly should urge Governments in possession of information regarding mines placed in the territory of other States to make that information available to the affected States.⁴³²

156. The studies produced UNEP-identified basic aspects of the problem and the issues arising therefrom. The Executive Director, on behalf of the Governing Council of UNEP, issued a state-of-the-environment report in 1979 discussing, *inter alia*, the problem and scope of unexploded remnants of war.⁴³³ The 1981 progress report on the problem prepared by the secretariat of UNEP on behalf of the Secretary-General of the United Nations underscored and examined the three basic issues emerging from General Assembly resolution 35/71 pertaining to the problem of the remnants of war: (a) the availability to affected States of all information on areas where mines were placed, and the types of mines; (b) the problem of compensation; and (c) the role and involvement of the United Nations system in addressing the problem, including the possibility of convening a United Nations conference for solving the problem.⁴³⁴

157. In its resolution 37/215, the General Assembly took note of the report of the Secretary-General prepared pursuant to resolution 36/188, and requested the Secretary-General, in cooperation with the Executive Director of UNEP, to prepare a factual study on the problem for the consideration of the Assembly at its thirty-seventh session, including an analysis of: (a) the economic and environmental problems experienced by developing countries affected by the remnants of war, the loss of life and property suffered, their specific demands in that respect and the extent to which the

⁴²⁶G A resolution 36/188.

⁴²⁷A/38/383, paras. 7 and 8.

⁴²⁸See A/36/531, A/37/415, A/38/383 and A/39/580.

⁴²⁹A/36/531, para. 13.

⁴³⁰See A/36/531, para. 29.

⁴³¹*Ibid.*, para. 30.

⁴³²*Ibid.*

⁴³³UNEP/GC.8/3, chap. V, paras. 126-128.

⁴³⁴See A/36/531, para. 12, and A/37/415, para. 5.

responsible States were willing to compensate the affected States and assist them in solving the problem; (b) the legal status of the problem; (c) the international cooperation required to solve the problem; and (d) the role of the United Nations in that regard, including the possibility of convening a conference pursuant to General Assembly resolutions 35/71 and 36/188.⁴³⁵

158. To assist the Executive Director of UNEP with the problem of the remnants of war pursuant to General Assembly resolution 37/215, a high-level group of experts met at Geneva in July 1983 to examine the economic, environmental and legal aspects of the problem.⁴³⁶ On the basis of the meeting, a study, entitled "Explosive remnants of conventional war", was prepared and submitted to the General Assembly for its consideration at its thirty-eighth session. The study included recommendations concerning the legal, informational, technical and institutional aspects of remedial action.⁴³⁷ More specifically, the study suggested as a legal matter that the General Assembly might wish to appeal to all States to ratify or accede to the 1981 Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects (Convention on Certain Conventional Weapons, or Inhumane Weapons Convention).⁴³⁸ With regard to information, the study suggested, among other efforts, that a database on technologies currently available for mine clearance would be desirable.⁴³⁹ Among the suggestions for technical assistance was the need to establish training programmes for personnel from developing countries.⁴⁴⁰ As concerns the institutional framework, the study recommended that clearance of remnants of war should preferably be conducted under the aegis of a United Nations body.⁴⁴¹ The study also suggested that the General Assembly might wish to organize an international conference to discuss this multifaceted problem.⁴⁴²

159. At its thirty-eighth session, the General Assembly adopted resolution 38/162, by which it requested the Secretary-General to intensify his efforts in urging the States concerned to conduct bilateral consultations immediately, with the aim of concluding agreements for the solution to the problem. In that regard, the Assembly added that it should be "understood that the legitimate right of the affected developing countries to full compensation for damages due to them shall be ensured".⁴⁴³ The Assembly also requested the Secretary-General, in cooperation with the Executive Director of UNEP, to continue to seek the views of States on the recommendations contained in the study submitted by the high-level group of experts.

160. The majority of States that replied assigned to the United Nations a responsibility in seeking a solution to the

problem. The main divergences of opinion among the responding States seemed to relate to the question of United Nations involvement and on the steps to be taken to bring about a solution to the problem. One Government suggested that consideration of the controversial issues of responsibility and compensation should be postponed until a United Nations study was completed. Some Governments assigned a role specifically to UNEP or the UNEP Executive Director, while other Governments were opposed to UNEP involvement because of its limited resources.⁴⁴⁴ Another suggestion involved having countries that possessed information or technology for dealing with environmental hazards caused by remnants of war register with the international referral system of UNEP.⁴⁴⁵ Some Governments preferred to address the problem outside the United Nations system and to resolve it on a bilateral basis.⁴⁴⁶ The possibility of convening a United Nations conference, which was mentioned in three General Assembly resolutions during the years 1979-1984,⁴⁴⁷ received some support.⁴⁴⁸ Five other Governments implicitly supported the position of States affected by the problems of remnants of war that demanded compensation for losses incurred from the States responsible for those remnants.⁴⁴⁹

161. At its thirty-ninth session, the General Assembly called upon developed countries that were directly responsible for the presence of remnants of war to intensify bilateral negotiations with the aim of concluding agreements for solving the problem.⁴⁵⁰

(g) *New and renewable energy sources*

162. At its sixty-third session, in 1977, the Economic and Social Council had requested the Secretary-General to submit to it at its second regular session in 1978 a report "on the feasibility of convening an international conference on new and renewable sources of energy".⁴⁵¹ The Council pointed to the need for such a conference as arising from the increasing worldwide concern over the finite supply of conventional forms of energy in the 1970s.⁴⁵² Pursuant to the mandate of the Council, the Secretary-General had submitted to the Council a report on the feasibility of holding an international conference on new and renewable sources of energy.⁴⁵³ The report suggested that the preparatory process would involve the convening of technical panels of experts and the retention of specialized

⁴⁴⁴A/36/531, para. 22.

⁴⁴⁵Ibid., paras. 9 and 17.

⁴⁴⁶Ibid., para. 20.

⁴⁴⁷See G A resolution 35/71, para. 4; resolution 36/188, para. 5; resolution 37/215, para. 4 (d).

⁴⁴⁸A/36/531, para. 19.

⁴⁴⁹Ibid.

⁴⁵⁰See G A resolution 39/167.

⁴⁵¹E S C resolution 2119 (LXIII). A United Nations Conference on New Sources of Energy, the first major international conference to deal with the subject, had been convened in Rome in 1961 to consider sources of energy such as solar, geothermal and wind power. See A/CONF.100/11, chap. II, para. 2.

⁴⁵²Ibid.

⁴⁵³See E/1978/68.

⁴³⁵G A resolution 37/215, para. 4.

⁴³⁶See A/38/383, para. 14.

⁴³⁷Ibid., annex, paras. 80-95.

⁴³⁸Ibid., para. 80.

⁴³⁹Ibid., para. 84.

⁴⁴⁰Ibid., para. 86.

⁴⁴¹Ibid., para. 90.

⁴⁴²Ibid., para. 93.

⁴⁴³G A resolution 38/162, para. 5.

consultants.⁴⁵⁴ Each panel would produce a report assessing the current status of the energy source concerned as well as its medium- and longer-term prospects.⁴⁵⁵ Once the panels completed their work, a representative of each would participate in a working group convened for the purpose of aggregating their findings and presenting their conclusions in a format usable at the conference.⁴⁵⁶ Governments and the concerned organizations and agencies of the United Nations system would be invited to prepare papers concerning new and renewable sources of energy.⁴⁵⁷

163. Having considered the report of the Secretary-General, the Economic and Social Council had then recommended that the General Assembly take definitive action on convening such a conference at the earliest possible time.⁴⁵⁸ Acting on the recommendation of the Council, the General Assembly in 1978 decided to convene a United Nations Conference on New and Renewable Sources of Energy in 1981,⁴⁵⁹ and also decided to establish an intergovernmental preparatory committee for the Conference. The Director-General for Development and International Economic Cooperation was entrusted with the responsibility of providing overall guidance, orientation and coordination of the contributions from the relevant secretariats of the United Nations system.⁴⁶⁰

164. At its second regular session of 1979, the Economic and Social Council reviewed the initial progress report of the Secretary-General on the preparations for the United Nations Conference on New and Renewable Sources of Energy and considered the report of the Chairman of the Committee on Natural Resources on the work of the Committee in that area.⁴⁶¹ By its resolution 1979/66, the Council emphasized the importance of the preparations for the Conference at the national, subregional, regional and global levels, and indicated its awareness of the importance of developing new and renewable sources of energy to meet requirements for continued economic and social development. The Council recommended that States should consider designating national focal points which would coordinate preparation for the Conference at the national level and would provide a link to the Conference secretariat in its preparatory activities.

165. At its thirty-fourth session, the General Assembly designated the Committee on Natural Resources as the Preparatory Committee for the Conference.⁴⁶² The Assembly also scheduled two sessions of the Preparatory Committee to be held in 1980.⁴⁶³ Altogether the Preparatory Committee held four sessions prior to the Conference,⁴⁶⁴ during which it considered, inter alia, the reports of the technical panels, the reports of the ad hoc groups of experts, national papers and the reports submitted by the United

Nations regional economic commissions, programmes and specialized agencies.⁴⁶⁵

166. The General Assembly, by its resolution 35/204, made provisions for the preparatory work for the Conference.⁴⁶⁶ The scope of the Conference was confined to the following new and renewable sources of energy: solar, geothermal and wind power, tidal power, wave power and thermal gradient of the sea, biomass conversion, fuel-wood, charcoal, peat, energy from draught animals, oil shale, tar sands and hydropower.⁴⁶⁷ The Secretary-General was requested by the General Assembly to invite all States to participate in the Conference.⁴⁶⁸ The organs, organizations and agencies of the United Nations system, as well as interested intergovernmental and non-governmental organizations, had also been invited to contribute to preparations for the Conference.⁴⁶⁹

167. The Conference itself was held at Nairobi from 10 to 21 August 1981.⁴⁷⁰ The Conference had before it reports of technical panels and consultants on new and renewable sources of energy, the report of the ad hoc groups of experts on selected policy issues, the report of a Synthesis Group, comprehensive reports of the relevant organs and organizations and the regional commissions of the United Nations system, as well as national papers presented by Governments wishing to submit them.⁴⁷¹

168. In his opening address at the Conference, the Secretary-General of the United Nations stated that the goal of the Conference was to promote international cooperation in a field of critical importance to social and economic development in both industrialized and developing countries.⁴⁷² The Secretary-General noted that the issue transcended conventional divisions of the world because all countries had a contribution to make and a stake in a successful energy transition away from the current dependence on conventional hydrocarbon sources of energy and towards an increased utilization of new and renewable sources in the future.⁴⁷³

169. On 21 August 1981, the Conference adopted the Nairobi Programme of Action for the Development and Utilization of New and Renewable Sources of Energy.⁴⁷⁴ The fundamental objective of the Nairobi Programme of Action was to elaborate measures for concerted action designed to promote the development and utilization of new and renewable sources of energy, with a view to helping meet future overall energy requirements, especially those of developing countries.⁴⁷⁵ More specifically, the Programme of Action was directed towards the achievement of the following six objectives:

⁴⁵⁴Ibid., para. 19.

⁴⁵⁵Ibid.

⁴⁵⁶Ibid., para. 19.

⁴⁵⁷Ibid.

⁴⁵⁸See E S C resolution 1978/61.

⁴⁵⁹G A resolution 33/148, para. 1.

⁴⁶⁰Ibid., para. 6.

⁴⁶¹A/34/585, para. 2.

⁴⁶²G A resolution 34/190, para. 2.

⁴⁶³Ibid., para. 4.

⁴⁶⁴G A (36), Suppl. No. 47, part 2, paras. 1 and 2.

⁴⁶⁵See generally G A (35), Suppl. No. 43, and G A (36), Suppl. No. 47.

⁴⁶⁶See generally G A resolution 35/204.

⁴⁶⁷Ibid., para. 3.

⁴⁶⁸Ibid., para. 18 (a).

⁴⁶⁹See G A resolution 34/190.

⁴⁷⁰G A resolution 35/204, para. 8.

⁴⁷¹A/CONF.100/11, para. 5. See also E/1978/68, para. 18.

⁴⁷²A/CONF.100/11, chap. II, para. 30.

⁴⁷³Ibid., para. 36.

⁴⁷⁴Ibid., chap. I.

⁴⁷⁵Ibid., para. 22. See also G A resolution 33/148, para. 2.

1. To strengthen international cooperation for the promotion and intensification of research and development of technologies related to new and renewable sources of energy, and to facilitate transfer and exchange of technology among countries.

2. To stimulate the mobilization of additional and adequate financial resources to developing countries from countries, international organizations and the private sector capable of contributing to such efforts.

3. To cooperate internationally in the exchange of information and manpower training, particularly in the developing countries, and to promote their abilities to undertake energy resource evaluation and planning so as to accelerate the introduction of new and renewable sources of energy.

4. To promote and provide support for the attainment of national objectives established by developing countries, and for the design and implementation of programmes and projects in the context of overall energy plans by all countries, and particularly developing countries.

5. To provide appropriate assistance and support for cooperative efforts among developing countries.

6. To specify measures designed to heighten international awareness of the advantages and viability of new and renewable sources of energy, and to support efforts to actualize the maximum feasible development of new and renewable sources of energy.⁴⁷⁶

170. While the primary responsibility for promoting the development and utilization of new and renewable sources of energy rested with individual countries,⁴⁷⁷ the Conference declared that the objectives of the Programme of Action would be most effectively achieved if efforts undertaken at the subregional, regional and international levels were supportive of national efforts.⁴⁷⁸ In the context of promoting the full participation of men and women on an equal basis in pursuing the objectives of the Programme, the Conference stated that it was necessary to designate adequate mechanisms for the implementation, monitoring, follow-up and evaluation of the action taken to carry out the Programme of Action.⁴⁷⁹

171. The Conference adopted seven resolutions and two decisions on 21 August 1981.⁴⁸⁰ The substance of the resolutions dealt with: integration of the energy strategy with soil, water and forest policies; the right of nations to develop and control non-fossil energy resources; aggression against natural energy resources; new and renewable sources of energy in Namibia; new and renewable sources of energy in the context of rural development; and implementation of the Lagos Plan of Action and other regional plans in Asia and Latin America on new and renewable sources of energy.⁴⁸¹

172. The General Assembly at its thirty-sixth session endorsed the Nairobi Programme of Action in a resolution

⁴⁷⁶Ibid., para. 23 (a)-(f).

⁴⁷⁷A/CONF.100/11, para. 20.

⁴⁷⁸Ibid., para. 25.

⁴⁷⁹Ibid., para. 24.

⁴⁸⁰Ibid., paras. 1-7, pp. 37-42.

⁴⁸¹Ibid.

adopted by consensus on 17 December 1981.⁴⁸² The Assembly stressed that there should be an intergovernmental body in the United Nations specifically concerned with new and renewable sources of energy and entrusted, inter alia, with guiding and monitoring the implementation of the Nairobi Programme of Action.⁴⁸³ Before adopting the final arrangements for establishing this intergovernmental body at its thirty-seventh session,⁴⁸⁴ the Assembly established an Interim Committee on New and Renewable Sources of Energy, patterned on the Preparatory Committee for the United Nations Conference on New and Renewable Sources of Energy.⁴⁸⁵ The Interim Committee was entrusted with the immediate launching of the implementation of the Nairobi Programme of Action.⁴⁸⁶

173. In its resolution 37/250, the General Assembly decided to establish an intergovernmental Committee on the Development and Utilization of New and Renewable Sources of Energy, which would be open to the participation of all States as full members.⁴⁸⁷ The Assembly endorsed the recommendation that representation of Member States in the Committee should be at a high level.⁴⁸⁸ The General Assembly decided that the Committee would meet once every two years in even years, but that it would hold its first regular session in the second quarter of 1983.⁴⁸⁹

(h) Consumer protection

174. In its resolution 1978/42, the Economic and Social Council had requested the Secretary-General to prepare a comprehensive report incorporating options for action on consumer protection, taking into account in particular the specific problems and priorities of developing countries and the possible means for technical cooperation and assistance in the field.⁴⁹⁰

175. Pursuant to that mandate, the Secretary-General submitted a report on consumer protection to the Economic and Social Council at its first regular session in 1979. In the report, the Secretary-General pointed out that work on consumer protection would require written submissions, detailed consultations with intergovernmental and non-governmental organizations⁴⁹¹ active in the various aspects of consumer protection and an analysis of their activities on behalf of developing countries. Given the scale and complexity of the undertaking, the Secretary-General proposed the submission of his report as an interim report, to be followed by a more definitive report in 1980.⁴⁹²

⁴⁸²G A resolution 36/193, sect. I, para. 2.

⁴⁸³Ibid., sect. II, para. 1.

⁴⁸⁴Pursuant to *ibid.*, sect. II, para. 2.

⁴⁸⁵Ibid., sect. II, para. 3.

⁴⁸⁶Ibid. See also G A (37), Suppl. No. 77, para. 46.

⁴⁸⁷G A resolution 37/250, sect. I, para. 1.

⁴⁸⁸Ibid., para. 2.

⁴⁸⁹Ibid., para. 3.

⁴⁹⁰E S C resolution 1978/42.

⁴⁹¹During the period, the Secretary-General received at least one submission, by the Intergovernmental Organization of Consumers Unions, a non-governmental organization in consultative status with the United Nations, category I, regarding consumer protection. See E/1979/NGO/17.

⁴⁹²E/1979/65, para. 2.

176. The 1979 report articulated basic concepts and issues in consumer protection, including the following: institutional and infrastructural limitations; availability and clarity of consumer/product information; product quality; effect of inflation on consumer living standards; unfair commercial practices; and special problems of such vulnerable groups as the elderly, the illiterate, the handicapped and rural populations.⁴⁹³ It highlighted the main factors influencing consumer policy and governing the nature of regulatory activities best fulfilling consumer protection needs in developing countries.⁴⁹⁴ The report went on to suggest means of establishing a set of categories that would provide an adequate framework for the range of institutional arrangements and legal measures shaping those main factors, and pointed out the importance of establishing priorities, as most developed countries had limited resources to devote to consumer protection: access to food, clothing, shelter, health services and education; protection from malpractices such as adulteration, restrictive trade practices and misrepresentation; reliability of information; and possibility of redress.⁴⁹⁵

177. The report set out a programme for further work in the field and a preliminary list of options for action at the international and national levels and tentative options relating to food and drugs. Options at the international level consisted of international conventions, model laws for developing countries, models for amending existing legislation, a guide or handbook, technical cooperation, seminars and workshops, training and fellowships, international exchanges, and studies of particular problems.⁴⁹⁶

178. At its session in 1979, on the recommendation⁴⁹⁷ of its Third (Programme and Coordination) Committee, the Economic and Social Council adopted resolution 1979/74. By the resolution, the Council requested all organizations of the United Nations system to take into account the preliminary list of options contained in the Secretary-General's interim report and to report to him on their action in that connection. The Secretary-General was requested to prepare a comprehensive report on consumer protection to be submitted to the Council at its second regular session in 1981. The report should include, *inter alia*, proposals for adequate standards and other measures on consumer protection issues related to trade and development, as well as proposals on organizational arrangements envisaged for carrying out work on consumer protection within the United Nations system. The Secretary-General was further requested to submit a progress report to the Council at its second regular session in 1980.

179. Pursuant to the above request of the Economic and Social Council, the Secretary-General submitted a progress report⁴⁹⁸ on consumer protection to the Council in 1980 containing an account of the efforts of organizations of the United Nations system to carry out the tasks requested of

them in 1979. Two ad hoc inter-agency meetings had been convened for the purpose in 1980.⁴⁹⁹ It was agreed that the progress report would be organized under three headings: specific needs of countries, particularly of developing countries, for consumer protection; proposals for standards and other measures for consumer protection which States could consider adopting; and organization of current and envisaged activities of the United Nations system.⁵⁰⁰ In order to better assess and develop the measures that might be taken at the national and international levels to meet consumer protection needs, the organizations planned to hold regional consultations, to be convened as appropriate by the regional commissions.⁵⁰¹

180. On the recommendation of its Third (Programme and Coordination) Committee, the Economic and Social Council adopted decision 1980/182, whereby it took note of the progress report and requested the Secretary-General to take into full consideration the comments made in the Council when preparing the comprehensive report to be submitted in 1981.

181. At the session of the Economic and Social Council in 1981, the Secretary-General submitted a report⁵⁰² proposing consumer protection measures that States might consider adopting, particularly in developing countries. Measures suggested for consideration by States included: adoption of a consumer protection policy; creation of governmental advisory and regulatory machinery; elaboration of standards for product safety and quality of consumer goods and services; implementation of national standards; national regulation of business practices covering the regulation of sales and accurate description of goods; encouragement of business communities to adhere to voluntary standards; adoption of a policy for improving the distribution system for essential consumer goods and services; measures to enable consumers to obtain redress; provision of consumer education and information programmes; and adoption of legislation against economic crimes and other offences harmful to consumers. Concerning organizational arrangements in the United Nations system, the report concluded that there seemed to be no need for changes since collaboration among agencies had been proceeding smoothly.⁵⁰³

182. An ad hoc inter-agency meeting on consumer protection, held at Geneva in April 1981, reviewed a draft of the Secretary-General's report.⁵⁰⁴ Regional consultations, held at Bangkok, made recommendations in, *inter alia*, the areas of government policy, consumer education and information, food and consumer protection, drugs and consumer protection, restrictive business practices and international trade.⁵⁰⁵

183. In its resolution 1981/62, the Economic and Social Council recommended that Governments take into account

⁴⁹³ *Ibid.*, para. 10.

⁴⁹⁴ *Ibid.*, paras. 12-17.

⁴⁹⁵ *Ibid.*, paras. 18-22.

⁴⁹⁶ *Ibid.*, paras. 44-56.

⁴⁹⁷ See E/1979/116/Add.2.

⁴⁹⁸ E/1980/67.

⁴⁹⁹ ACC/1980/5 and ACC/1980/22.

⁵⁰⁰ ACC/1980/5, para. 3.

⁵⁰¹ *Ibid.*

⁵⁰² E/1981/75.

⁵⁰³ *Ibid.*, pp. 28-35.

⁵⁰⁴ ACC/1981/22.

⁵⁰⁵ See, e.g., E/E S CAP/TRADE/RCCP/4, E/E S CAP/TRADE/RCCP/5, E/E S CAP/TRADE/RCCP/7.

the recommendations contained in the report of the Secretary-General in the formulation of consumer protection measures, at both national and international levels. The Council moreover requested the Secretary-General to continue consultations with a view to the elaboration of guidelines on consumer protection, taking into account the needs of developing countries, and to submit a report to the Council in 1983 containing proposals, including on the possibility of convening an intergovernmental meeting on the guidelines.

184. In accordance with the above request of the Economic and Social Council, the Secretary-General submitted a report⁵⁰⁶ to the Council at its second regular session in 1983, containing a set of draft guidelines based on the conclusions of his 1981 report on consumer protection. The draft guidelines drew upon the conclusions of the earlier report, on the findings of the 1981 intergovernmental regional consultation held at Bangkok, on international legal instruments and the work of international organizations, and on the comments of Governments. They focused on the physical safety of consumers and the protection of their economic interests, as well as the related questions of safety and quality standards, distribution facilities, consumer redress and consumer education and information. In addition, special measures were proposed for food, water and pharmaceutical products, because of their importance to developing countries, as well as on international cooperation on consumer protection.

185. On the recommendation of its Third (Programme and Coordination) Committee,⁵⁰⁷ the Economic and Social Council adopted decision 1983/174, whereby it took note of the report of the Secretary-General as well as of the comments made during the preliminary exchange of views held at the second regular session of the Council in 1983. The Council urged Governments to comment on the draft guidelines and decided to transmit the report, the comments thereon and any other comments to be received from Governments to the General Assembly at its thirty-eighth session. The Council furthermore recommended that the Assembly determine the procedure for the subsequent consideration of the draft guidelines, with a view to their adoption by the Assembly at its thirty-ninth session.⁵⁰⁸

186. At its thirty-eighth session, the General Assembly, on the recommendation of its Second Committee,⁵⁰⁹ adopted resolution 38/147, whereby it urged Governments to comment on the draft guidelines and decided that the draft should be considered, with the assistance of the Secretary-General, by the Economic and Social Council during its first and second regular 1984 sessions, perhaps in a sessional working group, with a view to their adoption by the General Assembly at its thirty-ninth session.⁵¹⁰

187. In accordance with that mandate, the Economic and Social Council, in its decision 1984/101, decided that an informal sessional working group of the whole should

review the draft guidelines during the first regular session of the Council in 1984 and report thereafter at the second session of the Council for that year. At its second regular session in 1984, the Council had before it a note by the Secretary-General containing a synopsis covering comments from Governments further to those submitted to the General Assembly in 1983. The Vice-President of the Council stated that the Working Group had completed the first reading of the draft. The Group had agreed that the comments of delegations made during the discussion should be made available to the Council in July. By its resolution 1984/63, the Council took note of the discussions held in 1984 and decided to transmit the draft guidelines on consumer protection as well as the comments of States thereon to the General Assembly, with a view to their adoption by the Assembly at its thirty-ninth session.

188. By its decision 39/444, the General Assembly took note of the consensus reached, on an *ad referendum* basis, on the draft guidelines for consumer protection, and decided to consider the draft guidelines for adoption at a resumed session in 1985.

(i) *Declaration on social and legal principles relating to adoption and foster placement of children nationally and internationally*

189. During the period under review, the United Nations organs endeavoured to formulate a body of social and legal principles relating to the adoption and foster placement of children nationally and internationally. Earlier, the General Assembly had considered the question of a United Nations conference for an international convention on adoption law, recalling the historic concern of the Organization for the problems of minors and considering that, owing to both the lack of legislation and the contrasts between the laws of various countries, ever increasingly juridical and legal problems were arising which might affect the interests of minors or other persons to be adopted.⁵¹¹ However, the Commission on Social Development, in 1975, while acknowledging that the problems of adoption and foster placement of children deserved international attention, had decided against recommending the convening of such a conference: it was pointed out that, in view of the complexity of the problem and the differences in attitudes based on cultural and historical factors, it would be impossible to achieve international uniformity of legislation on adoption. The Commission suggested the collection of information at the regional and secretariat levels and the preparation of a draft declaration of principles, with a view to stimulating awareness of the problem.⁵¹² By its resolution 1925 (LVIII), adopted on the recommendation of the Commission for Social Development, the Economic and Social Council requested the Secretary-General (a) to submit to the Commission a draft declaration on social and legal principles relating to adoption and foster placement of children nationally and internationally for submission to the Economic and Social Council and to the General Assembly, and (b) to draft guidelines for the use of Governments to implement those principles, as well as suggestions for

⁵⁰⁶E/1983/71.

⁵⁰⁷See E/1983/120.

⁵⁰⁸E S C decision 1983/174.

⁵⁰⁹See A/38/701.

⁵¹⁰G A resolution 38/147.

⁵¹¹G A resolution 3028 (XXVII).

⁵¹²E/CN.5/574.

improving procedures within the context of their social development programmes.⁵¹³

190. In 1979, the Commission for Social Development considered the report of the Secretary-General on the question prepared in accordance with Economic and Social Council resolution 1925 (LVIII) and drafted by an Expert Group convened by the Centre for Social Development and Humanitarian Affairs of the Department of International Economic and Social Affairs in 1978. The Group adopted a draft Declaration on Social and Legal Principles Relating to the Protection and Welfare of Children, with Special Reference to Foster Placement and Adoption Nationally and Internationally.⁵¹⁴ However, due to lack of time, the Group found it impossible to draft the guidelines requested by the Council in resolution 1925 (LVIII), restricting its work to the formulation of recommendations to Governments for the implementation of the principles contained in the declaration.⁵¹⁵ The Commission expressed appreciation for the work of the Group and agreement both with the content of the declaration and the need for such an international instrument, proposing that the guidelines requested in

⁵¹³E S C resolution 1925 (LVIII).

⁵¹⁴E/CN.5/574, para. 26.

⁵¹⁵Ibid., para. 27.

resolution 1925 (LVIII) should be developed at a later stage.⁵¹⁶

191. At its first regular session in 1979, the Economic and Social Council, on the recommendation of the Commission for Social Development,⁵¹⁷ took note of the report of the Secretary-General and requested that the Secretary-General transmit the text to all Member States for their comments and submit the text and the results of the Secretary-General's inquiry to the General Assembly at its thirty-fourth and thirty-fifth sessions, respectively. In the same resolution, the Council drew the attention of the General Assembly to the fact that the Commission for Social Development had expressed the wish that, in the event of the Assembly adopting the declaration, the Secretary-General should be authorized to convene a group of experts in the field of family and child welfare to draft guidelines for the use of Governments in the implementation of those principles.⁵¹⁸

****2. ROLE OF THE PRINCIPAL ORGANS OF THE UNITED NATIONS IN RESPECT OF PROMOTING INTERNATIONAL, EDUCATIONAL AND CULTURAL COOPERATION**

⁵¹⁶E S C (1979), Suppl. No. 4, paras. 150-154.

⁵¹⁷Ibid., p. 5.

⁵¹⁸E S C resolution 1979/28.

II. HUMAN RIGHTS

A. General survey

1. DECISIONS MAINLY OF A PREPARATORY, PROCEDURAL OR COORDINATING NATURE

192. During the period covered by the present *Supplement*, the General Assembly and the Economic and Social Council continued to be assisted, in the performance of their functions with respect to human rights, by the Special Committee against Apartheid,⁵¹⁹ the United Nations Council for Namibia, the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories, the Committee on the Exercise of the Inalienable Rights of the Palestinian People, the Commission on Human Rights,⁵²⁰ the Commission on

⁵¹⁹The General Assembly, in its resolution 34/93 R of 17 December 1979, inter alia, requested the President of the General Assembly, in consultation with the regional groups, to expand the membership of the Special Committee against Apartheid, bearing in mind the principle of equitable geographical distribution, the composition to be announced subsequently.

⁵²⁰The Economic and Social Council, in its resolution 1979/36 of 10 May 1979, decided to add the following provision to the terms of reference of the Commission on Human Rights set forth in Council resolution 5 (I) of 16 February 1946 and amended by Council resolution 9 (II) of 21 June 1946: "The Commission shall assist the Economic and Social Council in the coordination of activities concerning human rights in the United Nations system." It further authorized an increase in the membership of the Commission on Human Rights to 43 members, equitable geographical distribution being maintained.

the Status of Women and the Subcommittee on Prevention of Discrimination and Protection of Minorities.⁵²¹

193. The General Assembly established an International Commission to prepare the organization, structure and setting in motion of the University for Peace,⁵²² an Advisory Committee for the International Youth Year,⁵²³ a Working Group open to all Member States to elaborate an International Convention on the Protection of the Rights of all Migrant Workers and their Families,⁵²⁴ an Ad Hoc Committee on the Drafting of an International Convention against the Recruitment, Use, Financing and Training of Mercenaries,⁵²⁵ an open-ended Working Group to conclude the consideration of the draft Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment,⁵²⁶ an open-ended Working Group for the purpose of concluding the elaboration of the draft Declaration on the Human Rights of Individuals Who are not Citizens of the Country in which they Live,⁵²⁷ and a high-level Commission to investigate and assess the extent of loss of human life and material damage in Lebanon.⁵²⁸

⁵²¹For the nomination of alternates to members of the Subcommittee, see E S C resolution 1983/32.

⁵²²G A resolution 34/111.

⁵²³G A resolution 34/151.

⁵²⁴G A resolution 34/172.

⁵²⁵G A resolution 35/48.

⁵²⁶G A resolution 35/177.

⁵²⁷G A resolution 35/199.

⁵²⁸G A resolution ES-7/5.

194. The Economic and Social Council established a Working Group of the Whole to assist in evaluating the activities of the Decade for Action to Combat Racism and Racial Discrimination and a Group of five members of the Subcommission to formulate specific proposals concerning the work programme to be implemented with a view to the attainment of the goals and objectives of the Decade for Action to Combat Racism and Racial Discrimination,⁵²⁹ an ad hoc Working Group on the social aspects of the development activities of the United Nations,⁵³⁰ an Advisory Committee for the World Assembly on the Elderly,⁵³¹ a Preparatory Subcommittee of the Council for the Second World Conference to Combat Racism and Racial Discrimination,⁵³² and appointed a Special Rapporteur to make a synthesis of the surveys and studies on the traffic in persons and the exploitation of the prostitution of others.⁵³³

195. Moreover, the Economic and Social Council and the Commission on Human Rights established working groups and appointed special rapporteurs, representatives, experts and envoys of the Commission on Human Rights as well as special representatives of the Secretary-General to study the human rights situation in different countries, specific human rights questions, to assist in standard-setting and within the framework of technical assistance. These included a Special Rapporteur on the situation of human rights in Chile,⁵³⁴ a Working Group to examine questions relevant to enforced or involuntary disappearances of persons,⁵³⁵ an expert to assist the Government of Equatorial Guinea with the full restoration of human rights and fundamental freedoms,⁵³⁶ an open-ended Working Group to facilitate the completion of the work on a draft convention on the rights of the child,⁵³⁷ an open-ended Working Group to continue consideration of the revised draft Declaration on the Rights of Persons Belonging to National, Ethnic, Religious and Linguistic Minorities,⁵³⁸ a Special Rapporteur on human rights and mass exoduses,⁵³⁹ a Special Representative on El Salvador,⁵⁴⁰ a Special Envoy on Bolivia,⁵⁴¹ a Working Group of 15 governmental experts on the right to development,⁵⁴² a Special Rapporteur on summary or arbitrary executions,⁵⁴³ a Special Rapporteur on

⁵²⁹E S C resolution 1979/3.

⁵³⁰E S C resolution 1979/45.

⁵³¹E S C resolution 1980/26.

⁵³²E S C decision 1981/130.

⁵³³E S C resolution 1982/20.

⁵³⁴E S C decision 1979/32, endorsing CHR resolution 11 (XXXV).

⁵³⁵E S C decision 1980/128, approving CHR resolution 20 (XXXVI).

⁵³⁶E S C decision 1980/137 of 2 May 1980, approving CHR resolution 33 (XXXVI).

⁵³⁷E S C decision 1980/138.

⁵³⁸CHR resolution 21 (XXXVII).

⁵³⁹E S C decision 1981/145, approving CHR resolution 29 (XXXVII).

⁵⁴⁰E S C decision 1981/147, approving CHR resolution 32 (XXXVII).

⁵⁴¹E S C decision 1981/148, approving CHR resolution 34 (XXXVII).

⁵⁴²E S C decision 1981/149, approving CHR resolution 36 (XXXVII).

⁵⁴³E S C resolution 1982/35.

Guatemala,⁵⁴⁴ an open-ended working group to draft a declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms,⁵⁴⁵ a Special Rapporteur to examine the human rights situation in Afghanistan⁵⁴⁶ and a Special Representative to establish contacts with the Government of the Islamic Republic of Iran and to make a study on the human rights situation in that country.⁵⁴⁷

196. The Economic and Social Council furthermore authorized the Commission on the Status of Women to establish a working group of the Commission on the Status of Women on communications concerning the status of women.⁵⁴⁸

197. The Economic and Social Council, the Commission on Human Rights and the Subcommission on Prevention of Discrimination and Protection of Minorities also established working groups and appointed special rapporteurs of the Subcommission to study specific human rights subjects. These included a Special Rapporteur to continue the study of the implications for human rights of states of siege or emergency,⁵⁴⁹ a Special Rapporteur to carry out a study on political, economic, cultural and other factors underlying situations leading to racism, including a survey of the increase or decline of all forms of racism and racial discrimination,⁵⁵⁰ a Special Rapporteur with the responsibility of further extending and bringing up to date the *Report on Slavery*,⁵⁵¹ a Special Rapporteur entrusted with the preparation of a report on the independence and impartiality of judiciary jurors and assessors and the independence of lawyers,⁵⁵² a Special Rapporteur entrusted with the preparation of a report on the exploitation of child labour,⁵⁵³ a Special Rapporteur entrusted with the preparation of a study on the new international economic order and the promotion of human rights,⁵⁵⁴ a Special Rapporteur and a sessional working group for the elaboration of principles, guidelines and guarantees for the protection of persons detained on grounds of mental ill-health or suffering from mental disorder,⁵⁵⁵ a Special Rapporteur to undertake a study on the status of the individual and contemporary international law,⁵⁵⁶ a member to undertake a study of the relevant guidelines in the area of computerized personal files,⁵⁵⁷ a Working Group on indigenous populations,⁵⁵⁸ a delegation to visit

⁵⁴⁴E S C decision 1982/135, approving CHR resolution 1982/31.

⁵⁴⁵CHR decision 1984/116.

⁵⁴⁶E S C resolution 1984/37.

⁵⁴⁷E S C decision 1984/138, endorsing CHR resolution 1984/54.

⁵⁴⁸E S C resolution 1983/27.

⁵⁴⁹E S C resolution 1979/34.

⁵⁵⁰Ibid.

⁵⁵¹E S C decision 1980/123.

⁵⁵²E S C decision 1980/124.

⁵⁵³E S C decision 1980/125.

⁵⁵⁴E S C decision 1980/126.

⁵⁵⁵Resolutions 11 (XXXIII) and 20 (XXXIV) of the Subcommission on Prevention of Discrimination and Protection of Minorities.

⁵⁵⁶E S C decision 1981/142.

⁵⁵⁷Resolution 12 (XXXIII) of the Subcommission on Prevention of Discrimination and Protection of Minorities.

⁵⁵⁸E S C resolution 1982/34.

Mauritania,⁵⁵⁹ a Special Rapporteur entrusted with carrying out a study on the achievements made and obstacles encountered during the Decade for Action to Combat Racism and Racial Discrimination,⁵⁶⁰ a Working Group to study the phenomenon of traditional practices affecting the health of women and children,⁵⁶¹ a Special Rapporteur to study the current dimensions of the problems of intolerance and of discrimination on the grounds of religion or belief,⁵⁶² and a Special Rapporteur to prepare a study on the right to adequate food as a human right.⁵⁶³

198. As before, references to or paraphrases of Article 55 occurred only in a few decisions, mostly in combination with reference to Article 1, and sometimes in combination with Article 56.⁵⁶⁴

199. As in the past, the General Assembly and the Economic and Social Council continued to make requests to the Secretary-General, subsidiary bodies and specialized agencies for studies, reports and other preparatory work to serve as a basis for further action.⁵⁶⁵ Requests for studies, reports or information were also addressed to Governments.⁵⁶⁶

200. The General Assembly, the Economic and Social Council, the Commission on Human Rights and the Subcommission on Prevention of Discrimination and Protection of Minorities took decisions relating to the preparation of declarations and international conventions on specific aspects of human rights.⁵⁶⁷

201. As in the past, recommendations were addressed to Member States concerning the implementation of certain

⁵⁵⁹ E S C decision 1982/129, endorsing CHR resolution 1982/20. See also decision 1982/7 of the Subcommission on Prevention of Discrimination and Protection of Minorities.

⁵⁶⁰ E S C resolution 1984/24.

⁵⁶¹ E S C resolution 1984/34.

⁵⁶² E S C resolution 1984/39.

⁵⁶³ E S C decision 1983/140.

⁵⁶⁴ See, for example, G A resolutions 34/180, 35/140, 36/131, 37/64, 38/109, 39/46, annex and 39/130 and E S C resolution 1984/10.

⁵⁶⁵ See the present *Supplement*, under Articles 13 (1) (b) and (2) and 62 (2).

⁵⁶⁶ *Ibid.*

⁵⁶⁷ See, for example, G A resolutions 34/140 and 35/48 relating to mercenarism; 34/158 relating to the participation of women in promoting international peace and cooperation; 34/168 and 36/61 relating to medical ethics; 34/172 relating to rights of all migrant workers; 35/177 relating to the protection of all persons under any form of detention or imprisonment; 35/199 relating to individuals who are not citizens of the country in which they live; G A decision 35/437 relating to the abolition of the death penalty; G A resolutions 35/206 M and 39/72 D relating to apartheid in sports; 36/106 relating to offences against the peace and security of mankind; 36/167 relating to adoption and foster placement; 38/114 relating to the rights of the child; E S C resolutions 1979/35 relating to torture and other cruel, inhuman or degrading treatment or punishment; 1981/62 and E S C decision 1983/174 relating to consumer protection; E S C decisions 1983/39 relating to the right to development; and 1983/171 relating to a new international human order: moral aspects of development.

human rights instruments adopted by the General Assembly.⁵⁶⁸

202. The General Assembly, in its resolution 35/209, dealing with the identification of activities that had been completed or were obsolete, or of marginal usefulness or ineffective, decided to terminate the activities identified in a previously requested Secretary-General report⁵⁶⁹ as obsolete, ineffective or of marginal usefulness, taking into consideration the opinions of the competent bodies. Among those activities was the consideration of the agenda item entitled "Periodic reports on human rights". The Commission on Human Rights, in its decision 10 (XXXVII), took note of that resolution and decided also to discontinue its consideration of the item. On the recommendation of the Commission, the Economic and Social Council, by its decision 1981/151, decided to terminate the periodic reporting system established by the Council in its resolution 1074 C (XXXIX) of 28 July 1965.

203. The General Assembly, however, continued to be concerned with the issue of reports by States, required under the different human rights treaties. In its resolutions 37/44 and 38/117, it noted the existence of many overdue periodic and initial reports under the International Convention on the Elimination of All Forms of Racial Discrimination and the International Covenant on Economic, Social and Cultural Rights. It also noted that the Secretary-General, in a previous report,⁵⁷⁰ had emphasized the interrelationship of problems affecting the reporting system under various human rights instruments, and requested him to consider the possibility of convening, in accordance with the suggestion contained in the report of the Human Rights Committee,⁵⁷¹ a meeting of the chairmen of the bodies entrusted with the consideration of reports submitted under the relevant human rights instruments in order to consider that report. By its resolution 39/138, the General Assembly, considering that, as the principal organ of the United Nations entitled to adopt conventions on human rights, the Assembly was in a position to take an overview of their implementation as an integrated system of substantive provisions and reporting obligations of States parties to the various conventions, took note with interest of the report of the meeting of the Chairmen of the Commission on Human Rights, the Human Rights Committee, the Sessional Working Group of Governmental Experts on the Implementation of the International Covenant on Economic, Social and Cultural Rights and the Committee on the Elimination of Racial Discrimination, containing suggestions with regard to exchange of information among their respective bodies, coordination of guidelines for the submission of the reports of States parties, advisory services and assistance for States parties to the various conventions on human rights, as well

⁵⁶⁸ See, for example, G A resolutions 34/152, 35/39, 35/40, 35/170, 35/172, 35/189, 35/200, 36/58, 37/44, 38/105, 38/118, 39/93 and 39/130; and E S C resolutions 1980/34, 1983/36 and 1984/9.

⁵⁶⁹ A/C.5/35/40 and Add.1.

⁵⁷⁰ For the report of the Secretary-General on the reporting obligations of States parties under the International Convention on the Elimination of All Forms of Racial Discrimination and other relevant human rights instruments, see A/38/393.

⁵⁷¹ G A (38), Suppl. No. 40, para. 32.

as other matters.⁵⁷² The Assembly also requested the Commission on Human Rights, in the context of its standing item concerning advisory services in the field of human rights, to consider those suggestions, and requested the Secretary-General to submit a report containing: (a) updated information on the general situation of the submission of reports of States parties to all conventions which were already in force, thus enabling the General Assembly to take an overview of the fulfilment of all reporting obligations and to consider how to achieve an improvement, particularly in the interest of States parties with limited technical and administrative resources; and (b) a consolidated text of the guidelines of the various bodies entrusted with the consideration of the reports of States parties on the implementation of all United Nations conventions on human rights.

204. The Economic and Social Council, by its resolution 1980/38, also decided to continue the existing integrated reporting system on the status of women as the means of monitoring the realization during the period 1980-1985 of the World Plan of Action for the Implementation of the Objectives of the International Women's Year and of the programme of action for the second half of the United Nations Decade for Women.

**2. CREATION OF NEW SPECIALIZED AGENCIES

3. RECOMMENDATIONS AND OTHER DECISIONS DESIGNED GENERALLY TO INFLUENCE STATES, ORGANIZED OR UNORGANIZED GROUPS OR WORLD OPINION AT LARGE

205. The General Assembly and the Economic and Social Council continued to take decisions and make recommendations aimed at influencing the actions of States, specialized agencies, non-governmental organizations and others.⁵⁷³ Those decisions and recommendations were mainly concerned with the question of the implementation of human rights instruments adopted by the General Assembly and the promotion and protection of the rights contained therein and related to such subjects as disappeared persons,⁵⁷⁴ the elimination of all forms of racial discrimination,⁵⁷⁵ the policies of apartheid of the Government of South Africa,⁵⁷⁶ regional arrangements for the promotion and protection of human rights,⁵⁷⁷ migrant workers,⁵⁷⁸ the elimination of discrimination against women,⁵⁷⁹ the question of Southern Rhodesia,⁵⁸⁰ the integration of women in development,⁵⁸¹ slavery and the

⁵⁷² A/39/484, annex.

⁵⁷³ For the recommendations made by the General Assembly and the Economic and Social Council in the field of human rights, see also the present *Supplement*, under Articles 13 (1) (b) and (2) and 62 (2).

⁵⁷⁴ E S C resolution 1979/38.

⁵⁷⁵ G A resolution 34/24.

⁵⁷⁶ G A resolution 34/93 O.

⁵⁷⁷ G A resolution 34/171.

⁵⁷⁸ G A resolution 34/172.

⁵⁷⁹ G A resolution 34/180.

⁵⁸⁰ G A resolution 34/192.

⁵⁸¹ G A resolution 34/204.

slave trade,⁵⁸² the question of Palestine,⁵⁸³ food problems,⁵⁸⁴ the Code of Conduct of Law Enforcement Officials,⁵⁸⁵ capital punishment,⁵⁸⁶ the employment of women in the United Nations Secretariat,⁵⁸⁷ the question of Namibia,⁵⁸⁸ youth and the right to education and to work,⁵⁸⁹ the elimination of all forms of religious intolerance,⁵⁹⁰ national institutions for the promotion and protection of human rights,⁵⁹¹ indigenous populations,⁵⁹² arbitrary or summary executions,⁵⁹³ the elderly and the aged,⁵⁹⁴ the situation of women in rural areas,⁵⁹⁵ the question of race conflict in South Africa,⁵⁹⁶ respect for human rights in armed conflict,⁵⁹⁷ medical ethics,⁵⁹⁸ the return or restitution of cultural property to the countries of origin,⁵⁹⁹ permanent sovereignty over natural resources in the occupied Palestinian and other Arab territories,⁶⁰⁰ disabled persons,⁶⁰¹ exploitation of labour through illicit and clandestine trafficking,⁶⁰² torture and other cruel, inhuman or degrading treatment or punishment,⁶⁰³ apartheid in sports,⁶⁰⁴ the granting of independence to colonial countries and peoples,⁶⁰⁵ human rights in the administration of justice⁶⁰⁶ and the role of women in society.⁶⁰⁷

206. The General Assembly continued to affirm the concept of human rights and fundamental freedoms in a number of resolutions, particularly in the preambular paragraphs⁶⁰⁸ thereof and often in connection with certain specific rights and freedoms elaborated in such instruments as the Code of Conduct of Law Enforcement Officials,⁶⁰⁹ the Convention on the Elimination of All Forms of Discrimination against Women,⁶¹⁰ the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief⁶¹¹ and the

⁵⁸² E S C decision 1980/123.

⁵⁸³ G A resolution ES-7/2.

⁵⁸⁴ G A resolution 35/70.

⁵⁸⁵ G A resolution 35/170.

⁵⁸⁶ G A decision 35/437.

⁵⁸⁷ G A resolution 35/210.

⁵⁸⁸ G A resolution ES-8/2.

⁵⁸⁹ G A resolution 36/29.

⁵⁹⁰ G A resolution 36/55.

⁵⁹¹ G A resolution 36/134.

⁵⁹² E S C resolution 1982/34.

⁵⁹³ E S C resolution 1982/35.

⁵⁹⁴ G A resolution 37/51.

⁵⁹⁵ G A resolution 37/59.

⁵⁹⁶ G A resolution 37/69 B.

⁵⁹⁷ G A resolution 37/116.

⁵⁹⁸ G A resolution 37/194.

⁵⁹⁹ G A resolution 38/34.

⁶⁰⁰ G A resolution 38/144.

⁶⁰¹ E S C resolution 1984/26.

⁶⁰² E S C resolution 1984/30.

⁶⁰³ G A resolution 39/46.

⁶⁰⁴ G A resolution 39/72 D.

⁶⁰⁵ G A resolution 39/93.

⁶⁰⁶ G A resolution 39/118.

⁶⁰⁷ G A resolution 39/123.

⁶⁰⁸ See, for example, G A resolutions 34/175, 36/155, 36/157, 36/160, 36/162, 36/169, 37/42, 37/64, 37/186, 38/57, 38/14, 39/131 and 39/145.

⁶⁰⁹ G A resolution 34/169.

⁶¹⁰ G A resolution 34/180.

⁶¹¹ G A resolution 36/55.

Principles of Medical Ethics relevant to the role of health personnel, particularly physicians, in the protection of prisoners and detainees against torture and other cruel, inhuman or degrading treatment or punishment.⁶¹²

4. CONVENTIONS AND OTHER INTERNATIONAL INSTRUMENTS

207. During the period under review, additional standard-setting work was initiated, commenced or continued, without being finalized, for the elaboration of such instruments as a Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, an International Convention on the Protection of the Rights of All Migrant Workers and Their Families, a draft Convention on the Rights of the Child, an International Convention against Apartheid in Sports, an International Convention to Outlaw Mercenarism in all its Manifestations, a draft Declaration on Social and Legal Principles Relating to Adoption and Foster Placement of Children Nationally and Internationally, a draft Declaration on the Rights of Persons Belonging to National, Ethnic, Religious and Linguistic Minorities, a draft Declaration on International Legal Protection of the Human Rights of Individuals who are not Citizens of the Country in which they Live, a Declaration on the Right to Development, a draft Declaration against Unacknowledged Detention of Persons, Whatever their Condition, a Declaration on a New International Human Order: moral aspects of development, a draft Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to promote and protect universally recognized human rights and fundamental freedoms, a draft Code of Offences against the Peace and Security of Mankind, a draft Body of Principles on Indigenous Rights, a draft Body of Principles for the Protection of all Persons Under any Form of Detention or Imprisonment, a draft Body of Principles for the Protection of Persons Detained on the Grounds of Mental Ill-health and draft Guidelines in the Field of Computerized Personnel Files.⁶¹³

208. The General Assembly adopted the following international human rights instruments: Code of Conduct for Law Enforcement Officials,⁶¹⁴ Convention on the Elimination of All Forms of Discrimination against Women,⁶¹⁵ Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief,⁶¹⁶ Principles of Medical Ethics relevant to the role of health personnel, particularly physicians, in the protection of prisoners and detainees against torture and other cruel, inhuman or degrading treatment or punishment,⁶¹⁷ Declaration on the Right of Peoples to Peace,⁶¹⁸ and Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.⁶¹⁹ The Safeguards

Guaranteeing Protection of the Rights of those Facing the Death Penalty were adopted by the Economic and Social Council.⁶²⁰

209. The General Assembly welcomed the entry into force of the Convention on the Elimination of All Forms of Discrimination against Women on 3 September 1981⁶²¹, article 41 of the International Covenant on Civil and Political Rights on 28 March 1979,⁶²² and article 14 of the International Convention on the Elimination of All Forms of Racial Discrimination on 3 December 1982.⁶²³

210. On many occasions the General Assembly invited States to become parties to instruments already adopted and to make the declarations required under specific articles of those instruments, for example, the International Covenant on Economic, Social and Cultural Rights; the International Covenant on Civil and Political Rights, including the declaration provided for in article 41 and the Optional Protocol thereto;⁶²⁴ the Convention on the Elimination of All Forms of Discrimination against Women;⁶²⁵ the International Convention on the Elimination of All Forms of Racial Discrimination, including the declaration provided for in article 14;⁶²⁶ and the International Convention on the Suppression and Punishment of the Crime of Apartheid.⁶²⁷

211. Emphasizing the importance of attaining universal acceptance and implementation of international instruments in the field of human rights, the Subcommission on Prevention of Discrimination and Protection of Minorities, by its resolution 1 B (XXXII) of 5 September 1979, decided to establish each year a sessional working group in order to consider ways and means of encouraging Governments which had not done so to ratify or adhere to the international human rights instruments listed in that resolution.⁶²⁸ It requested the Secretary-General to write to Governments which had not accepted the pertinent instruments, requesting them to inform the Subcommission of the circumstances which had not enabled them to ratify or adhere to those instruments and to explain any particular difficulties which

⁶²⁰E S C resolution 1984/50.

⁶²¹G A resolution 36/131.

⁶²²G A resolution 34/45.

⁶²³G A resolution 38/18.

⁶²⁴See, for example, G A resolutions 34/45, 35/132, 36/58, 37/191, 38/114 and 39/136.

⁶²⁵See, for example, G A resolutions 35/140, 36/131, 37/58, 37/64, 38/109 and 39/130.

⁶²⁶See, for example, G A resolutions 34/26, 35/38 and 35/40, 36/11, 37/45, 38/18 and 39/20.

⁶²⁷See, for example, G A resolutions 34/27, 35/39, 36/13, 37/47, 38/19 and 39/19.

⁶²⁸International Covenant on Economic, Social and Cultural Rights; International Covenant on Civil and Political Rights; Optional Protocol to the International Covenant on Civil and Political Rights; International Convention on the Elimination of All Forms of Racial Discrimination; Convention on the Prevention and Punishment of the Crime of Genocide; International Convention on the Suppression and Punishment of the Crime of Apartheid; the Slavery Conventions; Protocol amending the Slavery Convention signed in Geneva on 25 September 1926; Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery; and such other instruments as might be designated in the future by the Subcommission.

⁶¹²G A resolution 37/194.

⁶¹³For details regarding the elaboration and methods employed, see below sect. II.B under the respective sub-sections of the *analytical summary of practice*.

⁶¹⁴G A resolution 34/169.

⁶¹⁵G A resolution 34/180.

⁶¹⁶G A resolution 36/55.

⁶¹⁷G A resolution 37/194.

⁶¹⁸G A resolution 39/11.

⁶¹⁹G A resolution 39/46.

they might face in respect of which the United Nations could offer any assistance. The Working Group was further invited to examine the replies received from Governments and, if necessary, to invite representatives of the Government concerned for discussions with members of the Working Group, with a view to providing further clarification, as well as to consider, in appropriate cases, what forms of assistance could be provided to Governments by the United Nations, with a view to assisting them in ratifying or adhering to those instruments as speedily as possible. During the period under review,⁶²⁹ the Subcommission continued to deal with the item and added further instruments to the list referred to above.⁶³⁰ In its resolution 1984/36 of 30 August 1984, the Subcommission further requested the Secretary-General to examine the idea of offering technical assistance in the form of legal training of the local staff or by providing human rights experts to assist in the drafting of the necessary legislation and regulations, with a view to enabling the Member States to ratify or accede to international human rights instruments, as well as the idea of designating regional advisers on international human rights standards whose function would include advising the States concerned on acceptance and implementation of international human rights instruments. The Council also requested the Secretary-General to hold informal discussions with government delegations concerning prospects for ratification of human rights instruments, on the occasion, for example, of the sessions of the General Assembly and of the Commission on Human Rights, and to prepare a table containing a country-by-country record of developments which had taken place in connection with ratification of, or accession to, the human rights instruments included in the terms of reference of the Working Group. It finally decided to suspend the work of the Working Group of its thirty-eighth session and to request the Chairman of the Subcommission to appoint at that session one of its members to report on information received under the present resolution.

**5. INTERNATIONAL CONFERENCES

6. SERVICES RELATING TO HUMAN RIGHTS

212. During the period under review, the Economic and Social Council and the Commission on Human Rights⁶³¹ emphasized the value of the programme of advisory services in the field of human rights.⁶³² The Commission on Human Rights, in particular, mindful of the experience obtained in previous years in the provision of assistance in the field of human rights to Governments requesting such assistance, requested the Secretary-General to continue and, as appropriate, to enhance such assistance in the field of human rights and invited him to report on the progress made in the

⁶²⁹See decision 2 (XXXIII) and resolutions 19 (XXXIV), 1982/3, 1983/27 and 1984/36 of the Subcommission on Prevention of Discrimination and Protection of Minorities.

⁶³⁰Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, Convention on the Elimination of All Forms of Discrimination against Women; and the two Protocols additional to the Geneva Conventions of 12 August 1949.

⁶³¹E S C resolution 1979/36 and CHR resolution 1984/44.

⁶³²See also the present *Supplement* under Article 66 (2), sect. II.F.

provision of such expert assistance to Governments and to outline suggestions for a long-term programme of action in that field.

213. The Secretary-General was requested to provide technical assistance and to consider ways and means of assistance within the framework of the programme of advisory services dealing with such issues as the preparation of reports of States parties under international human rights instruments,⁶³³ strengthening the rule of law in the development process,⁶³⁴ encouraging the universal acceptance of human rights instruments,⁶³⁵ regional arrangements in the field of human rights⁶³⁶ and national institutions for the protection and promotion of human rights.⁶³⁷

214. The range of questions studied in seminars under the programme of advisory services in the field of human rights included the establishment of a regional commission on human rights with special reference to Africa,⁶³⁸ the role of the police in the protection of human rights,⁶³⁹ the effects of the existing unjust international economic order on the economies of the developing countries and the obstacle that it represented for the implementation of human rights and fundamental freedoms,⁶⁴⁰ the relations between human rights, peace and development,⁶⁴¹ national, local and regional arrangements for the promotion and protection of human rights in the Asian region,⁶⁴² the experience of different countries in the implementation of international standards on human rights⁶⁴³ and the encouragement of

⁶³³See, for example, CHR resolution 1984/18. The General Assembly, in its resolution 39/138 of 14 December 1984, requested the Commission on Human Rights to consider, in the context of its standing item concerning advisory services in the field of human rights, the suggestions made by the respective chairmen of the Commission on Human Rights, the Human Rights Committee, the Sessional Working Group of Governmental Experts on the Implementation of the International Covenant on Economic, Social and Cultural Rights and the Committee on the Elimination of Racial Discrimination with regard to, inter alia, advisory services and assistance for States parties to the various conventions on human rights.

⁶³⁴See, for example, resolution 1984/49 of the Subcommission on Prevention of Discrimination and Protection of Minorities.

⁶³⁵See, for example, resolution 1984/36 of the Subcommission on Prevention of Discrimination and Protection of Minorities.

⁶³⁶See, for example, G A resolution 39/115.

⁶³⁷See, for example, G A resolution 39/144.

⁶³⁸Held at Monrovia from 10 to 21 September 1979 in accordance with G A resolution 33/167. For the report, see ST/HR/SER.A/4.

⁶³⁹Held at The Hague from 14 to 25 April 1980. For the report, see ST/HR/SER.A/6.

⁶⁴⁰Held at Geneva from 30 June to 11 July 1980 in accordance with E S C decision 1979/30 and G A resolution 34/46. For the report, see ST/HR/SER.A/8.

⁶⁴¹Held at United Nations Headquarters from 3 to 14 August 1981 in accordance with E S C decision 1981/156 endorsing CHR resolution 36 (XXXVII). For the report, see ST/HR/SER.A/10.

⁶⁴²Held at Colombo from 21 June to 2 July 1982 in accordance with G A resolution 36/154. For the report, see ST/HR/SER.A/12.

⁶⁴³Held at Geneva from 20 June to 1 July 1983 in accordance with G A resolution 36/169, annex 2 (a). For the report, see ST/HR/SER.A/15.

understanding, tolerance and respect in matters relating to freedom of religion or belief.⁶⁴⁴

215. During the period under review, a total of 167 fellowships were awarded.

216. In 1981, at the invitation of the Government of Australia, a regional training course on human rights guarantees in the administration of criminal justice was held at the Australian Institute of Criminology at Canberra from 30 November to 18 December 1981.

217. Technical assistance in the field of human rights to particular countries was provided to Bolivia,⁶⁴⁵ the Central African Republic,⁶⁴⁶ Equatorial Guinea,⁶⁴⁷ Haiti⁶⁴⁸ and Uganda.⁶⁴⁹

7. DECISIONS DEALING INDIVIDUALLY WITH ALLEGATIONS REGARDING VIOLATIONS OF HUMAN RIGHTS IN SPECIFIC STATES OR TERRITORIES

218. As in the past, the General Assembly, the Economic and Social Council and their subsidiary bodies active in the fields of human rights continued, on several occasions, to take action on an individual basis with respect to allegations regarding violations of human rights in specific States or Territories.⁶⁵⁰

219. In many cases, the Economic and Social Council requested or approved the decision of the Commission on Human Rights to appoint a Special Rapporteur, Special Representative or Special Envoy either of the Commission or of the Secretary-General with a mandate to examine the human rights situation in a specific State.⁶⁵¹

220. The wording of the mandate varied according to the situation to be investigated, for example, by adding to the general request to examine the human rights situation the request to make proposals which could contribute to ensuring full protection of the human rights of all residents of the country before, during and after the withdrawal of all

⁶⁴⁴Held at Geneva from 3 to 14 December 1984, in accordance with E S C decision 1983/150 endorsing CHR resolution 1983/40. For the report, see ST/HR/SER.A/16.

⁶⁴⁵E S C decision 1983/146 and E S C resolution 1984/32, endorsing CHR resolutions 1982/33 and 1983/33.

⁶⁴⁶E S C decision 1981/140, approving CHR resolution 15 (XXXVII).

⁶⁴⁷E S C decision 1980/137, approving CHR resolution 33 (XXXVI) and E S C resolutions 1981/38, 1983/35 and 1984/36.

⁶⁴⁸E S C decision 1984/143.

⁶⁴⁹E S C decisions 1981/146 and 1982/139, approving CHR resolutions 30 (XXXVII) and 1982/37 and CHR resolutions 1983/47 and 1984/45.

⁶⁵⁰Not included in this survey are decisions taken by the Commission on Human Rights and the Subcommittee on Prevention of Discrimination and Protection of Minorities under the confidential procedure established under Economic and Social Council resolution 1503 (XLVIII), except those which were made public subsequently as well as those decisions referring to specific themes or types of human rights violations occurring in various countries but which were general in their form or nature and did not explicitly point to particular States or Territories.

⁶⁵¹See, for example, E S C resolution 1984/37 and decisions 1979/32, 1979/35, 1981/147, 1981/148, 1982/135, 1983/145 and 1984/138.

foreign forces,⁶⁵² or by specifying that the mandate would be to investigate the reports about murders, abductions, disappearances, terrorist acts and all grave violations of human rights and fundamental freedoms which had taken place and to make recommendations as to what steps the Commission could take.⁶⁵³

221. The mandate holders were authorized to seek relevant information from specialized agencies, intergovernmental organizations and non-governmental organizations,⁶⁵⁴ to base their reports on such information as they deemed relevant, including such comments and materials as the Government in question wished to submit and by specifically requesting the mandate holder to discharge the mandate with due regard for discretion and equity and to report on the findings in a manner which would give the Government adequate opportunity to comment in writing on the contents of the report,⁶⁵⁵ or simply to base their findings on information from all relevant sources.⁶⁵⁶ In many cases the authority concerned was expressly urged to cooperate with the mandate holder in discharging the mandate so assigned,⁶⁵⁷ or to extend its cooperation to the Commission on Human Rights.⁶⁵⁸

222. Further, in the case of Bolivia, the General Assembly requested the Commission on Human Rights to accept the invitation by the Bolivian authorities to fix a date on which a delegation from the Commission might visit Bolivia, in order to study the human rights situation at first hand,⁶⁵⁹ and in the case of Mauritania and the question of slavery and the slave trade, the Commission on Human Rights authorized the Subcommittee on Prevention of Discrimination and Protection of Minorities to send a delegation, not exceeding two persons, to be appointed by the Chairman of the Subcommittee in consultation with the Government of Mauritania, to visit Mauritania in order to study the situation and ascertain the country's needs.⁶⁶⁰

223. In some cases, the Secretary-General was invited to offer his good offices in the search for a solution to the problems.⁶⁶¹ On other occasions a member of the Subcommittee on Prevention of Discrimination and Protection of Minorities was requested to review material on the situation of human rights in a specific country and to submit it, together with appropriate recommendations, to the Commission.⁶⁶²

224. On the basis of reports prepared by various mechanisms, the organ concerned expressed in each case its opinion on the matter and made recommendations on how to

⁶⁵²E S C resolution 1984/37.

⁶⁵³CHR resolution 32 (XXXVII).

⁶⁵⁴E S C resolution 1984/37.

⁶⁵⁵CHR resolution 34 (XXXVII).

⁶⁵⁶CHR resolution 32 (XXXVII).

⁶⁵⁷See, for example, CHR resolution 11 (XXXV).

⁶⁵⁸E S C decision 1979/35.

⁶⁵⁹G A resolution 35/185.

⁶⁶⁰CHR resolution 1982/20.

⁶⁶¹See, for example, G A resolution 34/22 and 35/37 and CHR resolution 1982/27.

⁶⁶²See, for example, E S C decision 1980/136 and resolution 23 (XXXIII) of the Subcommittee on Prevention of Discrimination and Protection of Minorities.

overcome the problems and, in many cases, on measures to be taken to alleviate the plight of those suffering from the ensuing humanitarian crises.

225. During the period under review, the human rights situations of Afghanistan, Bolivia, Central America, Chile, Cyprus, El Salvador, Equatorial Guinea, Guatemala, the Islamic Republic of Iran, Kampuchea, Malawi, Mauritania, the Middle East, Nicaragua, Paraguay, Poland, southern Africa and Sri Lanka were publicly considered.⁶⁶³

226. The range of opinions expressed included the expression of concern or shock in general terms, such as deep concern about serious and reliable reports of gross violations of human rights in Bolivia;⁶⁶⁴ the expression of concern in more specific terms, such as grave concern at the systematic and continued bombardment of civilian targets in Afghanistan and the human and material losses inflicted on the people of Afghanistan, and on refugee camps in Pakistan;⁶⁶⁵ the condemnation of certain acts, such as, in the case of Central America, acts of aggression against the sovereignty, independence and territorial integrity of the States of the region, which had caused losses in human life and irreparable damage to their economies, adding to that general condemnation a list of certain acts especially condemned;⁶⁶⁶ or the condemnation of certain acts with detailed ramifications, such as in the case of acts perpetrated by the Government of South Africa and by those Governments, international organizations and transnational organizations collaborating with that Government.⁶⁶⁷

227. The actions proposed to overcome the situations covered recommendations⁶⁶⁸ directed to the State in question or to other actors collaborating with or intervening in that State. Those recommendations were either general in their terms or specifically directed towards individual actions. In the case of Bolivia, for instance, the Subcommission on Prevention of Discrimination and Protection of Minorities made an urgent appeal to the Government of that State to respect the Universal Declaration of Human Rights and to take all necessary steps to restore and safeguard human rights and fundamental freedoms, particularly when there were threats to human life and liberty.⁶⁶⁹ In the case of El Salvador, the General Assembly urged the Government of that State to fulfil its obligations towards its citizens and to assume its international responsibilities in that regard by taking the necessary steps to ensure that human rights and fundamental freedoms were fully respected by all its agencies, including its security forces and other armed organizations operating

⁶⁶³Not included in this list are further Territories listed below under the chapter on the right of peoples and nations to self-determination.

⁶⁶⁴Resolution 23 (XXXIII) of the Subcommission on Prevention of Discrimination and Protection of Minorities.

⁶⁶⁵Resolution 1984/6 of the Subcommission on Prevention of Discrimination and Protection of Minorities.

⁶⁶⁶G A resolution 38/10.

⁶⁶⁷See, for example, G A resolutions 34/93 A, G and O, 35/206 E and F, 36/172 B, C, F, I and J, 37/1, 37/2, 37/69 B, C and J and 37/101.

⁶⁶⁸See also in the present *Supplement*, under Article 14.

⁶⁶⁹Resolution 23 (XXXIII) of the Subcommission on Prevention of Discrimination and Protection of Minorities.

under its authority or with its permission. The Assembly also urged the judiciary in El Salvador to assume its obligation to uphold the rule of law and to prosecute and to punish those found responsible for assassinations, acts of torture and other forms of cruel, inhuman or degrading treatment.⁶⁷⁰ In the case of Guatemala, the General Assembly urged the Government to ensure that human rights and fundamental freedoms were fully respected by all its authorities and agencies, including its security forces, and called upon Governments to refrain from supplying arms and other military assistance.⁶⁷¹ The Assembly also welcomed the fact that many of the persons who had been tried by the special tribunals had been released, and invited the Government of Guatemala to publish the list of cases dealt with by the special tribunals. In addition, it requested that Government to investigate and clarify the fate of all persons who had been subjected to involuntary or forced disappearances and were still unaccounted for and to put an end to arbitrary detention and imprisonment in secret places.⁶⁷²

228. In some cases the organ concerned made appeals to alleviate the situation of refugees or internally displaced persons or to investigate the fate of disappeared persons. In the case of Guatemala, for example, the General Assembly appealed to the Government to allow international humanitarian organizations to render assistance in investigating the fate of persons who had disappeared, with a view to informing their relatives of their whereabouts, and to visit detainees or prisoners, and to allow them to bring assistance to the civilian population in areas of conflict. In the case of Afghanistan, the Commission on Human Rights, inter alia, urged all States and people throughout the world to provide generous assistance and succour to the refugees from Afghanistan who had been driven away from their homes.⁶⁷³ Or, as in the case of El Salvador, the General Assembly urged the parties concerned to cooperate and not interfere with the activities of the humanitarian organizations, which were dedicated to alleviating the suffering of the civilian population in that country.⁶⁷⁴

229. In a number of cases, the Secretary-General was requested to provide advisory services and technical cooperation to countries requesting such assistance.⁶⁷⁵ For example, in the case of Bolivia, the Commission on Human Rights, by its resolution 1983/33, welcomed, inter alia, the establishment by peaceful means of a constitutional Government, and requested the Secretary-General to provide advisory services and other forms of appropriate human rights assistance as might be requested by the constitutional Government of Bolivia. In the case of Equatorial Guinea, the Commission on Human Rights adopted resolution 33 (XXXVI), in which it noted that a change of government had taken place in that country and that the Government was interested in the cooperation of the United Nations in order to ensure the effective enjoyment of fundamental rights by the citizens of Equatorial Guinea. It requested the Secretary-

⁶⁷⁰G A resolution 37/185.

⁶⁷¹G A resolution 37/184.

⁶⁷²G A resolution 39/120.

⁶⁷³CHR resolution 3 (XXXVI).

⁶⁷⁴G A resolution 36/155.

⁶⁷⁵See also above under para. 219.

General to appoint, as an expert in his individual capacity, a person with wide experience of the situation in Equatorial Guinea, in particular with a view to assisting the Government of that country in taking the action necessary for the full restoration of human rights and fundamental freedoms.

230. Allegations regarding infringements of trade union rights continued to be dealt with under the procedures established by the Economic and Social Council and ILO.⁶⁷⁶

8. MISCELLANEOUS ACTIONS

231. Other ways of promoting human rights continued to be employed by the General Assembly, the Economic and Social Council and their subsidiary bodies. As in the past, they focused on the dissemination of human rights information, through public information activities and providing incentives for human rights teaching, the furthering of national institutions and regional arrangements for the promotion of human rights, and on the alternative approaches and ways and means for improving the effective enjoyment of human rights and fundamental freedoms, in particular with regard to the establishment of the post of a United Nations High Commissioner for Human Rights.

232. As regards the practice of furthering human rights through the proclamation of international years, decades, days and the celebration of special anniversaries, such initiatives included: United Nations Decade of Disabled Persons;⁶⁷⁷ Second Decade to Combat Racism and Racial Discrimination;⁶⁷⁸ International Youth Year: Participation, Development, Peace;⁶⁷⁹ International Year of Mobilization for Sanctions against South Africa;⁶⁸⁰ International Year of Peace;⁶⁸¹ International Year of Shelter of the Homeless;⁶⁸² and Year of the United Nations.⁶⁸³ The proclamation of special days to promote human rights included: International Day of Solidarity with the Palestinian People,⁶⁸⁴ International Day of Peace,⁶⁸⁵ International Day of Solidarity with the Struggle of Women in South Africa and Namibia,⁶⁸⁶ the International Day of Innocent Children Victims of Aggression;⁶⁸⁷ and the days of the fortieth anniversary of victory over nazism and fascism in the Second World War and of that struggle against them.⁶⁸⁸

233. The principal organs also continued to make recommendations with regard to activities and initiatives to mark those occasions. For example, with regard to the Decade for Action to Combat Racism and Racial Discrimination, the General Assembly decided to hold a

⁶⁷⁶ See also below under para. 403 and further in the present *Supplement* under Article 62 (2).

⁶⁷⁷ G A resolution 37/53.

⁶⁷⁸ G A resolution 38/14.

⁶⁷⁹ G A resolution 34/151.

⁶⁸⁰ G A resolution 36/172 B.

⁶⁸¹ G A resolution 37/16.

⁶⁸² G A resolution 37/221.

⁶⁸³ G A resolution 39/161 A.

⁶⁸⁴ G A resolution 34/65 D.

⁶⁸⁵ G A resolution 36/67.

⁶⁸⁶ G A resolution 36/172 K.

⁶⁸⁷ G A resolution ES-7/8.

⁶⁸⁸ G A resolution 39/114.

Second World Conference to Combat Racism and Racial Discrimination.⁶⁸⁹ With regard to the United Nations Decade for Women: Equality, Development and Peace, the Assembly decided to convene a World Conference to Review and Appraise the Achievements of the United Nations Decade for Women.⁶⁹⁰

234. With regard to the commemoration of the Universal Declaration of Human Rights, the General Assembly decided to hold a special commemorative meeting to celebrate the thirty-fifth anniversary of the Declaration and suggested measures for the celebration of that anniversary.⁶⁹¹ The General Assembly stressed the significance of the thirty-fifth anniversary, reaffirmed its commitment to continue to strive for further progress in the field of the promotion and protection of human rights and fundamental freedoms, and urged all States to apply the Declaration resolutely.⁶⁹² It also urged them seriously to consider ratifying or acceding to and observing other international human rights instruments. Finally, it urged the United Nations Educational, Scientific and Cultural Organization, in cooperation with Governments, to undertake rigorous efforts to spread the teaching of human rights.

235. Concerning the question of public information activities in the field of human rights, the Economic and Social Council, for example, urged all Governments to consider action to facilitate publicity regarding United Nations activities in the field of human rights, with particular reference to the work of the Commission on Human Rights, and drew their attention to the importance of encouraging the dissemination of international instruments on human rights as widely as possible, including texts in their own languages.⁶⁹³ It also requested the Secretary-General, in cooperation with the United Nations Educational, Scientific and Cultural Organization and the International Labour Organization, to draw up and implement a worldwide programme for the dissemination of international instruments on human rights in as many languages as possible. In addition, the Council also decided on some changes to the *Yearbook on Human Rights*.⁶⁹⁴

236. As regards the question of national institutions for the promotion and protection of human rights, the organs concerned took several actions. The Commission on Human Rights, for example, endorsed the guidelines on the structure and functioning of national institutions for the promotion and protection of human rights contained in the report on the Seminar on National and Local Institutions for the Promotion and Protection of Human Rights.⁶⁹⁵ The General Assembly requested the Secretary-General to prepare and submit a consolidated report, for eventual publication as a United Nations handbook on national institutions for the use

⁶⁸⁹ G A resolution 35/33.

⁶⁹⁰ G A resolution 35/136.

⁶⁹¹ G A resolution 36/169.

⁶⁹² G A resolution 38/57.

⁶⁹³ E S C resolution 1980/30.

⁶⁹⁴ E S C resolution 1979/37.

⁶⁹⁵ CHR resolution 24 (XXXV). For the report on the seminar, which was held at Geneva from 18 to 29 September 1978, see ST/HR/SER.A/2.

of Governments, including information on the various types and models of national and local institutions for the protection and promotion of human rights.⁶⁹⁶

237. The General Assembly continued to take action for the promotion of regional arrangements for the promotion and protection of human rights. It noted with satisfaction that a United Nations Seminar on the Establishment of Regional Commissions on Human Rights with Special Reference to Africa had been held at Monrovia from 10 to 20 September 1979 and had adopted the Monrovia Proposal for the setting up of an African Commission on Human Rights.⁶⁹⁷ The Assembly also commended the Organization of African Unity on the adoption of the African Charter of Human and People's Rights,⁶⁹⁸ and requested the Secretary-General of the United Nations to organize a seminar to consider appropriate arrangements for the promotion and protection of human rights in the Asian region at Colombo in 1982.⁶⁹⁹ Finally the General Assembly requested the Secretary-General to consider the possibility of encouraging contacts between representatives of regional bodies and United Nations bodies entrusted with the promotion of human rights, with a view to exchanging information and experience in that field. It also requested the Commission on Human Rights, when considering the item on its agenda entitled "Advisory services in the field of human rights", to pay special attention to the most appropriate ways of assisting, at their request, the countries of the different regions and to make, where necessary, the relevant recommendations.⁷⁰⁰

238. Within the framework of the alternative approaches and ways and means for improving the effective enjoyment of human rights and fundamental freedoms and action related to items considered under that topic, a few actions may be highlighted. The General Assembly, for example, reaffirmed that mass and flagrant violations of human rights were of special concern to the United Nations.⁷⁰¹ It urged the appropriate United Nations bodies, within their mandates, particularly the Commission on Human Rights, to take timely and effective action in existing and future cases of mass and flagrant violations of human rights and stressed the important role that the Secretary-General could play in situations of mass and flagrant violations of human rights. Regarding the possible establishment of a post of a United Nations High Commissioner for Human Rights, the Commission on Human Rights requested the Subcommittee on Prevention of Discrimination and Protection of Minorities to formulate a first study on possible terms of reference for the mandate of a High Commissioner for Human Rights.⁷⁰² The Subcommittee submitted two proposals for possible terms of reference,

⁶⁹⁶G A resolution 39/144.

⁶⁹⁷G A resolution 34/171. For the report on the seminar, see A/34/159/Add.1, annex I. ST/HR/SER.A/4.

⁶⁹⁸See *International Legal Materials*, vol. XXI, No. 1, January 1982, p. 59.

⁶⁹⁹G A resolution 36/154.

⁷⁰⁰G A resolution 39/115.

⁷⁰¹G A resolution 34/175.

⁷⁰²CHR resolution 1982/22.

functions and responsibilities of a United Nations High Commissioner for Human Rights.⁷⁰³

B. Analytical summary of practice

**1. QUESTION OF THE MEANING OF THE PHRASE
"RESPECT FOR, AND OBSERVANCE OF"

2. QUESTION OF THE MEANING OF THE TERM
"HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS"

(a) General remarks

239. The Commission on Human Rights, in its resolution 23 (XXXVI), re-emphasized the call of the Universal Declaration of Human Rights to all individuals and all organs of society to strive, by teaching and education, to promote respect for the rights and freedoms contained in the Declaration in accordance with the provisions of the Charter of the United Nations. It appealed to all Governments to encourage and support individuals and organs of society exercising their rights and responsibilities to promote the effective observance of human rights without prejudice to article 29 and 30 of the Declaration. The Commission also emphasized that in the exercise of his rights and freedoms, everyone should be subject only to such limitations as were determined in the Charter of the United Nations, the Universal Declaration of Human Rights and the Covenants on Human Rights and other relevant instruments, and that unlawful limitations or persecution of anyone exercising his human rights and fundamental freedoms was at variance with the obligations of States under those instruments to work for the full and effective enjoyment of human rights and fundamental freedoms.

240. In its resolution 28 (XXXVII), the Commission expressed its profound concern at the flagrant breaches of the right of individuals, groups and organs of society to promote the effective observance of human rights. It particularly deplored all harsh and punitive treatment accorded to them as a result of their efforts to enjoy civil and political rights as well as economic, social and cultural rights. The Commission therefore requested the Subcommittee on Prevention of Discrimination and Protection of Minorities to study the subject without omitting the indivisibility and interdependence of civil and political rights as well as economic, social and cultural rights, with a view to considering what further action might be desirable.

241. The Economic and Social Council, by its decision 1981/142, decided to authorize the Subcommittee to appoint a special rapporteur with the mandate of undertaking a study on the status of the individual and contemporary international law. It further decided that the "study on the individual's duties to the community and the limitations on human rights and freedoms under article 29 of the Universal Declaration of Human Rights: a contribution to the freedom

⁷⁰³Resolutions 1982/27 and 1983/36 of the Subcommittee on Prevention of Discrimination and Protection of Minorities.

of the individual under law”,⁷⁰⁴ should be printed and given the widest possible distribution.

242. In its resolution 1982/30, the Commission on Human Rights requested the Secretary-General to present to the Subcommission elements for a draft body of principles on the right and responsibility of individuals, groups and organs of society to promote and protect human rights and fundamental freedoms,⁷⁰⁵ and also requested the Subcommission to prepare a report containing principles on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms, taking into account the particular responsibility of States in protecting human rights as well as civil, political, economic, social and cultural rights. Finally, the Commission decided to undertake work on a draft declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms. The Subcommission on Prevention of Discrimination and Protection of Minorities, in its resolution 1982/24, entrusted one of its members with the task of preparing the requested draft principles.

243. By its decision 1984/116, the Commission on Human Rights decided to establish an open-ended working group to draft a declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms.

244. Furthermore, in its resolution 1979/34, the Economic and Social Council authorized the Subcommission on Prevention of Discrimination and Protection of Minorities to request a Special Rapporteur of the Subcommission to continue the study of the implications for human rights of states of siege or emergency.⁷⁰⁶

(b) *Rights and freedoms proclaimed as human rights and fundamental freedoms in the Universal Declaration of Human Rights*

(i) *General provisions*

a. *Code of Conduct for Law Enforcement Officials*

245. By its resolution 34/169, the General Assembly adopted the code of conduct for law enforcement officials and recommended that Governments give favourable consideration to its use within the framework of national legislation or practice as a body of principles for observance by law enforcement officials.

246. The eight articles of the Code of Conduct and the commentaries thereto provide in particular that law enforcement officials shall respect and protect human dignity and maintain and uphold the human rights of all persons (article 2). They further set forth that no law enforcement

official may inflict, instigate or tolerate any act of torture or other cruel, inhuman or degrading treatment or punishment, nor may any law enforcement official invoke superior orders or exceptional circumstances such as a state of war or a threat of war, a threat to national security, internal political instability or any other public emergency as a justification of torture or other cruel, inhuman or degrading treatment or punishment (article 5).

247. The other articles relate in particular to the protection of the health of persons in custody (article 6), the protection of their privacy (article 4), the limitation of the use of force (article 3), the prohibition of corruption (article 7) and the general respect of law (articles 1 and 8).

248. In adopting the Code of Conduct for Law Enforcement Officials, the General Assembly also expressed its awareness that there were additional important principles and prerequisites for the humane performance of law enforcement functions, namely:

“(a) That, like all agencies of the criminal justice system, every law enforcement agency should be responsive and accountable to the community as a whole;

(b) That the effective maintenance of ethical standards among law enforcement officials depends on the existence of a well-conceived, popularly accepted and humane system of laws;

(c) That every law enforcement official is part of the criminal justice system, the aim of which is to prevent and control crime, and that the conduct of every functionary within the system has an impact on the entire system;

(d) That every law enforcement agency, in fulfilment of the first premise of every profession, should be held to the duty of disciplining itself in complete conformity with the principles and standards herein provided and that the actions of law enforcement officials should be responsive to public scrutiny, whether exercised by a review board, a ministry, a procuracy, the judiciary, an ombudsman, a citizens’ committee or any combination thereof, or any other reviewing agency;

(e) That standards as such lack practical value unless their content and meaning, through education and training and through monitoring, become part of the creed of every law enforcement official.”

b. *Convention on the Elimination of All Forms of Discrimination against Women*

249. In its resolution 34/180 of 18 December 1979, the General Assembly adopted and opened for signature, ratification and accession the Convention on the Elimination of All Forms of Discrimination against Women and expressed the hope that the Convention would be signed and ratified or acceded to without delay and would come into force at an early date.

250. Part I of the Convention contains a definition of the term “discrimination against women” and some general principles. Article 1 defines the term “discrimination against women” as “any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing

⁷⁰⁴ E/CN.4/Sub.2/432/Rev.1 and Corr.1 and E/CN.4/Sub.2/432/Add.1-7; subsequently issued as a United Nations publication, Sales No. E/82.XIV.1.

⁷⁰⁵ For the report of the Secretary-General, see E/CN.4/Sub.2/1982/12.

⁷⁰⁶ For the report, see E/CN.4/Sub.2/1982/15.

or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field”.

251. Under article 2, “States Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and, to this end, undertake:

(a) To embody the principle of the equality of men and women in their national constitutions or other appropriate legislation if not yet incorporated therein and to ensure, through law and other appropriate means, the practical realization of this principle;

(b) To adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women;

(c) To establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination;

(d) To refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation;

(e) To take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise;

(f) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women;

(g) To repeal all national penal provisions which constitute discrimination against women.”

252. Article 3 sets forth that States parties shall take in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women. Article 4 allows the adoption of temporary special measures aimed at accelerating de facto equality between men and women. Under article 5, States parties agree to take all appropriate measures to modify the social and cultural patterns of conduct to eliminate prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women. States parties shall also take all appropriate measures to ensure that family education includes a proper understanding of maternity as a social function and the recognition of the common responsibility of men and women in the upbringing and development of their children. Article 6 relates to the suppression of all forms of traffic in women and exploitation of prostitution of women.

253. Part II concerns political and civil rights. Article 7 lays down that States parties shall take all appropriate measures to eliminate discrimination against women in

political and public life, including in particular the right to vote and to be eligible for election, the right to participate in the formulation of government policy and the implementation thereof and to hold public office and the right to participate in non-governmental organizations and associations. Article 8 relates to the equality to represent Governments at the international level and to participate in the work of international organizations. Article 9 obliges States parties to grant women equal rights with men with respect to their nationality and that of their children.

254. Part III contains provisions on the elimination of discrimination against women in the field of education (article 10), in the field of employment (article 11), in the field of health care (article 12) and in other areas of economic and social life, such as the right to family benefits, the right to bank loans, mortgages and other forms of financial credit and the right to participate in recreational activities, sports and all aspects of cultural life (article 14).

255. Part IV accords to women equality with men before the law. Article 15 provides in particular for the same legal capacity. States parties shall give women equal rights to conclude contracts and to administer property and shall treat them equally in all stages of procedures in courts and tribunals. They shall accord to men and women the same rights with regard to the movement of persons and the freedom to choose their residence and domicile. Article 16 relates to the elimination of discrimination against women in all matters relating to marriage and family relations.

256. Part V relates to the implementation of the Convention. In particular it provides for the establishment of a Committee on the Elimination of Discrimination against Women consisting, at the time of entry into force of the Convention, of 18 and, after ratification of or accession to the Convention by the thirty-fifth State party, of 23 experts of high moral standing and competence in the fields covered by the Convention, and serving in their personal capacity (article 17). The Committee is empowered to make suggestions and general recommendations based on the examination of reports and information received from the States parties (article 21). The reporting obligation of States parties is contained in article 18, which provides that States parties undertake to submit a report on the legislative, judicial, administrative or other measures which they have adopted to give effect to the provisions of the Convention and the progress made. Reports are due within one year after the entry into force for the State concerned, thereafter at least every four years and further whenever the Committee so requests.

c. *Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief*

257. The General Assembly, by its resolution 36/55, proclaimed the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief.

258. Article 2, paragraph 2, of the Declaration defines the expression “intolerance and discrimination based on religion or belief” as “any distinction, exclusion, restriction or

preference based on religion or belief and having as its purpose or as its effect nullification or impairment of the recognition, enjoyment or exercise of human rights and fundamental freedoms on an equal basis”.

259. The Declaration recognizes that everyone has the right to freedom of thought, conscience and religion, which includes the freedom to have a religion or whatever belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching (article 1). Article 6 specifies that this freedom includes the following freedoms:

“(a) To worship or assemble in connection with a religion or belief, and to establish and maintain places for these purposes;

(b) To establish and maintain appropriate charitable or humanitarian institutions;

(c) To make, acquire and use to an adequate extent the necessary articles and materials related to the rites or customs of a religion or belief;

(d) To write, issue and disseminate relevant publications in these areas;

(e) To teach a religion or belief in places suitable for these purposes;

(f) To solicit and receive voluntary financial and other contributions from individuals and institutions;

(g) To train, appoint, elect or designate by succession appropriate leaders called for by the requirements and standards of any religion or belief;

(h) To observe days of rest and to celebrate holidays and ceremonies in accordance with the precepts of one’s religion or belief;

(i) To establish and maintain communications with individuals and communities in matters of religion or belief at the national and international levels”.

260. This freedom is subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health or morals or the fundamental rights and freedoms of others (article 1, para. 3).

261. Article 4 provides that all States shall take effective measures to prevent and eliminate discrimination on the grounds of religion or belief in the recognition, exercise and enjoyment of human rights and fundamental freedoms in all fields of civil, economic, political, social and cultural life. They shall further make all efforts to enact or rescind legislation where necessary to prohibit any such discrimination, and to take all appropriate measures to combat intolerance on the grounds of religion or belief. Article 5 relates to the right of parents or legal guardians to organize life within the family in accordance with their religion or belief and the right to have access to education in the matter of religion or belief in accordance with their wishes. However, practices of a religion or belief in which a child is brought up must not be injurious to his physical or mental health or to his full development. In accordance with article 7, the rights and freedoms shall be accorded in

national legislation in such a manner that everyone shall be able to avail himself of such rights and freedoms in practice.

d. *Principles of Medical Ethics relevant to the role of health personnel, particularly physicians, in the protection of prisoners and detainees against torture and other cruel, inhuman or degrading treatment or punishment*

262. In its resolution 37/194, the General Assembly adopted the Principles of Medical Ethics and called upon all Governments to give the Principles the widest possible distribution, in particular among medical and paramedical associations and institutions of detention or imprisonment.

263. Principle 1 lays down that “health personnel, particularly physicians, charged with the medical care of prisoners and detainees, have a duty to provide them with protection of their physical and mental health and treatment of disease of the same quality and standard as is afforded to those who are not imprisoned or detained”.

264. It is a gross contravention of medical ethics for health personnel to engage, actively or passively, in acts which constitute participation in, complicity in, incitement to or attempts to commit torture or other cruel, inhuman or degrading treatment or punishment (principle 2). Principles 3, 4 and 5 list other contraventions of medical ethics for health personnel, such as involvement in any professional relationship with prisoners or detainees the purpose of which is not solely to evaluate, protect or improve their physical and mental health (principle 3); to apply their knowledge and skills in order to assist in the interrogation of prisoners and detainees in a manner that may adversely affect the physical or mental health or condition of such prisoners or detainees and which is not in accordance with the relevant international instruments (principle 4, para. (a)); to certify, or participate in the certification of, the fitness of prisoners or detainees for any form of treatment or punishment that may adversely affect their physical or mental health and which is not in accordance with the relevant international instruments, or to participate in any way in the infliction of any such treatment or punishment which is not in accordance with the relevant international instruments (principle 4, para. (b)); and to participate in any procedure for restraining a prisoner or detainee unless such a procedure is determined in accordance with purely medical criteria as being necessary for the protection of the physical or mental health or the safety of the prisoner or detainee himself, of his fellow prisoners or detainees, or of his guardians, and presents no hazard to his physical or mental health (principle 5).

265. Principle 6 sets forth that there may be no derogation from these principles on any ground whatsoever, including public emergency.

266. In adopting the Principles of Medical Ethics, the General Assembly also expressed its conviction that under no circumstances should a person be punished for carrying out medical activities compatible with medical ethics, regardless of the person benefiting therefrom, or be compelled to perform acts or to carry out work in contravention of medical ethics, but that, at the same time, contravention of medical ethics for which health personnel,

particularly physicians, could be held responsible should entail accountability.

e. *Safeguards Guaranteeing Protection of the Rights of those Facing the Death Penalty*

267. The Economic and Social Council, by its resolution 1984/40, approved the safeguards guaranteeing protection of the rights of those facing the death penalty on the understanding that they should not be invoked to delay or to prevent the abolition of capital punishment.

268. The safeguards provide that capital punishment may be imposed only for the most serious crimes, it being understood that their scope should not go beyond intentional crimes with lethal or other extremely grave consequences (para. 1). The principle of non-retroactivity is contained in paragraph 2. Persons below 18 years of age at the time of the commission of the crime shall not be sentenced to death, nor shall the death sentence be carried out on pregnant women, or on new mothers, or on persons who have become insane (para. 3). Paragraph 4 provides that capital punishment may be imposed only when the guilt of the person charged is based upon clear and convincing evidence leaving no room for an alternative explanation of the facts. Paragraph 5 demands respect for a fair trial and that capital punishment be implemented only pursuant to a final judgement. The right to appeal and the right to seek pardon, or commutation of sentence, are laid down in paragraphs 6 and 7. Pending any appeal or other recourse procedure or other proceedings relating to pardon or commutation of the sentence, capital punishment shall not be carried out (para. 8). Capital punishment shall be carried out so as to inflict the minimum possible suffering (para. 9).

f. *Declaration on the Right of Peoples to Peace*

269. In its resolution 39/11, the General Assembly approved the Declaration of the Right of Peoples to Peace.

270. In the Declaration, the General Assembly solemnly proclaims that the peoples of the planet have a sacred right to peace and declares that the preservation of this right and the promotion of its implementation constitutes a fundamental obligation of each State. The Assembly emphasizes that ensuring the exercise of the right of peoples to peace demands that the policies of States be directed towards the elimination of the threat of war, particularly nuclear war, the renunciation of the use of force in international relations and the settlement of international disputes by peaceful means on the basis of the Charter of the United Nations.

g. *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*

271. The General Assembly, by its resolution 39/46 of 10 December 1984, adopted and opened for signature, ratification and accession the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and called upon all Governments to consider ratifying the Convention as a matter of priority.

272. The Convention defines "torture" as "any act by which severe pain or suffering, whether physical or mental,

is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions" (article 1).

273. Article 2 provides that each State party shall take effective legislative, administrative, judicial or other measures to prevent acts of torture in any territory under its jurisdiction. The article also sets forth that no exceptional circumstances whatsoever, nor an order from a superior officer or a public authority, may be invoked as a justification of torture.

274. Article 3 prohibits the expulsion, return ("refoulement") or extradition of a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture. Each State party is also obligated to ensure that all acts of torture, attempts, complicity or participation thereto are offences under its criminal law and that these offences are punishable by appropriate penalties (article 4). Further, each State party undertakes to "prevent in any territory under its jurisdiction other acts of cruel, inhuman or degrading treatment or punishment which do not amount to torture as defined in article 1, when such acts are committed by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity" (article 16).

275. Each State party ensures that any individual who alleges he has been subjected to torture in any territory under its jurisdiction has the right to complain to, and to have his case promptly and impartially examined by, its competent authorities (article 13). In accordance with article 14, each State party undertakes to ensure in its legal system that the victim of an act of torture obtains redress and has an enforceable right to fair and adequate compensation, including the means for as full a rehabilitation as possible. In article 15, each State party undertakes to ensure that any statement which is established to have been made as a result of torture shall not be invoked as evidence in any proceedings, except against a person accused of torture as evidence that the statement was made.

276. Articles 5 to 9 relate to jurisdiction, extradition and cooperation between States. Article 10 contains a provision regarding education and information on the subject, in particular, for law enforcement personnel.

277. Article 17 provides for the establishment of a Committee against Torture, composed of 10 experts serving in their personal capacity. The Committee establishes its own rules of procedure, which shall provide for decisions to be made by a majority vote of the members present and a quorum of six members (article 18).

278. The reporting obligation of States parties is laid down in article 19. They undertake to submit reports on the

measures they have taken to give effect to their undertakings under the Convention, within one year after the entry into force of the Convention for the State party concerned, and thereafter every four years, and such other reports as the Committee may request. According to the same provision, the Committee may make general comments on the reports under scrutiny.

279. Article 20 provides that if the Committee receives reliable information on the systematic practice of torture in the territory of a State party, it shall invite that State to cooperate in the examination of the information and to that end to submit observations with regard to the information concerned. The Committee may further designate one or more of its members to make a confidential inquiry and to report to it urgently. Given the consent of the State concerned, such an inquiry may include a visit to its territory. These findings shall be transmitted to the State party together with any comments or suggestions which seem appropriate in view of the situation. All proceedings are confidential and the cooperation of the State party shall be sought. The Committee may, however, after consultations with the State concerned, decide to include a summary account of the results in its annual report. Each State may, at the time of signature or ratification or accession, declare that it does not recognize the competence of the Committee outlined in article 20 (article 28).

280. Under article 21, a State party may at any time declare that it recognizes the competence of the Committee to receive and consider communications to the effect that a State party claims that another State party is not fulfilling its obligations under the Convention. After a State party has brought, by written communication, such a matter to the attention of the State party concerned, that State shall afford, within three months, to the State which sent the communication an explanation or any other statement clarifying the matter. If the matter is not adjusted to the satisfaction of both States parties within six months after the receipt of the initial communication, either State has the right to refer the matter to the Committee. If the complaint is deemed admissible, the Committee shall hold closed meetings and make available its good offices. When appropriate it may set up an ad hoc conciliation commission. The Committee, within 12 months after the date of receipt of notice of any such matter, shall submit a report.

281. The same opting-in system is provided for in article 22, which relates to the competence of the Committee to receive and consider communications from or on behalf of individuals. Anonymous communications, as well as communications which constitute an abuse of the right of submission of communications or which are incompatible with the provisions of the Convention, are inadmissible. No communication shall be considered that relates to a matter which has been or is being examined under another procedure of international investigation or settlement and without exhaustion of all available domestic remedies, except if the application of the remedies has been unreasonably prolonged or is unlikely to bring effective relief. The Committee brings any admissible communications submitted to the attention of the State party. Within six months the State party shall submit written explanations or statements clarifying the matter and the

remedy, if any, that may have been taken. The Committee holds closed meetings and forwards its views to the State party concerned and to the individual.

(ii) *Civil and political rights*

a. *International Covenant on Civil and Political Rights*

282. In its resolution 34/45 of 23 November 1979, the General Assembly welcomed the entry into force on 28 March 1979 of article 41 of the Covenant.

b. *Rights relating to the freedom and integrity of the person*

Arbitrary or summary executions

283. The General Assembly, in its resolution 35/172, concerned at the occurrence of executions which were widely regarded as being politically motivated, urged Member States concerned:

“(a) To respect as a minimum standard the content of the provisions of articles 6, 14 and 15 of the International Covenant on Civil and Political Rights and, where necessary, to review their legal rules and practices so as to guarantee the most careful legal procedures and the greatest possible safeguards for the accused in capital cases;

(b) To examine the possibility of making automatic the appeal procedure, where it exists, in cases of death sentences, as well as the consideration of an amnesty, pardon or commutation in these cases;

(c) To provide that no death sentence shall be carried out until the procedures of appeal and pardon have been terminated and, in any case, not until a reasonable time after the passing of the sentence in the court in the first instance”.

284. The Economic and Social Council, in its resolution 1982/35, deeply alarmed about the occurrence of summary or arbitrary executions, including extra-legal executions, that were widely regarded as being politically motivated, strongly deplored the increasing number of summary or arbitrary executions taking place in various parts of the world. It decided therefore to request the Chairman of the Commission on Human Rights to appoint an individual of recognized international standing as Special Rapporteur for one year to examine the questions related to summary or arbitrary executions. The Special Rapporteur was empowered to seek and receive information from Governments, specialized agencies and other intergovernmental organizations, as well as non-governmental organizations in consultative status with the Economic and Social Council. The mandate of the Special Rapporteur was continued during the period under review.⁷⁰⁷

⁷⁰⁷E S C resolutions 1983/36 and 1984/35. In the latter resolution the Council requested the Special Rapporteur in carrying out his mandate to continue to examine situations of summary or arbitrary executions and to pay special attention to cases in which a summary or arbitrary execution was imminent or threatened. It also requested

Capital punishment

285. By its resolution 1984/50, the Economic and Social Council approved the safeguards guaranteeing protection of the rights of those facing the death penalty recommended by the Committee on Crime Prevention and Control.⁷⁰⁸

286. In its decision 35/437, the General Assembly took note of a draft resolution entitled "Measures aiming at the ultimate abolition of capital punishment (draft Second Optional Protocol to the International Covenant on Civil and Political Rights)" and decided to consider at its next session the idea of elaborating a draft second optional protocol. It invited comments and observations from Member States on the draft resolution⁷⁰⁹ and requested the Secretary-General to submit a report to the General Assembly containing the views expressed by Governments. By its resolution 37/192, it took note of the report of the Secretary-General⁷¹⁰ and requested the Commission on Human Rights to consider the idea of elaborating a draft of a second optional protocol and to submit a report thereon. The Commission, in its resolution 1984/19, transmitted to the Subcommission on Prevention of Discrimination and Protection of Minorities the draft of a second optional protocol and invited the Subcommission to consider the idea of elaborating a draft of a second optional protocol and to submit its views thereon to the Commission. It further invited the Subcommission to consider establishing a sessional working group for that purpose.

Crime prevention and control and the treatment of offenders

287. The General Assembly, in its resolution 34/169, adopted the Code of Conduct for Law Enforcement Officials.⁷¹¹ At its next session, in its resolution 35/170, the General Assembly, aware of the prominent role that law enforcement officials had to play in the protection of human rights, in particular the right to life, liberty and security of person, and in the prevention and suppression of torture and of cruel, inhuman and degrading treatment or punishment, laid down in articles 3 and 5 of the Universal Declaration of Human Rights, called upon all States to consider favourably the use of the Code of Conduct for Law Enforcement Officials within the framework of national legislation and practice or directives governing law enforcement agencies; to make the text of the Code of Conduct available to all law enforcement officials in their own language; and to instruct, in basic training programmes and in all subsequent training and refresher courses, law enforcement officials in the provisions of the national legislations which were connected with the Code of Conduct and other basic texts on human

the Rapporteur to respond effectively to information that came before him.

⁷⁰⁸See also above under paras. 269-270. The General Assembly, by its resolution 39/118, endorsed the recommendations contained in E S C resolution 1984/50 on safeguards guaranteeing protection of the rights of those facing the death penalty as well as the provisions of its annex and called upon Member States to spare no effort in providing for adequate mechanisms, procedures and resources so as to ensure the implementation of those recommendations, both in law and in practice.

⁷⁰⁹For the text of the draft resolution, see A/35/742, para. 20.

⁷¹⁰A/37/407 and Add.1.

⁷¹¹See also above, paras. 247-250.

rights. It further noted the conclusions and recommendations of the Symposium on the Role of the Police in the Protection of Human Rights.⁷¹²

288. The Subcommission on Prevention of Discrimination and Protection of Minorities, by its resolution 1983/24, requested the Commission on Human Rights to invite the Committee on Crime Prevention and Control to consider how the question of restraints on the use of force by law enforcement officials and military personnel might be effectively examined by the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders. It further requested the Secretary-General to address a note verbale to Governments and a letter to specialized agencies, regional organizations and non-governmental organizations to ask for their views and comments and to prepare an analysis⁷¹³ on the subject of State policies and practices regarding restraints on the use of force by law enforcement officials and military personnel based on those replies, which should be presented to the Subcommission.

289. The Economic and Social Council, by its resolution 1984/46, took note with appreciation of the report of the Secretary-General on alternatives to imprisonment and measures for the social resettlement of offenders.⁷¹⁴ It encouraged Member States to increase their efforts in order to further expand the use of such measures, and called the attention of Member States to the recommendation of the Sixth United Nations Congress on the Prevention of Crime and the Treatment of Offenders that the principles on linking the rehabilitation of offenders to related social services should be taken into account when formulating strategies for de-institutionalization within the overall framework of crime prevention.⁷¹⁵ Finally, the Council requested the Secretary-General to update the report on alternatives to imprisonment.

Disappeared persons

290. The Economic and Social Council, in its resolution 1979/38, requested the Commission on Human Rights to consider the question of disappeared persons, with a view to making appropriate recommendations. It also requested the Subcommission on Prevention of Discrimination and Protection of Minorities to consider the subject, with a view to making general recommendations to the Commission on Human Rights, and to consider communications on disappeared persons in accordance with the relevant resolutions.

291. The Commission on Human Rights, in its resolution 20 (XXXVI), decided to establish for a period of one year a working group consisting of five of its members, to serve as experts in their individual capacities, to examine questions relevant to enforced or involuntary disappearances of persons.⁷¹⁶ The Working Group was empowered to seek and

⁷¹²ST/HR/SER.A/6, chap. III.

⁷¹³For the report, see E/CN.4/Sub.2/1984/14.

⁷¹⁴E/AC.57/1984/9.

⁷¹⁵See *Sixth United Nations Congress on the Prevention of Crime and Treatment of Offenders, Caracas, 25 August-5 September 1980: Report prepared by the Secretariat* (United Nations publication, Sales No. E.81.IV.4), chap. I, sect. C.6, para. 8.

⁷¹⁶Approved by E S C decision 1980/128. The term of the

receive information from Governments, intergovernmental organizations, humanitarian organizations and other reliable sources. The Commission also invited the Working Group, in establishing its working methods, to bear in mind the need to be able to respond effectively to information that came before it and to carry out its work with discretion.

Hostages

292. By its resolution 34/146, the General Assembly adopted and opened for signature and ratification or for accession the International Convention against the Taking of Hostages. In the second preambular paragraph of the Convention, the States parties recognized, in particular, that everyone had the right to life, liberty and security of person, as set out in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. In subsequent preambular paragraphs, they reaffirmed the principle of equal rights and self-determination of peoples and considered that the taking of hostages was an offence of grave concern to the international community and that any person committing an act of hostage-taking should be either prosecuted or extradited.

293. The Subcommission on Prevention of Discrimination and Protection of Minorities, by its resolution 21 (XXXIII), welcomed the release of several United States citizens with diplomatic or consular status held in the Islamic Republic of Iran, on grounds of mercy and compassion, illness and other considerations. It expressed its belief that the same motives were equally applicable to the United States citizens still held in the country and urged the Government of the Islamic Republic of Iran and all the authorities concerned to continue and intensify efforts for the immediate release of the hostages. The General Assembly, in its resolution 35/168, strongly condemned in particular all acts of violence against diplomatic and consular missions and representatives and urged all States to observe and to implement the principles and rules of international law governing diplomatic and consular relations. In its resolution 27 (XXXVII), the Commission on Human Rights, concerned by the increasing number of instances of hostage-taking, including those involving diplomatic personnel, recognized that it was essential that the international community and the States Members of the United Nations take all necessary steps to prevent instances of hostage-taking and mistreatment. It affirmed that the taking of hostages constituted a grave violation of human rights, exposing the hostages to privation, hardship, anguish and danger to life and health. It further called upon all States to observe fully and unconditionally their international obligations to protect diplomatic and consular personnel and premises and to prevent the taking of hostages.

International terrorism

294. The General Assembly continued to be concerned with the agenda item entitled "Measures to prevent

Working Group's mandate was extended annually by the Commission on Human Rights in its resolutions 10 (XXXVII), 1982/24, 1983/20 and 1984/23; and approved by the Economic and Social Council in its decisions 1981/139, 1982/131, 1983/141 and 1984/135 respectively.

international terrorism which endangers or takes innocent human lives or jeopardizes fundamental freedoms, and study of the underlying causes of those forms of terrorism and acts of violence which lie in misery, frustration, grievance and despair and which cause some people to sacrifice human lives, including their own, in an attempt to effect radical changes". In its resolution 34/145, for example, having examined the report of the Ad Hoc Committee on International Terrorism,⁷¹⁷ the General Assembly adopted the recommendations⁷¹⁸ contained therein relating to practical measures of cooperation for the speedy elimination of the problem of international terrorism. It also took note of the study of the underlying causes of international terrorism contained in the report. The Assembly further unequivocally condemned all acts of international terrorism which endangered or took human lives or jeopardized fundamental freedoms.

295. In its resolution 39/159, entitled "Inadmissibility of the policy of State terrorism and any actions by States aimed at undermining the socio-political system in other sovereign States", the General Assembly resolutely condemned policies and practices of terrorism in relations between States as a method of dealing with other States and peoples. It urged all States to respect and strictly observe the sovereignty and political independence of States and the right of peoples to self-determination, as well as their right freely, without outside interference and intervention, to choose their socio-political system and to pursue their political, economic, social and cultural development.

The right to life and the nuclear arms race

296. During the period under review, the General Assembly declared repeatedly that the use of nuclear weapons would be a violation of the Charter of the United Nations and a crime against humanity and that the use or threat of use of nuclear weapons should therefore be prohibited, pending nuclear disarmament.⁷¹⁹

297. By its resolution 36/100, the General Assembly solemnly proclaimed, on behalf of the States Members of the United Nations, inter alia, that States and statesmen that resorted first to the use of nuclear weapons would be committing the gravest crime against humanity and that there would never be any justification or pardon for statesmen who took the decision to be the first to use nuclear weapons.

298. The Commission on Human Rights, in its resolution 1982/7, expressed its firm conviction that all peoples and all individuals had an inherent right to life, and that the safeguarding of that foremost right was an essential condition for the enjoyment of the entire range of economic, social and cultural, as well as civil and political rights. It stressed the urgent need for all possible efforts by the international community to strengthen peace, remove the threat of war, particularly nuclear war, halt the arms race and achieve general and complete disarmament under effective international control. It requested the Subcommission on

⁷¹⁷A/34/37.

⁷¹⁸Ibid., para. 118.

⁷¹⁹See G A resolutions 35/152 D, 36/92 I, 37/100 C and 38/73 G.

Prevention of Discrimination and Protection of Minorities to carry out a study on the negative consequences of the arms race, particularly the nuclear arms race in all its aspects, for the implementation of economic, social, cultural as well as civil and political rights, the establishment of the new international economic order and, above all, of the inherent right to life. In its resolution 37/189 A, the General Assembly noted the above resolution of the Commission on Human Rights and expressed its firm conviction that all peoples and individuals had an inherent right to life. By its resolution 38/75, the General Assembly resolutely, unconditionally and for all time condemned nuclear war as being contrary to human conscience and reason, as the most monstrous crime against peoples and as a violation of the foremost human right — the right to life.

Slavery, the slave trade and slavery-like practices and manifestations

299. The Economic and Social Council, in its decision 1980/123, decided to authorize the Subcommittee on Prevention of Discrimination and Protection of Minorities to entrust a Special Rapporteur with the responsibility of further extending and bringing up to date the *Report on Slavery*.⁷²⁰

300. Regarding the slavery-like practices of apartheid and colonialism, the Subcommittee, in part II of its resolution 8 (XXXIII), noted that one of the conclusions in the report of the Secretary-General on apartheid as a collective form of slavery⁷²¹ was that the apartheid system as a slavery-like practice rested on the enforced exploitation and repression of black workers. It noted further that apartheid could not be reformed but had to be totally eradicated. The Subcommittee also strongly rejected the labour practices of the Government of South Africa.

301. With respect to the sale of children, the Subcommittee, in section IV of its resolution 8 (XXXIII), rejected the adoption of practices based on financial considerations in disregard of the welfare of the children involved and called for an immediate end to all such practices, in particular as they affected refugee children. The Economic and Social Council, by its resolution 1983/30, requested the Centre for Human Rights to prepare, in liaison with the United Nations agencies and organs concerned and with the competent non-governmental organizations, inter alia, two complementary studies: one on the sale of children and the other on the legal and social problems of sexual minorities, including male prostitution, and to submit the studies to the Subcommittee.

302. The Economic and Social Council, by its decision 1980/125, authorized the Subcommittee to entrust a Special Rapporteur with the preparation of a report on the exploitation of child labour.⁷²² In its resolution 18 (XXXIV),

⁷²⁰For the final report, entitled "Updating of the *Report on Slavery* submitted to the Subcommittee in 1966", see E/CN.4/Sub.2/1982/20 and Add.1.

⁷²¹E/CN.2/Sub.2/449. By its decision 1983/143, the Economic and Social Council decided that the report should be printed and given the widest possible distribution, including distribution in Arabic.

⁷²²For the report, see E/CN.4/Sub.2/479. The Economic and

the Subcommittee decided to consider the drawing up of a concrete programme of action to combat violations of human rights of children through the exploitation of child labour, and invited the Special Rapporteur to present to the Subcommittee any recommendations or observations which he might wish to furnish.⁷²³

303. As regards the question of traffic in women and exploitation of prostitution of women, the Convention on the Elimination of All Forms of Discrimination against Women, in its article 6, provides that States parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.⁷²⁴

304. The Economic and Social Council, in its resolution 1982/20, requested the Secretary-General to appoint a special rapporteur to make a synthesis of the surveys and studies on the traffic in persons and the exploitation of the prostitution of others that had been or were being carried out within the agencies in the United Nations system or outside the system, and to present that synthesis and propose appropriate measures to prevent and suppress those practices that were contrary to the fundamental rights of human beings. In its resolution 1983/30, the Council took note of the report of the Special Rapporteur⁷²⁵ and requested the Secretary-General to take the necessary steps to have the report reproduced as a United Nations publication so that it might be widely disseminated. The Council further recommended that Member States should take account of the report of the Special Rapporteur and draw up policies aimed at

(a) Preventing prostitution by moral education and civics training, in and out of school;

(b) Increasing the number of women among the State's personnel having direct contact with the populations concerned;

(c) Eliminating discrimination that ostracizes prostitutes and makes their reabsorption into society more difficult;

(d) Curbing the pornography industry and the trade in pornography and penalizing them very severely when minors are involved;

(e) Punishing all forms of procuring in such a way as to deter it, particularly when it exploits minors;

(f) Facilitating occupational training for and the reabsorption into society of persons rescued from prostitution".

Moreover, the Council invited Member States to cooperate closely with one another in the search for missing persons and in the identification of international networks of procurers and, if they were members of the International

Social Council, by its decision 1982/130, endorsed the recommendation contained in CHR resolution 1982/21, that the report should be printed and given the widest possible distribution, including distribution in Arabic.

⁷²³For the note prepared by the Special Rapporteur relating to a concrete programme of action, see E/CN.4/Sub.2/1982/29.

⁷²⁴See also paras. 251-258 above.

⁷²⁵E/1983/7 and Corr.1 and 2.

Criminal Police Organization, to cooperate with that organization, requesting it to make the suppression of the traffic in persons one of its priorities.

305. The General Assembly, in its resolution 38/107, urged Member States to take all appropriate humane measures, including legislation, to combat prostitution, exploitation of the prostitution of others and all forms of traffic in persons. It appealed to Member States to provide special protection to victims of prostitution through measures including education, social guarantees and employment opportunities for those victims with a view to their rehabilitation.

Harmful traditional practices affecting women and girls

306. By its resolution 1982/15, the Subcommission on Prevention of Discrimination and Protection of Minorities requested two of its members to carry out and present a study on all aspects of the problem of female sexual mutilation, including the current extent and causes of the problem and how it might best be remedied.

307. The Economic and Social Council, in its resolution 1984/34, requested the Secretary-General to entrust a working group composed of experts designated by the Subcommission on Prevention of Discrimination and Protection of Minorities, the United Nations Children's Fund, the United Nations Educational, Scientific and Cultural Organization and the World Health Organization with the task of conducting a comprehensive study on the phenomenon of traditional practices affecting the health of women and children.

Torture and other cruel, inhuman or degrading treatment or punishment

308. As regards the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Economic and Social Council annually authorized an open-ended working group of the Commission on Human Rights to meet for a period of one week prior to the next session of the Commission to complete the work on the draft Convention.⁷²⁶ By its resolution 39/46 of 10 December 1984, the General Assembly adopted and opened for signature and accession the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.⁷²⁷

309. Article 5 of the Code of Conduct for Law Enforcement Officials, adopted by the General Assembly in its resolution 34/159, and the commentary thereto also concerns torture. It provides that "no law enforcement official may inflict, instigate or tolerate any act of torture or other cruel, inhuman or degrading treatment or punishment, nor may any law enforcement official invoke superior orders or exceptional circumstances such as a state of war or a threat of war, a threat to national security, internal political instability or any other public emergency as a justification of

⁷²⁶E S C resolutions 1979/35, 1980/32, 1981/37, 1982/38 and 1983/38.

⁷²⁷See also paras. 273-283 above.

torture or other cruel, inhuman or degrading treatment or punishment".⁷²⁸

310. Concerning the United Nations Voluntary Fund for Victims of Torture, the General Assembly, in its resolution 35/190, recalled its resolution 33/174, by which it had established a United Nations Trust Fund for Chile as a voluntary fund to receive contributions and distribute humanitarian, legal and financial aid to persons whose human rights had been violated in Chile. Noting with concern that gross and flagrant violations of human rights took place in various countries and considering the plight of victims of gross and flagrant human rights violations wherever they took place, the Assembly requested the Commission on Human Rights to study the possibility of extending the mandate of the United Nations Trust Fund for Chile to receive voluntary contributions and further to study criteria for their distribution, through established channels of assistance, as humanitarian, legal and financial aid to persons, not covered by the mandate of other existing United Nations trust funds, whose human rights had been grossly and flagrantly violated, to those who had been forced to leave their countries as a result of gross and flagrant violations of their human rights and to relatives of persons in the above-mentioned categories. The Assembly also requested the Economic and Social Council to submit recommendations concerning the extension of the mandate of the existing United Nations Trust Fund for Chile to become a United Nations Trust Fund for Victims of Gross and Flagrant Violations of Human Rights.

311. By its resolution 36/151, the General Assembly decided, inter alia:

"(a) To extend the mandate of the United Nations Trust Fund for Chile, established by General Assembly resolution 33/174, in order to make it capable of receiving voluntary contributions for distribution, through established channels of assistance, as humanitarian, legal and financial aid to individuals whose human rights have been severely violated as a result of torture and to relatives of such victims, priority being given to aid to victims of violations by States in which the human rights situation has been the subject of resolutions or decisions adopted by either the Assembly, the Economic and Social Council or the Commission on Human Rights;

(b) To redesignate the United Nations Trust Fund for Chile as United Nations Voluntary Fund for Victims of Torture; ..."

The Assembly further entrusted the Secretary-General, with the advice of a Board of Trustees, with the administration of the Fund.

312. With regard to the Draft Code of Medical Ethics, the General Assembly, by its resolution 34/168, requested the Secretary-General to circulate the draft Code⁷²⁹ prepared by the World Health Organization to Member States, the specialized agencies concerned and interested intergovernmental organizations in consultative status with the Economic and Social Council for comments and

⁷²⁸See also paras. 247-250 above.

⁷²⁹A/34/273, annex.

suggestions. In its resolution 36/61, the General Assembly requested the Secretary-General to circulate among Member States for their further comments the revised draft Principles of Medical Ethics annexed to that resolution. By its resolution 37/194, the Assembly adopted the Principles of Medical Ethics.⁷³⁰

313. In its resolution 38/118, the General Assembly urged all Governments to take measures with a view to promoting the application by all health personnel and government officials, in particular those employed in institutions of detention or imprisonment, of the Principles of Medical Ethics relevant to the role of health personnel, particularly physicians, in the protection of prisoners and detainees against torture and other cruel, inhuman or degrading treatment or punishment. Principle 2 in particular establishes that it is a gross contravention of medical ethics for health personnel to engage, actively or passively, in acts which constitute participation in, complicity in, incitement to or attempts to commit torture or other cruel, inhuman or degrading treatment or punishment. The General Assembly requested the Secretary-General to disseminate the Principles of Medical Ethics widely and in as many languages as possible and to issue a pamphlet containing the text of the Principles in the six official languages of the United Nations. The Assembly also called upon all Governments to give the Principles of Medical Ethics the widest possible distribution and invited all relevant intergovernmental organizations, in particular the World Health Organization, and non-governmental organizations concerned to bring the Principles of Medical Ethics to the attention of the widest possible group of individuals, especially those active in the medical and paramedical field.

314. With regard to the draft Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, the Economic and Social Council, by its resolution 1979/34, requested the Secretary-General to transmit to all Governments the draft, contained in the report of the Subcommittee on Prevention of Discrimination and Protection of Minorities on its thirty-first session,⁷³¹ to solicit their comments and to report to the General Assembly, so that the Assembly might consider the adoption of the draft Principles. The General Assembly, during the period under review, decided annually to establish at its next session an open-ended working group with the intention of concluding the consideration of the draft Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment.⁷³²

315. Having regard to the question of *amparo*, habeas corpus or other legal remedies to the same effect, the General Assembly, in its resolution 34/178, noted that the year 1979 marked the three hundredth anniversary of the act which in 1679 had given statutory force to the remedy of habeas corpus. It expressed its conviction that the application within the legal system of States of *amparo*, habeas corpus or other legal remedies to the same effect was of fundamental importance for "(a) protecting persons against

arbitrary arrest and unlawful detention; (b) effecting the release of persons who were detained by reason of their political opinions or convictions, including in pursuance of trade union activities; (c) clarifying the whereabouts and fate of missing and disappeared persons". The General Assembly also considered that the use of those remedies might also forestall opportunities for persons exercising power over detainees to engage in torture or other cruel, inhuman or degrading treatment or punishment. It called upon all Governments to guarantee to persons within their jurisdiction the full enjoyment of the right of *amparo*, habeas corpus or other legal remedies to the same effect, as might be applicable in their legal system.

316. With regard to the Standard Minimum Rules for the Treatment of Prisoners, the Economic and Social Council, in its resolution 1984/47, approved procedures for the effective implementation of the Standard Minimum Rules for the Treatment of Prisoners, annexed to that resolution. It invited Member States to take the procedures into consideration in the process of implementing the Rules and in their periodic reports to the United Nations. The different procedures provided in particular that the Standard Minimum Rules should be embodied in national legislation and other regulations. The Rules should further be made available to all persons concerned, particularly to law enforcement officials and correctional personnel. As embodied in national legislation and other regulations, they should be made available to all prisoners and all persons under detention. States were invited to inform the Secretary-General every five years of the extent of the implementation and the progress made with regard to the application of the Rules. The United Nations Committee on Crime Prevention and Control was further required to keep under review the Standard Minimum Rules, with a view to the elaboration of new rules, standards and procedures applicable to the treatment of persons deprived of liberty and to follow up the implementing procedures, including the periodic reporting referred to above.⁷³³

317. Dealing with the conditions in which women were detained, the Economic and Social Council, in its resolution 1980/41, considered that in many countries, prosecuted, indicted or imprisoned women were often subjected to intolerable treatment and specific forms of torture, especially when they were harassed in violation of fundamental rights, because of their national or racial origin, or solely on the basis of their political opinions. The Council solemnly appealed to Governments and to international bodies concerned with the defence of human rights to pay particular attention to the conditions in which women were detained, especially concerning respect for their dignity and corporal integrity. In its resolution 1984/19, the Council noted with grave concern that the Commission on the Status of Women had drawn the attention to a pattern of physical violence against women while detained — cases of rape and other sexual abuse, including violence against pregnant women. The Council called upon the Member States concerned to take appropriate measures urgently to eradicate such violations and invited all Member States to submit to the

⁷³⁰ See also paras. 264-268 above.

⁷³¹ E/CN.4/1296, para. 109.

⁷³² G A resolution 35/177 and decisions 36/426, 37/427, 38/426 and 39/418.

⁷³³ Endorsed by the General Assembly in its resolution 39/118.

Secretary-General their views on physical violence against detained women that was specific to their sex.

318. With regard to the protection of persons detained on the grounds of mental ill-health, the Subcommission on Prevention of Discrimination and Protection of Minorities, by its resolution 6 (XXXII), requested the Secretary-General to prepare a report⁷³⁴ with a view to the formulation of guidelines regarding medical measures that might properly be employed in the treatment of persons detained on the grounds of mental ill-health and procedures for determining whether adequate grounds existed for detaining such persons and applying such medical measures. At its subsequent session, in its resolution 11 (XXXIII), the Subcommission entrusted a Special Rapporteur with the task of elaborating guidelines relating to procedures for determining whether adequate grounds existed for detaining persons on the grounds of mental ill-health, and principles for the protection, in general, of persons suffering from mental disorder. It also decided to establish, at its next session, a sessional working group to consider such a draft body of guidelines and principles.⁷³⁵

319. The Economic and Social Council, in its resolution 1984/33, expressed its appreciation to the Special Rapporteur of the Subcommission on Prevention of Discrimination and Protection of Minorities for the work in preparing the report on principles, guidelines and guarantees for the protection of persons detained on grounds of mental ill-health or suffering from mental disorder,⁷³⁶ and requested the Subcommission to establish a sessional working group for a further examination, as a matter of high priority, of the draft body of principles, guidelines and guarantees annexed to the report of the Special Rapporteur⁷³⁷ and to submit the draft body of principles, guidelines and guarantees to the Commission on Human Rights.

c. Rights relating to recognition before the law and protection of the law

Discrimination against women

320. By its resolution 34/180 of 18 December 1979, the General Assembly adopted the Convention on the Elimination of All Forms of Discrimination against Women.⁷³⁸ In its resolution 36/131, the Assembly welcomed the entry into force of the Convention on 3 September 1981.

321. In its resolution 38/109, the General Assembly took note of the report of the Committee on the Elimination of Discrimination against Women on its first session,⁷³⁹ welcomed the fact that the Committee had successfully started its work and, inter alia, had adopted general

⁷³⁴For the report, see E/CN.4/Sub.2/446.

⁷³⁵See also Subcommission on Prevention of Discrimination and Protection of Minorities resolution 20 (XXXIV) of 10 September 1981.

⁷³⁶E/CN.4/Sub.2/1983/17 and Add.1. In its decision 1984/142, the Economic and Social Council decided that the report should be published and given the widest possible distribution in all the official languages of the United Nations.

⁷³⁷E/CN.4/Sub.2/1983/17, annex II.

⁷³⁸See also paras. 251-258 above.

⁷³⁹A/38/45.

guidelines regarding the form and contents of reports received from States parties under article 18 of the Convention.

322. By its resolution 35/136, the General Assembly took note with satisfaction of the *Report of the World Conference of the United Nations Decade for Women: Equality, Development and Peace*,⁷⁴⁰ held at Copenhagen from 14 to 30 July 1980, endorsed the Programme of Action for the Second Half of the United Nations Decade for Women,⁷⁴¹ as adopted at the Conference, and decided to convene in 1985, at the conclusion of the Decade, a World Conference to Review and Appraise the Achievements of the United Nations Decade for Women. It further affirmed that the implementation of the Programme of Action should result in the complete integration of women into the development process and the elimination of all forms of inequality between men and women and would guarantee broad participation by women in efforts to strengthen peace and security throughout the world. The Assembly urged Governments to take appropriate measures to implement the Programme of Action and other relevant resolutions and decisions at the national, regional and international levels. It also urged all the organizations of the United Nations system to take the necessary measures to ensure a concerted and sustained effort for the implementation of the Programme of Action and of other relevant resolutions and decisions of the Conference in the course of the second half of the Decade, with a view to achieving a substantial improvement in the status of women and to ensuring that all their programmes took into account the need for the complete integration of women.

323. As concerns the establishment of the United Nations Development Fund for Women, the General Assembly, by its resolution 34/156, expressed its desire to see the activities developed by the Voluntary Fund for the United Nations Decade for Women continued beyond the United Nations Decade for Women and, in that regard, requested the Secretary-General to study the question in consultation with the Consultative Committee and the Administrator of the United Nations Development Programme, as well as with other relevant United Nations agencies. It further decided that the Fund should continue to be situated at Headquarters. In its resolution 36/129, the General Assembly noted with appreciation the report of the Secretary-General on the future of the Fund⁷⁴² and decided that the Voluntary Fund for the United Nations Decade for Women should continue its activities beyond the United Nations Decade for Women.

324. At its thirty-ninth session, the General Assembly adopted resolution 39/125, in which it decided that the activities of the Voluntary Fund for the United Nations Decade for Women should be continued through the establishment of a separate and identifiable entity in autonomous association with the United Nations Development Programme, which would play an innovative and catalytic role in relation to the United Nations overall system of development cooperation. The Assembly endorsed

⁷⁴⁰United Nations publication, Sales No. E.80.IV.3 and corrigendum.

⁷⁴¹Ibid., chap. I.

⁷⁴²A/36/647 and Corr.1.

the modalities for the arrangements between the Fund and UNDP for the future management of the Fund, as contained in the annex to that resolution, and decided that those arrangements should enter into force at the latest on 1 January 1986. It also requested the Consultative Committee, at its seventeenth session, to propose an appropriate future title for the Fund; in the annex to the resolution, however, the name United Nations Development Fund for Women (UNIFEM) was used.

325. A number of resolutions adopted by the General Assembly and the Economic and Social Council concerned the effective mobilization and integration of women in development and the improvement of the situation of women in rural areas. In its resolution 34/204, the General Assembly affirmed that women and men should participate and contribute on a basis of equality in the social, economic and political processes of development, including decision-making, and should share in improved conditions of life. Among other things, the Assembly welcomed the inclusion in the Programme of Action adopted by the World Conference on Agrarian Reform and Rural Development⁷⁴³ of special provisions relating to the integration of women in rural development.

326. In its resolution 35/78, the General Assembly welcomed the inclusion in the International Development Strategy for the Third United Nations Development Decade of special provisions relating to the integration of women in overall development, in particular the need for all countries to pursue the objective of securing women's equal participation both as agents and as beneficiaries in all sectors and at all levels of the development process.⁷⁴⁴ The Assembly requested the Secretary-General to prepare a comprehensive and detailed outline for an interdisciplinary and multisectoral world survey on the role of women in overall development.⁷⁴⁵

327. The General Assembly, in its resolution 37/59, bearing in mind that a majority of women, particularly in developing countries, lived and worked in rural areas and suffered most from the exploitation of agricultural labour, in particular by transnational corporations, expressed its conviction that the effective implementation of fundamental human rights was essential for the improvement of the situation of rural women. It called upon Member States to take additional appropriate measures for further improving the economic and social conditions of women in rural areas, and requested the Economic and Social Council, the Commission on the Status of Women, the regional commissions and other bodies of the United Nations system, in particular the Food and Agriculture Organization of the

⁷⁴³See *Report of the World Conference on Agrarian Reform and Rural Development, Rome, 12-20 July 1979* (WCARRD/REP); transmitted to the members of the General Assembly by a note of the Secretary-General (A/34/485).

⁷⁴⁴G A resolution 35/56, annex, para. 51.

⁷⁴⁵For the report of the Secretary-General containing a comprehensive outline of a world survey on the role of women in development, see A/36/590. By its resolution 37/60, the General Assembly recommended that the world survey on the role of women in development should be submitted to the World Conference to Review and Appraise the Achievements of the United Nations Decade for Women.

United Nations, to devote greater attention to the problem of elevating the status of rural women.

328. As regards the question of equality of women with men in education, the General Assembly, by its resolution 34/159, recognized the urgent need to improve the status and role of women in education and in the economic and social fields for the achievement of the equality of women with men, and took note of the analytical report of the Secretary-General on the status and role of women in education and in the economic and social fields.⁷⁴⁶ It urged States to take necessary measures to promote the full equality of women with men in education and in the economic and social fields, and recommended that States should envisage in their policies all appropriate measures to create necessary conditions which would enable women to participate in work on an equal footing with men. The General Assembly recommended further that States should take measures to expand the exchange of experience in matters concerning the improvement of the status and role of women in education and in the economic and social fields for the achievement of the equality of women with men. Finally, it invited the World Conference of the United Nations Decade for Women: Equality, Development and Peace to give due attention to the question. By its resolution 35/191, the General Assembly welcomed the recommendations adopted by the World Conference of the United Nations Decade for Women on the importance of the non-discriminatory implementation of the right to education for the improvement of the status of women in general and of young women in particular.⁷⁴⁷

Racism and racial discrimination

329. With regard to the International Convention on the Elimination of All Forms of Racial Discrimination, the General Assembly, by its resolution 35/40, noted with appreciation the adoption by the Committee on the Elimination of Racial Discrimination of the revised guidelines concerning the form and contents of reports by States parties under article 9, paragraph 1, of the Convention,⁷⁴⁸ and invited States parties to supply the Committee, in accordance with the guidelines, with information on the implementation of the provisions of the Convention, including information on the demographic composition of their population and of their relations with the racist regime of South Africa. Finally, the Assembly requested the Secretary-General to make appropriate arrangements for the Committee to hold, as part of activities within the Programme for the Decade for Action to Combat Racism and Racial Discrimination, one session in one of the developing countries, preferably in Africa, before the end of the Decade and to report thereon.

330. In its resolution 37/44, the General Assembly noted with concern that many periodic reports due under article 9 of the International Convention on the Elimination of All Forms of Racial Discrimination were outstanding and that in

⁷⁴⁶A/34/577 and Add.1.

⁷⁴⁷See *Report of the World Conference of the United Nations Decade for Women: Equality, Development and Peace, Copenhagen, 14-30 July 1980* (United Nations publication, Sales No. E.80.IV.3 and corrigendum), chap. I.

⁷⁴⁸A/35/18, annex IV.

some cases initial reports were several years overdue. It appealed to all States parties to fulfil their reporting obligations and to submit their reports within the appropriate time. It further requested the Secretary-General to invite the views and observations of States parties to the Convention on the causes of the situation described in general recommendation VI⁷⁴⁹ of the Committee on the Elimination of Racial Discrimination and to submit an analysis of the replies received in a report to the General Assembly together with such suggestions as he might wish to make with a view to improving the situation. The Assembly also requested the Secretary-General to consider the situation described in general recommendation VI of the Committee in the overall framework of reporting obligations of Member States under the various human rights instruments in order to be able to take into account similar and related problems which might have arisen in compliance with such obligations.⁷⁵⁰

331. At the following session, in its resolution 38/18, the General Assembly further expressed its satisfaction at the entry into force, on 3 December 1982, of the competence of the Committee on the Elimination of Racial Discrimination to accept and to examine communications from persons or groups of persons under article 14 of the International Convention on the Elimination of All Forms of Racial Discrimination.

332. Within the framework of the decades for action to combat racism and racial discrimination, the General Assembly, by its resolution 34/24, expressed its satisfaction at the results of the World Conference to Combat Racism and Racial Discrimination, held at Geneva from 14 to 25 August 1978. It also expressed its conviction that the Conference had made a valuable and constructive contribution to the achievement of the objectives of the Decade by its adoption of the Declaration and the Programme of Action.⁷⁵¹ It proclaimed that the elimination of all forms of racism and discrimination based on race and the attainment of the objectives of the Programme for the Decade for Action to Combat Racism and Racial Discrimination and of the aforementioned Programme of Action were matters of high priority for the international community and, accordingly, for the United Nations, and adopted the four-year programme of activities designed to accelerate progress in the implementation of the Programme for the Decade, as set forth in the annex to the resolution. The programme of activities included provision for the holding of a second World Conference to Combat Racism and Racial Discrimination, preferably at the end of the Decade, in order to review and appraise the activities

⁷⁴⁹A/37/18, chap. IX, decision 1 (XXV) of 15 March 1982 of the Committee on the Elimination of Racial Discrimination.

⁷⁵⁰For the report of the Secretary-General on the reporting obligations of States parties under the International Convention on the Elimination of All Forms of Racial Discrimination and other relevant human rights instruments, see A/38/393. The General Assembly noted in its resolution 38/20 that the Secretary-General had emphasized in his report the interrelationship of the problems affecting the reporting system under various human rights instruments.

⁷⁵¹*Report of the World Conference to Combat Racism and Racial Discrimination, Geneva, 14-25 August 1978* (United Nations publication, Sales No. E.79.XIV.2), chap. II.

undertaken during the Decade and to chart new measures where necessary. It envisaged the Economic and Social Council as a preparatory committee for that Conference.

333. The Commission on Human Rights, by its resolution 14 B (XXXVI), decided to organize a seminar in 1981, in accordance with paragraph 18 of the programme of activities to be undertaken during the second half of the Decade for Action to Combat Racism and Racial Discrimination, with a view to studying the formulation of effective measures to prevent transnational corporations and other established interests from collaborating with the racist regimes of southern Africa.⁷⁵²

334. The General Assembly, in its resolution 35/33, decided to hold in 1983 a Second World Conference to Combat Racism and Racial Discrimination, which, while reviewing and assessing the activities undertaken during the Decade, should have as its main purpose the formulation of ways and means and of specific measures aimed at ensuring the full and universal implementation of United Nations resolutions and decisions on racism, racial discrimination and apartheid.

335. The Commission on Human Rights, in its resolution 7 (XXXVII), expressed its satisfaction at the reports of the seminars and round table held in 1979 and 1980 within the context of the Decade for Action to Combat Racism and Racial Discrimination.⁷⁵³ It urged all States to create social and other conditions which would exclude the emergence of all forms of racial discrimination, or combat them where they already existed, and invited them to establish adequate, efficient and easily accessible recourse procedures with a view to guaranteeing to victims of acts of racial discrimination the application of legal provisions relating to the substance of the law in penal, civil or administrative matters alike. It also called upon all States to ensure that complaints of racial discrimination were dealt with expeditiously and that victims of racial discrimination received full and immediate compensation, commensurate with the injury sustained.

336. The General Assembly, by its resolution 38/14, took note of the results of the Conference contained in the *Report of the Second World Conference to Combat Racism and Racial Discrimination*.⁷⁵⁴ It noted with concern that, despite the efforts of the international community, the Decade for Action to Combat Racism and Racial Discrimination had not attained its principal objectives and that millions of human beings continued to that day to be the victims of varied forms of racism and racial discrimination. In order to attain those objectives, the Assembly thus proclaimed the 10-year

⁷⁵²The seminar was held in Geneva from 29 June-3 July 1981. For the report, see ST/HR/SER.A/9.

⁷⁵³Seminar on recourse procedures available to victims of racial discrimination, and activities to be undertaken at the regional level (ST/HR/SER.A/3); round table of university professors and directors of race relations institutions on the teaching of problems of racial discrimination (ST/HR/SER.A/5); and seminar on political, economic, cultural and other factors underlying situations leading to racism, including a survey of the increase or decline of racism and racial discrimination (ST/HR/SER.A/7).

⁷⁵⁴United Nations publication, Sales No. E.83.XIV.4 and corrigendum.

period beginning on 10 December 1983 the Second Decade to Combat Racism and Racial Discrimination. It approved the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination, annexed to the resolution, and called upon all States to cooperate in its implementation. The General Assembly requested the Economic and Social Council to take charge, with the help of the Secretary-General, of coordinating the implementation of the Programme of Action and of evaluating the activities undertaken during the Second Decade, and requested the Secretary-General to submit a plan of activities for the period 1985-1989 for implementing the Programme of Action and achieving the objectives of the Second Decade, taking into account the Programme for the Decade for Action to Combat Racism and Racial Discrimination.⁷⁵⁵ Moreover, the Assembly decided further that the Programme for the first Decade should continue to be applied and implemented until the plan of activities for the period 1985-1989 was adopted, and invited Governments, United Nations bodies, the specialized agencies and other intergovernmental organizations, as well as interested non-governmental organizations in consultative status with the Economic and Social Council, to participate in the observance of the Second Decade by intensifying and extending their efforts to ensure the rapid elimination of racism and racial discrimination.

337. The Economic and Social Council, in its resolution 1984/24, authorized the Subcommission on Prevention of Discrimination and Protection of Minorities to entrust a Special Rapporteur with carrying out a study on the achievements made and obstacles encountered during the Decade for Action to Combat Racism and Racial Discrimination. It requested him to place special emphasis on the progress made in that field, if any, between the first and second world conferences to combat racism and racial discrimination, taking into account also any resolutions the General Assembly might adopt on the report of the Second World Conference to Combat Racism and Racial Discrimination⁷⁵⁶ and the first stage of the implementation of the Programme of Action for the Second Decade.

338. The General Assembly, in its resolution 39/16, invited the Secretary-General to proceed immediately with the implementation of the activities outlined in his report on the plan of activities for the period 1984-1989.⁷⁵⁷ It further requested Governments to forward a report every two years on the action taken under the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination, on the basis of a questionnaire to be circulated by the Secretary-General.

339. The General Assembly also dealt with measures to be taken against Nazi, Fascist and neo-Fascist activities and all other forms of totalitarian ideologies and practices based on racial intolerance, hatred and terror. In its resolution 35/200, the Assembly, deeply concerned at the increase of such activities at the national and international levels, condemned all forms of totalitarian ideologies and practices based on

racial intolerance, hatred and terror, including Nazi, Fascist and neo-Fascist activities, and those based on systematic denial of human rights and fundamental freedoms. It urged all States to give due consideration to implementing the provisions laid down in General Assembly resolution 2839 (XXVI) of 28 December 1971 in accordance with the provisions of the Universal Declaration of Human Rights, and especially to taking the necessary measures against activities of groups and organizations practising nazism, fascism, neo-fascism or other ideologies based on racial intolerance, hatred and terror, in accordance with the national constitutional systems. It also requested all States to provide the Secretary-General with their comments on those problems and on measures that should be taken at the national and international levels to eradicate nazism, fascism, neo-fascism and related ideologies based on racial intolerance, hatred and terror. Finally, the Assembly requested the Commission on Human Rights to consider the subject and requested the Secretary-General to submit a report in the light of the discussion to take place in the Commission on Human Rights and on the basis of comments provided by States.⁷⁵⁸

340. The General Assembly, in its resolution 39/114, invited all States, on the occasion of the fortieth anniversary of the conclusion of the Second World War, to renew their efforts to counter the spread of ideologies and practices described in the foregoing paragraph and to initiate measures in accordance with the Charter of the United Nations to maintain international peace and security. It gave expression to the respect felt by the current generation for the victims of and the struggle of peoples against nazism and fascism in the Second World War and for establishing the United Nations in order to save mankind from the scourge of war and to reaffirm faith in fundamental human rights and in the dignity and worth of the human person. It declared that 8 and 9 May 1985 would be the days of the fortieth anniversary of the victory over nazism and fascism in the Second World War and of that struggle against them.

Apartheid

341. With regard to the International Convention on the Suppression and Punishment of the Crime of Apartheid, the Commission on Human Rights, in its resolution 12 (XXXVI), requested the Ad Hoc Working Group of Experts established by the Commission in its resolution 2 (XXIII), in cooperation with the Special Committee against Apartheid and in accordance with paragraph 20 of the annex to General Assembly resolution 34/24, to undertake a study on ways and means of ensuring the implementation of international instruments such as the International Convention on the Suppression and Punishment of the Crime of Apartheid, including the establishment of the international jurisdiction envisaged by the Convention.⁷⁵⁹

342. In its resolution 35/39, the General Assembly expressed its appreciation to the Ad Hoc Working Group of Experts of the Commission on Human Rights for the compilation of the list of individuals, organizations,

⁷⁵⁵G A resolution 3057 (XXVIII), annex.

⁷⁵⁶United Nations publication, Sales No. E.83.XIV.4 and corrigendum.

⁷⁵⁷A/39/167-E/1984/33 and Add.1 and 2.

⁷⁵⁸For the report of the Secretary-General, see A/36/209 and Add.1 and 2.

⁷⁵⁹For the study, see E/CN.4/1426.

institutions and representatives of States deemed responsible for crimes enumerated in article II of the International Convention on the Suppression and Punishment of the Crime of Apartheid⁷⁶⁰ and called upon all States parties to give the list the widest possible dissemination.

343. The Commission on Human Rights, in its resolution 5 (XXXVII), invited every State Member of the United Nations to make observations on the interim report, and on the draft statutes of the International Penal Tribunal as envisaged in the above-mentioned study prepared by the Ad Hoc Working Group of Experts, so as to enable the Ad Hoc Working Group to continue its study.⁷⁶¹

344. At its subsequent session, in its resolution 1982/12, the Commission on Human Rights requested the Group of Three Members of the Commission which had been set up under the International Convention on the Suppression and Punishment of the Crime of Apartheid to examine whether the actions of transnational corporations operating in South Africa came under the definition of the crime of apartheid, and whether or not some legal actions could be taken under the Convention. In its resolution 1984/7, the Commission drew the attention of all States to the opinion expressed by the Group of Three in its report⁷⁶² that article III of the International Convention on the Suppression and Punishment of the Crime of Apartheid could apply to the actions of transnational corporations operating in South Africa. It requested the Group of Three to continue its examination of the extent and the nature of the responsibility of transnational corporations for the continued existence of the system of apartheid in South Africa, including legal actions that might be taken under the Convention against transnational corporations whose operations in South Africa came under the crime of apartheid, and to report thereon.

345. As regards the International Convention against Apartheid in Sports, the General Assembly, during the period under review, annually requested the Ad Hoc Committee on the Drafting of an International Convention against Apartheid in Sports to continue its work with a view to completing a draft convention.⁷⁶³ Twice it requested the Secretary-General to send the text of a revised draft to all Member States for their comments and views.⁷⁶⁴

346. The Commission on Human Rights, in its resolution 12 (XXXV), requested the Ad Hoc Working Group of Experts, in cooperation with the Special Committee against Apartheid, to investigate the cases of torture and murder of detainees in South Africa contained in the report which had been drawn up by the Special Committee⁷⁶⁵ and communicated to the Commission, and to submit a special report on its investigation to the Commission on Human Rights.⁷⁶⁶

⁷⁶⁰E/CN.4/1366, annex III.

⁷⁶¹The Council repeated this invitation in its resolutions 1982/8, 1983/9 and 1984/5.

⁷⁶²E/CN.4/1984/48.

⁷⁶³General Assembly resolutions 34/93 N, 35/206 M, 36/172 I, 37/69 G, 38/39 K and 39/72 D.

⁷⁶⁴G A resolutions 35/206 M and 39/72 D.

⁷⁶⁵E/CN.4/1327/Add.2.

⁷⁶⁶For the report, see E/CN.4/1366.

347. The programme of activities to be undertaken during the second half of the Decade for Action to Combat Racism and Racial Discrimination, adopted by the General Assembly in its resolution 34/24 of 15 November 1979, included several provisions with regard to the policies of apartheid.

348. The General Assembly, in its resolution 37/69 B, meeting 30 years after it had begun consideration of the item entitled "Question of race conflict in South Africa resulting from the policies of apartheid of the Government of the Republic of South Africa", was still gravely concerned over the situation in South Africa, in particular the efforts of the racist regime of South Africa to perpetuate apartheid, its deportations of African people, its deprivation of the African people of their inalienable rights through the establishment of so-called "independent" Bantustans and its ruthless repression against all opponents of the criminal policy of apartheid. It recalled the long struggle of the African and other people of South Africa for the elimination of racial discrimination and the establishment of a society in which all the people of the country as a whole, irrespective of race, colour or creed, would enjoy human rights and fundamental freedoms on the basis of equality, and appealed to all States and organizations to cooperate fully in effective international action to eliminate apartheid in South Africa, to promote the establishment of a democratic society and to secure peace in the region. The Assembly also renewed its appeal to all States and organizations to deny any assistance, direct or indirect, to the racist regime of South Africa and to provide all necessary assistance to the oppressed people of South Africa and their national liberation movements.

349. The General Assembly, in its resolution 38/11, expressed its grave concern at the so-called "constitutional proposals" endorsed, on 2 November 1983, by the exclusively white electorate in South Africa. It further expressed its conviction that the aim of the so-called "constitutional proposals" was to deprive the indigenous African majority of all fundamental rights, including the right of citizenship, and to transform South Africa into a country for "whites only", in keeping with the declared policies of apartheid. It also expressed its awareness that the inclusion in the "constitutional proposals" of the so-called "coloured" people and people of Asian origin was aimed at dividing the unity of the oppressed people of South Africa and fomenting internal conflict. Moreover, it noted with grave concern that one of the objectives of the so-called "constitutional proposals" of the racist regime was to make the "coloured" people and people of Asian origin in South Africa eligible for conscription into the apartheid armed forces for further internal repression and aggression against independent African States. The General Assembly declared that the so-called "constitutional proposals" were contrary to the principles of the Charter of the United Nations, that the results of the referendum were of no validity whatsoever and that the enforcement of the proposed "constitution" would inevitably aggravate tension and conflict in South Africa and in southern Africa as a whole. It further requested the Security Council, as a matter of urgency, to consider the serious implications of the so-called "constitutional proposals" and to take all necessary measures, in accordance with the Charter, to avert the further aggravation of tension

and conflict in South Africa and in southern Africa as a whole.

350. One of the main features of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination approved by the General Assembly in its resolution 38/14 was actions to combat apartheid, reaffirming, *inter alia*, that the system of apartheid in South Africa was the most extreme form of institutionalized racism, a crime against humanity and an affront to the conscience and dignity of mankind, and that South Africa's policies and practices constituted serious breaches of and threats to regional stability and to international peace and security.

351. The General Assembly, by its resolution 38/39 B, commended the Programme of Action against Apartheid, adopted by the Special Committee against Apartheid on 25 October 1983,⁷⁶⁷ to the attention of all Governments, intergovernmental and non-governmental organizations and individuals and invited all Governments, organizations and individuals to take effective action in the light of the Programme of Action.

352. With regard to women and children under apartheid, the General Assembly, in its resolution 34/4 on the International Year of the Child, bearing in mind the conclusions and recommendations of the International Seminar on Children under Apartheid, held at UNESCO headquarters in Paris from 18 to 20 June 1979,⁷⁶⁸ requested Governments and organizations to develop special programmes of assistance to the children oppressed by the inhuman policy of apartheid.

353. By its resolution 35/206 N, the General Assembly endorsed the Declaration and Recommendations of the International Seminar on Women and Apartheid, held at Helsinki from 19 to 21 May 1980,⁷⁶⁹ and the relevant recommendations of the World Conference of the United Nations Decade for Women,⁷⁷⁰ and commended them to the attention of Governments and organizations. It urged all organizations of the United Nations system, Governments, international and regional intergovernmental organizations, women's organizations and anti-apartheid groups, non-governmental organizations and other groups to give the highest priority to the question of measures of assistance to women in South Africa and Namibia during the second half of the United Nations Decade for Women and to assist refugee women and children from South Africa and Namibia. It also requested the Commission on Human Rights to investigate crimes against women and children in South Africa. The Assembly furthermore encouraged women's organizations and other organizations concerned with women in South Africa, in consultation with the Organization of African Unity, to proclaim an International Day of Solidarity with the Struggle of Women of South Africa and Namibia.

⁷⁶⁷ A/38/539-S/16102, annex.

⁷⁶⁸ A/34/512, annex.

⁷⁶⁹ A/35/286, annex.

⁷⁷⁰ United Nations publication, Sales No. E.80.IV.3 and corrigendum.

354. The Economic and Social Council, in its resolution 1982/24, expressed its grave concern about the inhuman oppression of millions of women and children under apartheid, which manifested itself in the killing, detention and torture of school children protesting against discrimination, the enforced separation of women from their husbands and mass starvation in the reserves.

d. *Rights relating to remedies in connection with violation of rights and to civil procedures*

355. The Economic and Social Council, by its decision 1980/124 of 2 May 1980, authorized the Subcommission on Prevention of Discrimination and Protection of Minorities to entrust a Special Rapporteur with the preparation of a report on the independence and impartiality of judiciary jurors and assessors and the independence of lawyers,⁷⁷¹ to the end that there should be no discrimination in the administration of justice and that human rights and fundamental freedoms might be maintained and safeguarded.

e. *Rights relating to criminal offences*

356. The Economic and Social Council, in its resolution 1980/28 of 2 May 1980, authorized the Subcommission on Prevention of Discrimination and Protection of Minorities to entrust a Special Rapporteur with the preparation of a study on the discriminatory treatment of members of racial, ethnic, religious or linguistic groups at the various levels in the administration of criminal justice proceedings, such as police, military, administrative and judicial investigations, arrest, detention, trial and execution of sentences, including the ideologies or beliefs contributing or leading to racism. By its decision 1984/141, the Council decided that the report by the Special Rapporteur entitled "Study on discriminatory treatment of members of racial, ethnic, religious or linguistic groups at the various levels in the administration of criminal justice, such as police, military, administrative and judicial investigations, arrest, detention, trial and execution of sentences, including the ideologies or beliefs which contribute or lead to racism in the administration of criminal justice"⁷⁷² should be printed and given the widest possible distribution, including distribution in Arabic.

357. Dealing with the question of amnesty laws, the Subcommission on Prevention of Discrimination and Protection of Minorities, in its resolution 1983/34, expressed its awareness of the importance that the promulgation of amnesty laws could have for the safeguard and promotion of human rights and fundamental freedoms. It requested a Special Rapporteur to prepare a general study of a technical nature on amnesty laws and their role in the safeguard and promotion of human rights, including the minimum criteria generally accepted in the various legal systems.

358. As regards the question of genocide, the Economic and Social Council, in its resolution 1983/33, requested the Subcommission on Prevention of Discrimination and Protection of Minorities to appoint one of its members as Special Rapporteur with the mandate to revise, as a whole,

⁷⁷¹ For the preliminary report, see E/CN.4/Sub.2/L.731.

⁷⁷² E/CN.4/Sub.2/L.766 and E/CN.4/Sub.2/1982/7.

and update the study on the question of the prevention and punishment of the crime of genocide.⁷⁷³

359. The General Assembly, in its resolution 37/123 D, condemned in the strongest terms the large-scale massacre of Palestinian civilians in the Sabra and Shatila refugee camps and resolved that the massacre was an act of genocide.⁷⁷⁴

360. It may be noted that the General Assembly, by its resolution 36/106, invited the International Law Commission to resume its work with a view to elaborating the draft Code of Offences against the Peace and Security of Mankind, whose scope was, inter alia, to fight against impunity for crimes such as genocide, war crimes, crimes against humanity and egregious violations of human rights.⁷⁷⁵

f. *Rights relating to privacy and to honour and reputation*

361. Article 4 of the Code of Conduct for Law Enforcement Officials⁷⁷⁶ provides that "matters of a confidential nature in the possession of law enforcement officials shall be kept confidential, unless the performance of duty or the needs of justice strictly require otherwise". The commentary thereto reads:

"By the nature of their duties, law enforcement officials obtain information which may relate to private lives or be potentially harmful to the interests, and especially the reputation, of others. Great care should be exercised in safeguarding and using such information, which should be disclosed only in the performance of duty or to serve the needs of justice. Any disclosure of such information for other purposes is wholly improper."

362. The Subcommittee on Prevention of Discrimination and Protection of Minorities, in its resolution 12 (XXXIII), noted that one of the consequences of the use of computers was the increasingly frequent recourse to computerized personal files. It noted further that the concentration of personal particulars in such files entailed grave risks of interference with the privacy of individuals and the exercise of their freedoms. Convinced of the need for immediate appropriate action to develop guidelines, with a view to inviting States Members of the United Nations and international, intergovernmental or regional agencies using data processing to adopt rules of protection based on those guidelines, the Subcommittee requested its Chairman to designate one of its currently serving members to undertake a study of the relevant guidelines in that area. By its decision 1983/8, the Subcommittee approved the conclusions and recommendations of the final report on relevant guidelines in the field of computerized personnel files.⁷⁷⁷ In its resolution 1984/11 of 29 August 1984, it requested the Secretary-General to transmit to Member States and to all relevant international organizations the provisional draft guidelines annexed to the resolution with a request that they should submit their views thereon, and requested the Special

⁷⁷³E/CN.4/Sub.2/416. For the preliminary revised and updated report on the question, see E/CN.4/Sub.2/1984/40.

⁷⁷⁴See also CHR resolution 1983/3.

⁷⁷⁵See also *Supplement No. 1*, under Article 13 (1) (a).

⁷⁷⁶See also paras. 247-250 above.

⁷⁷⁷For the report, see E/CN.4/Sub.2/1983/18.

Rapporteur, taking account of the information received, to submit the proposed final guidelines in the field of computerized personnel files.

g. *Freedom of movement and residence*

363. Article 15, paragraph 4, of the Convention on the Elimination of All Forms of Discrimination against Women provides: "States Parties shall accord to men and women the same rights with regard to the law relating to the movement of persons and the freedom to choose their residence and domicile."⁷⁷⁸

364. By its resolution 1982/23,⁷⁷⁹ the Subcommittee on Prevention of Discrimination and Protection of Minorities requested one of its members to prepare an analysis of current trends and developments in respect of the right of everyone to leave any country, including his own, and to return to his country, and to have the possibility to enter other countries, without discrimination or hindrance, especially of the right to employment, taking into account the need to avoid the phenomenon of the brain drain from developing countries and the question of recompensing those countries for the loss incurred, and to study in particular the extent of restrictions permissible under article 12, paragraph 3, of the International Covenant on Civil and Political Rights. The Subcommittee further requested the Special Rapporteur to present for its consideration recommendations for promoting and encouraging respect for and observance of that right.

h. *Right of asylum and related rights*

365. The General Assembly, in its resolution 37/196, decided to continue the Office of the United Nations High Commissioner for Refugees for a further period of five years as from 1 January 1984. It requested the High Commissioner to continue to discharge his basic functions of protection, assistance and promotion of durable solutions in accordance with the statute of the Office and the relevant resolutions of the General Assembly and reiterated that the responsibilities of the Executive Committee of the Programme of the High Commissioner should continue to cover the determination of the general policies by means of periodic review of programmes, operations, management and activities under which the High Commissioner should plan, develop and administer the programmes and projects. Finally, the Assembly decided to review, not later than at its forty-second session, the arrangements for UNHCR with a view to determining whether it should be continued beyond 31 December 1988.

366. Concerning the question of refugee and displaced women and children, in its resolution 35/135, the General Assembly noted with great concern that women and children constituted the majority of refugees and displaced persons in most areas. It also recognized the particular vulnerability of refugee and displaced women to intimidation, exploitation and physical and sexual abuse and requested all States to cooperate with the United Nations High Commissioner for

⁷⁷⁸See also paras. 251-258 above.

⁷⁷⁹Endorsed by the Economic and Social Council in its resolution 1984/29.

Refugees in order to assure full protection of the well-being of women and children in particular, in accordance with their fundamental rights under international law and national legislation. The Assembly also urged the High Commissioner to draw upon the expertise of all United Nations bodies concerned and, in consultation with the countries concerned, to carry out detailed studies and research to determine the extent to which refugee and displaced women were especially vulnerable and to formulate and implement programmes and projects based upon the results of those studies.

367. Dealing with the question of human rights and massive exoduses, the Commission on Human Rights, by its resolution 30 (XXXVI), called upon all States, intergovernmental and humanitarian organizations and in particular the United Nations High Commissioner for Refugees to provide relief and assistance to refugees and displaced persons in various parts of the world and to share in the burden imposed upon the first host countries by large-scale exoduses. The Commission urged those States which were the source of the exodus or the place of refuge of persons and groups involved in large-scale exoduses to cooperate fully among themselves and with other States, intergovernmental and humanitarian organizations, on the basis of the principles of the Charter of the United Nations, in rendering protection and assistance to victims, in searching for enduring solutions for those situations and in helping to prevent and eliminate conditions which might precipitate such exoduses. The Commission also requested the Secretary-General, in cases where any such large-scale exoduses become a matter of international concern and solidarity, to consider establishing direct contacts with appropriate Governments, to assess the relationships between the situation and full enjoyment of human rights and to make concrete recommendations for ameliorating such situations. It further requested the Secretary-General, where warranted, to submit a summary of his findings and recommendations to assist Governments in restoring full enjoyment of human rights.⁷⁸⁰ At its subsequent session, in its resolution 29 (XXXVII),⁷⁸¹ the Commission took note of the report of the Secretary-General⁷⁸² on the question of human rights and massive exoduses and decided to appoint for a period of one year a special rapporteur to study the question of human rights and massive exoduses.

368. In its resolution 1982/32, the Commission on Human Rights commended the Special Rapporteur for the study on human rights and massive exoduses⁷⁸³ and requested the Special Rapporteur, in order to facilitate consideration by the General Assembly of his study, to explore further with interested Governments, the Secretary-General, United Nations agencies and specialized agencies, intergovernmental organizations and non-governmental organizations the study and the recommendations contained therein, to convey their observations together with his comments to the General Assembly in the course of

⁷⁸⁰ See also G A resolution 35/196.

⁷⁸¹ Approved by the Economic and Social Council in its decision 1981/145.

⁷⁸² E/CN.4/1440.

⁷⁸³ E/CN.4/1503.

introducing his study and to remain available for consultations with the Group of Governmental Experts as required.⁷⁸⁴

369. The Commission on Human Rights, in its resolution 1983/35, invited the Secretary-General in his report pursuant to General Assembly resolution 37/186 of 17 December 1982, by which the Assembly, *inter alia*, had requested the Secretary-General to pursue his examination of the recommendations contained in the above-mentioned study of the Special Rapporteur on human rights and massive exoduses, to propose effective international cooperative arrangements to address and alleviate those root causes of mass movements of population related to violations or suppression of human rights, taking into account existing organs, skills and resources in the United Nations system.⁷⁸⁵

370. The General Assembly also dealt with the question of international cooperation to avert new flows of refugees. By its resolution 35/124, the Assembly, convinced that the United Nations was called upon to consider, in addition to humanitarian and social relief, suitable means to avert new flows of refugees, strongly condemned all policies and practices of oppressive and racist regimes as well as aggression, alien domination and foreign occupation, which were primarily responsible for the massive flows of refugees throughout the world and which resulted in inhuman suffering. It invited all Member States to convey to the Secretary-General their comments and suggestions on international cooperation to avert new flows of refugees and to facilitate the return of those refugees who wished to return. Finally, the Assembly requested the Secretary-General to report the views, comments and suggestions expressed by Member States, together with those expressed on the item at its thirty-fifth session, including all additional contributions pertaining to the matter, which he might receive from other United Nations organs. Having examined that report,⁷⁸⁶ the General Assembly, by its resolution 36/148, established the 17-member Group of Governmental Experts on International Cooperation to Avert New Flows of Refugees and requested it, in the light of the existing relevant international instruments, norms and principles and with due regard to the right of refugees to return to their homes in their homelands and to the right of those who did not wish to return to receive adequate compensation, to undertake, in order to improve international cooperation to avert new massive flows of refugees, a comprehensive review of the problem in all its aspects, with a view to developing recommendations on appropriate means of international cooperation in that field, having due regard to the principle of non-intervention in the internal affairs of sovereign States. The Assembly further called upon the Group of Governmental Experts to take into account, *inter alia*, the study to be submitted to the Commission on Human Rights by the Special Rapporteur, pursuant to Commission

⁷⁸⁴ Approved by the Economic and Social Council in its decision 1982/136; for the comments on the study, see E/CN.4/1983/33 and Add.1.

⁷⁸⁵ For the report of the Secretary-General on human rights and mass exoduses, see A/38/538.

⁷⁸⁶ A/36/582 and Corr.1 and Add.1.

resolution 29 (XXXVII), as well as the deliberations on that study by the Commission.

371. During the period under review, two international conferences on assistance to refugees in Africa were held. In its resolution 35/42, the General Assembly expressed its grave concern at the growing number of refugees on the African continent. It requested the Secretary-General, in close cooperation with the Secretary-General of the Organization of African Unity and the United Nations High Commissioner for Refugees, to convene at Geneva on 9 and 10 April 1981, at the ministerial level, an International Conference on Assistance to Refugees in Africa and to assist the concerned African countries in identifying priorities and preparing the necessary documents and programmes for assistance to African refugees.⁷⁸⁷

372. In its resolution 37/197, the General Assembly requested the Secretary-General, in close cooperation with the Secretary-General of the Organization of African Unity and the United Nations High Commissioner for Refugees, to convene at Geneva in 1984 a second International Conference on Assistance to Refugees in Africa, with the following aims:

“(a) To review thoroughly the results of the Conference held in 1981 as well as the state of progress of the projects submitted to it;

(b) To consider the continuing need for assistance with a view to providing, as necessary, additional assistance to refugees and returnees in Africa for the implementation of programmes for their relief, rehabilitation and resettlement;

(c) To consider the impact imposed on the national economies of the African countries concerned and to provide them with the assistance required to strengthen their social and economic infrastructure so as to enable them to cope with the burden of dealing with large numbers of refugees and returnees”.

373. In its resolution 39/139, the General Assembly endorsed the Declaration and Programme of Action of the Second International Conference on Assistance to Refugees in Africa,⁷⁸⁸ which provided the international community with a collective strategy for achieving lasting solutions. The Assembly also urged the international community to maintain the momentum created by the Conference and to translate into reality the projects submitted as well as the principles in the Declaration and Programme of Action agreed upon by the Conference.

374. The General Assembly, in its resolution 36/136, noted with interest the proposal for the promotion of a new international humanitarian order,⁷⁸⁹ and requested the Secretary-General to seek the views of Governments on the proposal. In its resolution 38/125, the Assembly noted the establishment in July 1983, outside the framework of the United Nations, of the Independent Commission on International Humanitarian Issues, and requested the

Secretary-General to remain in contact with Governments, as well as with the Independent Commission on International Humanitarian Issues, in order to provide a comprehensive report on the subject to the General Assembly at its fortieth session.

i. *The right to a nationality*

375. Article 9 of the Convention on the Elimination of All Forms of Discrimination against Women provides:

“1. States Parties shall grant women equal rights with men to acquire, change or retain their nationality. They shall ensure in particular that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband.

“2. States Parties shall grant women equal rights with men with respect to the nationality of their children.”⁷⁹⁰

j. *Rights relating to marriage and the family*

376. Article 16 of the Convention on the Elimination of All Forms of Discrimination against Women provides:

“1. States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women:

(a) The same right to enter into marriage;

(b) The same right freely to choose a spouse and to enter into marriage only with their free and full consent;

(c) The same rights and responsibilities during marriage and at its dissolution;

(d) The same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children; in all cases the interests of the children shall be paramount;

(e) The same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights;

(f) The same rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children, or similar institutions where these concepts exist in national legislation; in all cases the interests of the children shall be paramount;

(g) The same personal rights as husband and wife, including the right to choose a family name, a profession and an occupation;

(h) The same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration.

⁷⁸⁷For the report of the Secretary-General on the Conference, see E/1982/76 and Corr.1 and A/37/522.

⁷⁸⁸A/39/402, annex.

⁷⁸⁹A/36/245.

⁷⁹⁰See also paras. 251-258 above.

"2. The betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory."⁷⁹¹

377. The Economic and Social Council, in its resolution 1980/5, took note of the report of the Special Rapporteur of the Commission on the Status of Women on the influence of the mass communication media on attitudes towards the roles of women and men in present-day society.⁷⁹² It emphasized the enormous potential of the mass communication media for the training and education of the general public, in particular the potential of television and its applicability in schools and adult education centres. It also regretted a tendency in mass communication media to present women in stereotyped roles and pointed to the need to correct that tendency. It thus called upon those responsible for the content and presentation of material by mass communication media to make additional efforts to present in a more comprehensive and balanced way the right of women to enjoy equal rights and equal opportunities with men, and encouraged all relevant organizations, institutions and other associations to exercise their influence on those responsible in order to achieve the aforementioned aims.

378. In its resolution 1982/22, the Economic and Social Council recognized the evils of such abuses as kidnapping, abduction, forced child labour, battered women and children, violence in the family, rape, prostitution, and the inevitable serious problems of mental and physical health. It further expressed its belief that the abuse of women and children was an intolerable offence to the dignity of the human being and a harsh indictment of any claim to be civilized. It called upon Member States to take immediate and energetic steps to combat those social evils and to inform the Secretary-General of the actions taken. Finally, the Council requested the Secretary-General to compile a study on the actions taken by Member States for submission as a report to the World Conference to Review and Appraise the Achievements of the United Nations Decade for Women to be held in 1985, if the Preparatory Committee for the Conference so decided. By its resolution 1984/14, the Economic and Social Council called upon the Secretary-General to invite Member States, organizations of the United Nations and non-governmental organizations to provide the United Nations Secretariat with information on family violence and descriptions of successful programmes on the subject, or to supplement information already provided. It urged Member States to take appropriate steps to effect a systematic exchange of information on the subject, to draw attention to the negative consequences of family violence for the men, women and children involved and for society as a whole, and to formulate solutions at the national level. Finally, it requested the Secretary-General to convene a seminar of experts on family violence, with emphasis on its effects on women.

379. By its resolution 1983/23, the Economic and Social Council invited Member States to expand their efforts at the national and community levels to consider, examine, identify

and evaluate the needs of families and the ways in which those needs might be more effectively met. It called upon Member States to promote economic and social progress through the formulation and implementation of measures addressed to the welfare of the family as a whole, in order to achieve goals and objectives within the framework of national priorities and interests and the development process. Moreover, it urged the Secretary-General to continue studies and field-oriented activities aimed at enhancing the role of the family in development.

380. The General Assembly, in its resolution 39/123, expressed its awareness that efforts to promote the status of women in all its aspects and their complete integration in society went beyond the problem of legal equality and that deeper structural transformations of society and changes in current economic relations, as well as elimination of traditional prejudices, were required. It appealed to all Governments, international organizations and non-governmental organizations to recognize in their activities the importance of all interrelated aspects of the role of women in society, as mothers, as participants in economic development and as participants in public life, without underestimating any one of them. It encouraged such social and economic development that would secure the participation of women in all spheres of work, equal pay for work of equal value and equal opportunities for education and professional and vocational training. It also appealed to Governments, international organizations and non-governmental organizations to promote the creation of conditions that would enable women to participate as equal partners with men in public and political life, in the decision-making process at all levels and in the management of different spheres of life in society. It further appealed to Governments to recognize the special status and social importance of motherhood and to take all necessary measures to promote the protection of motherhood, including maternity leave with pay, and to provide security for their jobs as long as necessary. Moreover, it appealed to Governments to promote the establishment of appropriate facilities for childcare and education of children as a means of combining motherhood with economic, political, social, cultural and other activities of women and thus to provide assistance to women in integrating fully into their societies.

k. *The right to own property*

381. Article 16 of the Convention on the Elimination of All Forms of Discrimination against Women provides, inter alia, the following: "1. States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women: ... (h) the same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration."⁷⁹³

⁷⁹³See also paras. 251-258 above.

⁷⁹¹Idem.

⁷⁹²E/CN.6/627.

1. *Freedom of thought, conscience and religion*

382. With regard to the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, the Commission on Human Rights, by its resolution 20 (XXXV), noted that the Working Group on the draft declaration had achieved far-reaching agreement on several substantive aspects of the first articles of the draft declaration and had decided to adopt, on the basis of those proposals on which there was far-reaching agreement, three draft articles, which were annexed to the resolution. The Commission requested the Secretary-General to invite the United Nations Educational, Scientific and Cultural Organization to organize a collective consultation, embracing various established schools of religious thought, on the cultural and religious basis of human rights in relation to the phenomenon of religious intolerance, and to submit the conclusions reached by the consultation to the Commission at its subsequent session. In its resolutions 20 (XXXV) and 35 (XXXVI), the Commission also decided to re-establish the open-ended Working Group on the draft declaration at its next session. By its resolution 35 (XXXVI), the Commission further took into account the report⁷⁹⁴ of the Secretary-General under Commission resolution 22 (XXXIV) and the suggestions and proposals⁷⁹⁵ of the Meeting of Experts on the Place of Human Rights in Cultural and Religious Traditions organized by UNESCO. By its resolution 20 (XXXVII), the Commission decided to adopt the draft Declaration. By its resolution 36/55, the General Assembly proclaimed the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief.⁷⁹⁶

383. The Commission on Human Rights, by its resolution 1983/40, requested the Subcommission on Prevention of Discrimination and Protection of Minorities to undertake a comprehensive and thorough study of the current dimensions of the problems of intolerance and of discrimination on grounds of religion or belief, using as terms of reference the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief. It further requested the Secretary-General to hold, within the framework of the advisory services programme in the period 1984-1985, a seminar on the encouragement of understanding, tolerance and respect in matters relating to freedom of religion or belief.⁷⁹⁷ The Economic and Social Council, by its resolution 1984/39, authorized the Subcommission to entrust a Special Rapporteur with the preparation of the study, in accordance with the terms of Subcommission resolution 1983/31.⁷⁹⁸

384. During the period under review, the General Assembly continued to invite all Governments and organizations to assist, in accordance with General Assembly resolution 33/165 of 20 December 1978, and in consultation with the national liberation movements of South

Africa and Namibia, persons compelled to leave South Africa because of their conscientious objection to serving in the military or police forces of the apartheid regime.⁷⁹⁹

385. The Subcommission on Prevention of Discrimination and Protection of Minorities, in its resolution 14 (XXXIV), requested two of its members to make an analysis of the various dimensions of conscientious objection to military service and its interrelationships with the promotion and protection of human rights, and to present a concise report together with their conclusions and recommendations. In its resolution 1982/30, the Subcommission expressed its belief that special attention should be given to appropriate avenues of recourse at the national, regional and international levels in order to advance the promotion and protection of the human rights of conscientious objectors.⁸⁰⁰ The Economic and Social Council, in its resolution 1984/27, decided that the report should be printed and given the widest possible distribution.

m. *Freedom of opinion and expression*

386. Dealing with the problem of persons detained for the exercise of the right to freedom of opinion and expression, the Subcommission on Prevention of Discrimination and Protection of Minorities, in its resolution 1983/32, expressed the hope that States would do all in their power to avoid threats to peace and security by promoting and protecting human rights and fundamental freedoms within their borders, including releasing all persons detained for their views who had not used or advocated violence. The Commission on Human Rights, in its resolution 1984/26, took note of the resolution of the Subcommission and expressed its concern at the extensive detention in many parts of the world of persons who exercised the right to freedom of opinion and expression. It appealed to all States to ensure respect and support for the rights of all persons who exercised the right to freedom of opinion and expression and, where anyone had been detained solely for exercising the right to freedom of expression as laid down in the International Covenant on Civil and Political Rights, to release them immediately. It further called upon States that had not yet done so to take steps to allow the full realization of the right to freedom of opinion and expression in their territory.

387. Dealing with the question of the new world information and communication order, the General Assembly, in its resolution 34/182, recalled article 19 of the Universal Declaration of Human Rights, articles 19 and 20 of the International Covenant on Civil and Political Rights and, inter alia, the Declaration on Fundamental Principles concerning the Contribution of the Mass Media to Strengthen Peace and International Understanding, to the Promotion of Human Rights and to Countering Racism, Apartheid and Incitement to War,⁸⁰¹ adopted on 28 November 1978 by the General Conference of UNESCO.

⁷⁹⁴E/CN.4/1305 and Add.1-3 and E/CN.4/1337.

⁷⁹⁵E/CN.4/1375.

⁷⁹⁶See also paras. 259-263 above.

⁷⁹⁷Endorsed by the Economic and Social Council in its decision 1983/150; for the report on the seminar, see ST/HR/SER.A/16.

⁷⁹⁸For the proposed outline of the study, see E/CN.4/Sub.2/1984/28.

⁷⁹⁹G A resolutions 34/93 A, 35/206 B, 36/172 E, 37/69 A and D, 38/39 D and 39/72 A.

⁸⁰⁰For the final report, see E/CN.4/Sub.2/1983/30.

⁸⁰¹United Nations Educational, Scientific and Cultural Organization, *Records of the General Conference, Twentieth Session*, vol. 1, *Resolutions*, pp. 100-104.

The Assembly decided to maintain the Committee to Review United Nations Public Information Policies and Activities, which would thenceforth be known as the United Nations Committee on Information, and requested that Committee, inter alia, to promote the establishment of a new, more just and more effective world information and communication order intended to strengthen peace and international understanding and based on the free circulation and wider and better balanced dissemination of information, and to make recommendations thereon to the General Assembly. The Assembly further affirmed its primary role in elaborating, coordinating and harmonizing United Nations policies and activities in the field of information towards the establishment of a new, more just and more effective world information and communication order. It recognized the central and important role of UNESCO in the field of information and mass communications and in the implementation of the relevant decisions on information and mass communications adopted by the General Conference of UNESCO at its twentieth session and of the relevant parts of General Assembly resolutions 33/115 A to C of 18 December 1978.

n. *Freedom of peaceful assembly and association*

388. The Subcommission on Prevention of Discrimination and Protection of Minorities, mindful of the essential role played by judges and lawyers in the protection and promotion of human rights and fundamental freedoms, considered in its resolution 13 (XXXIII) that associations of judges and lawyers reinforced the professional competence and independence of judges and lawyers and thus aided them in fulfilling that role. It also considered that freedom of association was therefore vested with particular importance for those professions and called upon all States fully to respect and guarantee the right of all judges and lawyers freely and without interference to form or participate in professional organizations of their own.

o. *The right to take part in the Government, the right of access to public service and rights relating to the will of the people*

389. The Convention on the Elimination of All Forms of Discrimination against Women contains the following articles relevant to the political rights of women:

Article 7

“States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right:

(a) To vote in all elections and public referenda and to be eligible for election to all publicly elected bodies;

(b) To participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government;

(c) To participate in non-governmental organizations and associations concerned with the public and political life of the country.”

Article 8

“States Parties shall take all appropriate measures to ensure to women, on equal terms with men and without any discrimination, the opportunity to represent their Governments at the international level and to participate in the work of international organizations.”⁸⁰²

390. The General Assembly, in its resolution 34/155 of 17 December 1979, considering that there could be no genuine and full participation of women in economic and social development unless they were fully involved in the political decision-making process, called upon Member States to ensure, as regards both education and access to public functions of a social, economic, administrative or political character, conditions of equality between men and women and promotion without discrimination. It also called upon Governments to take steps to ensure effective participation of women in the decision-making process with respect to foreign policy and international economic and political cooperation, including steps to ensure that they had equal access to diplomatic functions and that they were represented in the United Nations and other international organizations.

391. In its resolution 37/61, the General Assembly, bearing in mind paragraphs 72 and 73 of the Programme for Action for the Second Half of the United Nations Decade for Women,⁸⁰³ as adopted at the Conference, in which equitable representation for women was called for at all levels in national government and in international bodies, noted with concern that women were still not represented on an equitable basis with men in decision-making positions in a majority of national and international institutions, and called upon all Member States, by the end of the United Nations Decade for Women in 1985, to make special efforts to nominate and appoint women, on an equal basis with men and taking due account of the same professional criteria, to decision-making positions in those national and international bodies in which they were not equitably represented. It further called upon the Secretary-General and the executive heads of the specialized agencies and other organizations of the United Nations system to make, by the end of the Decade in 1985, increased efforts to select and appoint women, in conformity with Article 101 of the Charter of the United Nations, to decision-making positions in the Secretariat and in the organs and agencies of the United Nations system.

392. The Declaration on the Participation of Women in Promoting International Peace and Cooperation, proclaimed by the General Assembly in its resolution 37/63 of 3 December 1982, provides, inter alia, that:

“all appropriate measures shall be taken to provide practical opportunities for the effective participation of women in promoting international peace and cooperation, economic development and social progress, including to that end:

⁸⁰² See also paras. 251-258 above.

⁸⁰³ *Report of the World Conference of the United Nations Decade for Women: Equality, Development and Peace, Copenhagen, 14-30 July 1980* (United Nations publication, Sales No. E.80.IV.3 and corrigendum), chap. I, sect. A.

(a) The promotion of an equitable representation of women in governmental and non-governmental functions;

(b) The promotion of equality of opportunities for women to enter diplomatic service;

(c) The appointment or nomination of women, on an equal basis with men, as members of delegations to national, regional or international meetings;

(d) Support for increased employment of women at all levels in the secretariats of the United Nations and the specialized agencies, in conformity with Article 101 of the Charter of the United Nations.”

(iii) *Economic, social and cultural rights*

a. *International Covenant on Economic, Social and Cultural Rights*

393. The Economic and Social Council, in its resolution 1979/43, approved the working methods of the Sessional Working Group on the Implementation of the International Covenant on Economic, Social and Cultural Rights. According to those methods, the Working Group was composed of 15 members, appointed in accordance with Council decision 1978/10, and should meet annually during the first regular session of the Council. The Group should assist the Council in the consideration of the reports submitted by States parties to the International Covenant in conformity with article 16 of the Covenant and in accordance with the programme established by the Council in its resolution 1988 (LX) of 11 May 1976, and of the reports of the specialized agencies, submitted to the Council in accordance with article 18 of the Covenant and the programme established under Council resolution 1988 (LX), on the progress made in achieving the observance of the provisions of the Covenant falling within the scope of their activities. Representatives of the reporting States were entitled to be present at the meetings of the Working Group when their reports were examined, to make statements on the reports submitted by their States and to answer questions from the members of the Working Group. The Working Group was also empowered to submit to the Council proposals concerning the recommendations of a general nature referred to in article 21 of the Covenant and to make suggestions with reference to articles 19, 22 and 23 thereof.

394. The following year, in its resolution 1980/24, the Economic and Social Council noted that the Sessional Working Group⁸⁰⁴ had encountered certain difficulties in discharging its responsibilities under the arrangements and decided to review its composition, organization and administrative arrangements. By its decision 1981/158, the Council decided to incorporate a set of organizational and administrative provisions into the methods of work of the Sessional Working Group and renamed the Group the Sessional Working Group of Governmental Experts on the Implementation of the International Covenant on Economic, Social and Cultural Rights. At the same session, by its decision 1981/162, the Council decided to further review the

composition, organization and administrative arrangements of the Group.

395. By its resolution 1982/33, the Economic and Social Council decided that the members of the Sessional Working Group should be elected by the Council from among the States parties to the Covenant, in accordance with the geographical distribution established in paragraph (a) of Council decision 1978/10, for a term of three years, eligible for re-election. One third of the membership of the Group of Experts, comprising one member from each regional group, should be renewed each year. The Group should meet annually for a period of three weeks, subject to possible extension by the Council, and at the end of each session the Group was to submit to the Council a report on its activities and make suggestions and recommendations of a general nature based on its consideration of reports submitted by States parties and by the specialized agencies, in order to assist the Council in fulfilling, in particular, its responsibilities under articles 21 and 22 of the Covenant. The Council decided further to review the composition, organization and administrative arrangements in 1985 of the Sessional Working Group and subsequently every three years.

396. During the period covered by the present *Supplement*, the General Assembly repeatedly commended States parties to the Covenant that had submitted their reports under article 16 of the Covenant and urged States that had not yet done so to submit their reports as soon as possible.⁸⁰⁵ The Economic and Social Council, in its resolution 1984/9, urged States parties to complete the entire cycle of initial reports before submitting second periodic reports, and requested the specialized agencies to report on the progress made in achieving the observance of the provisions of the Covenant falling within the scope of their activities, in accordance with article 18 of the Covenant and paragraph 6 of Council resolution 1988 (LX).

b. *Rights relating to work*

Exploitation of labour through illicit and clandestine trafficking

397. The Economic and Social Council, by its resolution 1984/30, decided that the report on the exploitation of labour through illicit and clandestine trafficking⁸⁰⁶ should be printed and given the widest possible distribution.

Migrant workers

398. During its thirty-fifth session, the Commission on Human Rights examined the report of the Secretary-General⁸⁰⁷ prepared in accordance with Economic and Social Council resolution 1978/22 of 5 May 1978. In its resolution 25 (XXXV), the Commission noted that, despite the efforts made at the international, multilateral and bilateral levels, migrant workers continued to encounter, in certain fields, practical difficulties which deprived them of the full and genuine enjoyment of human rights. The Commission invited in particular the Governments of host

⁸⁰⁴For the report of the Sessional Working Group on the Implementation of the International Covenant on Economic, Social and Cultural Rights, see E/1980/60.

⁸⁰⁵G A resolutions 36/58, 37/191, 38/116 and 39/136.

⁸⁰⁶E/CN.4/Sub.2/L.640.

⁸⁰⁷E/CN.4/1325.

countries to assure migrant workers and the members of their families equality of treatment in the field of labour, particularly concerning economic and social rights, living and working conditions, wages, the right of association and other related rights; to adopt effective measures to ensure that migrant workers and their families were familiar with and could avail themselves of all their civil, economic and social rights, including rights relating to social security; to take the necessary steps to promote the normalization of the family life of migrant workers through the reunification of their families on their territories, within the framework of their legislative systems; to give special attention to the situation of the children of migrant workers, to envisage appropriate measures which would enable those children, while preserving their national values, to adjust to the society in which they lived, and to establish, in cooperation with the countries of origin, appropriate machinery to assure them of a bicultural education, and give to the children of migrant workers, as far as possible, access to the teaching of their mother tongue and culture, the general conditions applicable to such teaching, including those relating to coordination with standard teaching, to be laid down by the host country in cooperation with the country of origin; and to implement policies relating to training, health, housing and educational and cultural development, similar to those enjoyed by citizens of the host country, for migrant workers and their families and to guarantee them the free exercise of activities calculated to preserve their cultural values. The Commission furthermore decided, to supervise, with the assistance of the International Labour Organization, the United Nations Educational, Scientific and Cultural Organization and the World Health Organization and the other competent intergovernmental organizations and those NGOs having consultative status with the Economic and Social Council, the application of the principles of the Universal Declaration of Human Rights to all migrant workers.

399. The Economic and Social Council, in its resolution 1979/12, requested the Secretary-General, in cooperation with the specialized agencies and other organizations concerned, to prepare a report on existing national legislative and administrative regulations, including relevant provisions contained in bilateral and multilateral agreements, with regard to the welfare of migrant workers and their families. Moreover, it requested the Secretary-General to submit the report⁸⁰⁸ to the Commission for Social Development to enable it to make an assessment of the main principles applicable in the matter and to make necessary recommendations as to the scope of its future action in the field.

400. With regard to the proposed International Convention on the Protection of the Rights of All Migrant Workers, the General Assembly, in its resolution 34/172, took note of the report of the Secretary-General of 18 October 1979 and the addendum thereto,⁸⁰⁹ prepared in accordance with Assembly resolution 33/163 of 20 December 1978, and welcomed the

⁸⁰⁸The Council, in its resolution 1983/16, took note of the report of the Secretary-General on pertinent regulations concerning the welfare of migrant workers and their families (E/CN.5/1983/10).

⁸⁰⁹A/34/535 and Add.1.

large number of replies submitted by Member States and the international organizations concerned favouring the elaboration of an international convention on the protection of the rights of all migrant workers and their families. The Assembly also decided to create at its next session a working group, open to all Member States, to elaborate an international convention on the protection of the rights of all migrant workers and their families, and invited the international organizations concerned to participate in the work of the Working Group and to cooperate with a view to the elaboration of such a convention.⁸¹⁰ In its resolution 39/102,⁸¹¹ the General Assembly commended the Working Group for concluding, in its first reading, the drafting of the preamble and articles, which would serve as the basis for the second reading of the draft convention.

Trade union rights

401. During the period under review, the Economic and Social Council continued to deal with allegations regarding infringements of trade union rights in the Republic of South Africa,⁸¹² and also dealt with a case of allegations regarding infringements of trade union rights in Puerto Rico (United States of America).⁸¹³ As regards the situation in the Republic of South Africa, the Council repeatedly requested the Ad Hoc Working Group of Experts of the Commission on Human Rights to continue to study that situation.⁸¹⁴

Employment of women

402. Article 11 of the Convention on the Elimination of All Forms of Discrimination against Women provides:

“1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular:

(a) The right to work as an inalienable right of all human beings;

(b) The right to the same employment opportunities, including the application of the same criteria for selection in matters of employment;

(c) The right to free choice of profession and employment, the right to promotion, job security and all benefits and conditions of service and the right to receive vocational training and retraining, including apprenticeships, advanced vocational training and recurrent training;

(d) The right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work;

⁸¹⁰The Assembly renewed the mandate of the Working Group in its resolutions 35/198, 36/160, 37/170, 38/86 and 39/102.

⁸¹¹For the report of the Working Group, see A/C.3/39/4 and Corr.1.

⁸¹²E S C resolutions 1979/39, 1980/33, 1981/41, 1982/40 and 1984/42; and E S C decisions 1981/155, 1983/156 and 1984/150.

⁸¹³E S C decision 1982/144.

⁸¹⁴E S C resolutions 1980/33, 1982/40 and 1984/42.

(e) The right to social security, particularly in cases of retirement, unemployment, sickness, invalidity and old age and other incapacity to work, as well as the right to paid leave;

(f) The right to protection of health and to safety in working conditions, including the safeguarding of the function of reproduction.

“2. In order to prevent discrimination against women on the grounds of marriage or maternity and to ensure their effective right to work, States Parties shall take appropriate measures:

(a) To prohibit, subject to the imposition of sanctions, dismissal on the grounds of pregnancy or of maternity leave and discrimination in dismissals on the basis of marital status;

(b) To introduce maternity leave with pay or with comparable social benefits without loss of former employment, seniority or social allowances;

(c) To encourage the provision of the necessary supporting social services to enable parents to combine family obligations with work responsibilities and participation in public life, in particular through promoting the establishment and development of a network of childcare facilities;

(d) To provide special protection to women during pregnancy in types of work proved to be harmful to them.

“3. Protective legislation relating to matters covered in this article shall be reviewed periodically in the light of scientific and technological knowledge and shall be revised, repealed or extended as necessary.”⁸¹⁵

403. In the follow-up to the World Conference of the United Nations Decade for Women, the General Assembly adopted measures to increase the proportion of women in the Professional category and above in the United Nations system. By its resolution 35/210, in particular, the Assembly called upon the Secretary-General and the executive heads of the other organizations of the United Nations system to end all forms of discrimination based upon sex in recruitment, conditions of employment, assignment, training and promotion.⁸¹⁶ In the same context, the Economic and Social Council, in its resolution 1984/11, requested the Secretary-General to promote the recruitment and hiring of women in Secretariat Professional posts at middle and high levels, whether as permanent, temporary or fixed-term appointees, or as experts and consultants. It called upon Member States to include the names of qualified women in lists of candidates nominated for appointment to advertised United Nations posts. It also requested the Commission on the Status of Women to consider strategies for the achievement of equal employment opportunities for women in the United Nations system.

404. In its resolution 36/130, the General Assembly noted that in some countries legal and administrative regulations hampered the possibilities of accompanying spouses of members of diplomatic missions or consular posts and of

staff members of intergovernmental organizations to work. The Assembly was also concerned that women continued to be underrepresented in the professional staffs of international organizations, including the United Nations and the specialized agencies, and were not always exempt from discrimination when they were recruited. It invited Governments in host countries to consider granting, when appropriate and to the extent possible, working permits for spouses accompanying members of diplomatic missions or consular posts and staff members of intergovernmental organizations.

405. The General Assembly, by its resolution 37/61, called upon all Member States, by the end of the United Nations Decade for Women in 1985, to make special efforts to nominate and appoint women, on an equal basis with men and taking due account of the same professional criteria, to decision-making positions in those national and international bodies in which they were not equitably represented. It further called upon the Secretary-General and the executive heads of the specialized agencies and other organizations of the United Nations system to make, by the end of the Decade in 1985, increased efforts to select and appoint women, in conformity with Article 101 of the Charter of the United Nations, to decision-making positions in the Secretariat and in the organs and agencies of the United Nations system.

Employment of youth

406. In its resolution 36/29, the General Assembly expressed its conviction of the need for further action aimed at the codification and implementation of the rights of youth, with special regard for the right to work. It also expressed its awareness of the fact that the unemployment of youth was a hindrance to the full participation of young people in the socio-economic life of their country, limited their ability to participate in the development process and was, furthermore, a source of increased social ills, and in that regard emphasized the importance of secondary and higher education of youth as well as of its access to appropriate technical, vocational guidance and training programmes. The Assembly called upon all States to adopt appropriate legislative, administrative and other measures for the implementation and the enjoyment by youth of human rights, particularly the right to education and to work, aimed at solving the problem of youth unemployment.

407. The Economic and Social Council, by its resolution 1983/17, took note with satisfaction of the report of the Secretary-General on the situation of youth in the 1980s.⁸¹⁷ It noted with concern that there was a rapidly growing number of unemployed young people in the world, many of whom had never had work, and that with the growth of unemployment it was becoming increasingly difficult to implement the basic social and economic rights of youth, especially the rights to life, employment and education. The Council strongly urged all Governments, all governmental and non-governmental organizations and interested United Nations bodies to give priority to the formulation and implementation of effective measures for ensuring the employment of young people, for the implementation of

⁸¹⁵See also paras. 251-258 above.

⁸¹⁶See also G A resolutions 37/235 B, 38/231 and 39/245.

⁸¹⁷E/1983/3.

their rights to social and economic development, education and employment in conditions of peace, and also to make provision in national development plans and country budgets for the adoption of specific programmes and for allocation of the necessary resources for ensuring the employment, education and vocational training of youth.

408. In its resolution 1984/15, the Economic and Social Council stressed that those young women who lacked sufficient nutrition, education, appropriate training and health were ill prepared for their adult roles in the current changing world and were thus vulnerable to economic, social and sexual exploitation. The Council recommended that Member States should take appropriate steps to ensure that girls and young women were motivated to choose, and sufficiently trained to be chosen for, work at all levels and all the functions of a developing economy and society. It recommended also that Member States should assist families in giving equal support, guidance and encouragement to young women and men and that they should direct special assistance to girls and young women who were socially and economically disadvantaged. It recommended further that specialized agencies should undertake projects to promote global, regional and local action to accelerate the improvement in the education and training, employment and health status of girls and young women in accordance with their needs and with global, regional and local conditions. Finally, the Council recommended that special attention should be paid, in multilateral and bilateral cooperation programmes and projects, to the training and development of young women as managers of projects and as participants in articulating the development needs of youth.

c. *Rights relating to the standard of living and social security*

The new international economic order and the right to an adequate standard of living

409. The Commission on Human Rights, in its resolution 5 (XXXV), recognized that it was indispensable to establish a more equitable and just international economic order which would permit the achievement of balanced development levels in all countries, thus turning into reality the principle contained in the Universal Declaration of Human Rights which recognized the equal right of all human beings to enjoy an adequate standard of living. On the recommendation of the Commission, the Economic and Social Council, by its decision 1979/30, requested the Secretary-General to organize in 1980, within the framework of the advisory services programme, a seminar on the effects of the existing unjust international economic order on the economies of the developing countries and the obstacles that it represented for the implementation of human rights and fundamental freedoms, particularly the right to enjoy adequate standards of living proclaimed in article 25 of the Universal Declaration of Human Rights.⁸¹⁸

410. In the same context, the General Assembly, in its resolution 34/46, requested the Secretary-General to prepare a study on the nature and extent to which the realization of human rights and fundamental freedoms was affected by

current international conditions, with particular reference to situations resulting from apartheid, from all forms of racial discrimination, from colonialism, neo-colonialism and imperialism, from policies tending to divide the world into spheres of influence, from the arms race, from foreign domination and occupation, from aggression and threats against national sovereignty, national unity and territorial integrity, from the refusal to recognize the fundamental rights of peoples to self-determination and of every nation to the exercise of full sovereignty over its wealth and natural resources, from intervention and interference in the internal affairs of States, particularly with reference to developing countries, as well as from the existence of the unjust system of international economic relations.⁸¹⁹ By its resolution 36/133, the General Assembly further requested the Secretary-General to submit to it, from the thirty-eighth session on, a biennial progress report bringing that study up to date.⁸²⁰

411. The Economic and Social Council, by its decision 1980/126 of 2 May 1980, authorized the Subcommission on Prevention of Discrimination and Protection of Minorities to appoint a special rapporteur with the mandate of preparing a study on the new international economic order and the promotion of human rights.⁸²¹

The right to food

412. Article 12, paragraph 2, of the Convention on the Elimination of All Forms of Discrimination against Women provides that "States Parties shall ensure to women appropriate services in connection with pregnancy, confinement and the post-natal period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation".⁸²²

413. By its resolution 35/70, the General Assembly, considering that food was a requisite for human survival and well-being and a fundamental human necessity, welcomed the observance of World Food Day, to be held for the first time on 16 October 1981 and annually thereafter, as unanimously decided by the Conference of the Food and Agriculture Organization of the United Nations at its twentieth session.⁸²³ The Assembly also urged Governments and national, regional and international organizations to contribute to the effective commemoration of World Food Day to the greatest possible extent.

414. In its resolution 37/247, the General Assembly also reaffirmed that food was a universal human right, which

⁸¹⁹For the study, see A/36/462.

⁸²⁰By its resolution 37/200, the General Assembly requested the Secretary-General to include in the updated study an overview of trends in the field of human rights, with emphasis on the problems still being encountered.

⁸²¹For the study, see E/CN.4/Sub.2/1983/24 and Add.1/Rev.1 and Add.2. The Economic and Social Council, by its decision 1984/133, decided that the study should be published and given the widest possible distribution in all the official languages of the United Nations.

⁸²²See also paras. 251-258 above.

⁸²³See Food and Agriculture Organization of the United Nations, *Report of the Conference of FAO, Twentieth Session, Rome, 10-28 November 1979* (C 79/REP and Corr.2), para. 43.

⁸¹⁸For the report on the seminar, see ST/HR/SER.A/8.

Governments endeavoured to guarantee their people, and stressed its belief in the general principle that food should not be used as an instrument of political pressure.

415. The Economic and Social Council, by its decision 1983/140, authorized the Subcommission on Prevention of Discrimination and Protection of Minorities to entrust a Special Rapporteur with the preparation of a study on the right to adequate food as a human right.⁸²⁴

416. In its resolution 39/166, the General Assembly urged the international community, on the occasion of the tenth anniversary of the World Food Conference, *inter alia*, to rededicate itself to the objective of the Conference and to intensify concerted efforts for the fulfilment of its commitment to eliminate hunger and malnutrition as soon as possible, and definitely by the end of the century.

The right to health

417. The Convention on the Elimination of All Forms of Discrimination against Women contains the following provisions relating to the right to health:

Article 12:

"1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure, on a basis of equality of men and women, access to health care services, including those related to family planning.

"2. Notwithstanding the provisions of paragraph 1 of this article, States Parties shall ensure to women appropriate services in connection with pregnancy, confinement and the post-natal period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation."

Article 14:

"...

"2. States Parties shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development and, in particular, shall ensure to such women the right:

...

(b) To have access to adequate health-care facilities, including information, counselling and services in family planning".⁸²⁵

418. The Principles of Medical Ethics relevant to the role of health personnel, particularly physicians, in the protection of prisoners and detainees against torture and other cruel, inhuman or degrading treatment or punishment contain the following principles relating to the right to health: Principle 1: "Health personnel, particularly physicians, charged with the medical care of prisoners and detainees, have a duty to provide them with protection of their physical

and mental health and treatment of disease of the same quality and standard as is afforded to those who are not imprisoned or detained". Principle 3: "It is a contravention of medical ethics for health personnel, particularly physicians, to be involved in any professional relationship with prisoners or detainees the purpose of which is not solely to evaluate, protect or improve their physical and mental health."⁸²⁶

419. The General Assembly, in its resolution 34/58, noted that a substantial portion of the population in many countries, developing as well as developed, lacked access to basic health services, and that people lacking adequate health could not fully participate in or contribute to the economic and social development of their nation. It endorsed the Declaration of Alma Ata,⁸²⁷ in particular the view that primary health care constituted the key to the ultimate achievement of a healthful society, especially when primary health care was incorporated into the development process, particularly that of developing countries. The Assembly noted further with approval the decision of the World Health Assembly, contained in resolution WHA 32.30, that the development of the programmes of WHO and the allocation of its resources at the global, regional and country levels should reflect the commitment of that organization to the priority of the achievement of health for all by the year 2000.⁸²⁸

420. By its resolution 36/43, the General Assembly endorsed the Global Strategy for Health for All by the Year 2000 as a major contribution of Member States to the attainment of the worldwide social goal of health for all by the year 2000 and to the fulfilment of the International Development Strategy for the Third United Nations Development Decade.⁸²⁹ It urged all Member States to ensure the implementation of the Global Strategy as part of their multisectoral efforts to implement the provisions contained in the International Development Strategy and also urged all Member States to cooperate with one another and with WHO to ensure that the necessary international action was taken to implement the Global Strategy as part of the fulfilment of the International Development Strategy.

The right to adequate housing

421. During the period under review, the General Assembly continued to consider the living conditions of the Palestinian people in the occupied Palestinian territories. In its resolution 35/75, the Assembly deplored the refusal of the Government of Israel to allow the Group of Experts on the Social and Economic Impact of the Israeli Occupation on the Living Conditions of the Palestinian People in the Occupied Arab Territories to visit the Palestinian and other Arab territories occupied by Israel. The Assembly condemned Israeli policy resulting in the deterioration of the living

⁸²⁶See also paras. 264-268 above.

⁸²⁷E/ICEF/L.1387, annex, sect. V. See also World Health Organization, *Health Care: Report of the International Conference on Primary Health Care, Alma Ata, Union of Soviet Socialist Republics, 6-12 September 1978 (Geneva, 1978)*.

⁸²⁸Thirty-second World Health Assembly, Geneva, 7-25 May 1979, *Resolutions and Decisions*, pp. 27-29.

⁸²⁹World Health Assembly resolution WHA 34.36.

⁸²⁴For the preliminary report by the Special Rapporteur, providing an outline of the planned work, see E/CN.4/Sub.2/1983/25.

⁸²⁵See also paras. 251-258 above.

conditions of the Palestinian people in the occupied territories and called upon all States to cooperate with United Nations agencies, organizations and organs and local Palestinian authorities to alleviate the tragic living conditions of the Palestinian people caused by the Israeli occupation.⁸³⁰

422. The General Assembly, in its resolution 35/76, reaffirmed that shelter and services were a basic human right and that, in striving to uphold that right, priority had to be given to the needs of the poor, the homeless and the most vulnerable groups of society. The Assembly further noted with concern that, in the years that had elapsed since the convening of Habitat: United Nations Conference on Human Settlements, the conditions of human settlements in developing countries had, by and large, worsened, particularly in the urban areas. The Assembly urged Member States, within the framework of their national plans and priorities, to strengthen their policies regarding human settlements and to undertake concrete action-oriented programmes to implement the recommendations adopted by the Conference, with special emphasis on the provision of adequate shelter, infrastructure and services to the people living in squatter settlements and slums of urban and rural areas. It also expressed the view that an international year devoted to the problems of homeless people in urban and rural areas in the developing countries could be an appropriate occasion to focus the attention of the international community on those problems.

423. By its resolution 37/221, the General Assembly once again expressed serious concern that, despite the efforts of Governments at the national and local levels and of international organizations, the living conditions of the majority of the people in slums and squatter areas and rural settlements, especially in developing countries, continued to deteriorate in both relative and absolute terms. It proclaimed the year 1987 International Year of Shelter for the Homeless and decided that the objective of activities before and during the Year would be to improve the shelter and neighbourhoods of some of the poor and disadvantaged by the end of 1987, particularly in the developing countries, according to national priorities, and to demonstrate by the year 2000 ways and means of improving the shelter and neighbourhoods of the poor and disadvantaged. It also urged that the main thrust of the specific programme of measures and activities to be undertaken prior to and during the Year should take place at the national and local levels, in accordance with national plans and priorities. The Assembly also endorsed, in principle, the programme for the Year contained in the report of the Secretary-General,⁸³¹ and designated the Commission on Human Settlements to act as the United Nations intergovernmental body responsible for organizing the Year, and the United Nations Centre for Human Settlements (Habitat) as the secretariat for the Year and as the lead agency for coordinating the relevant programmes and activities of other organizations and agencies concerned.

424. In its resolution 38/168, the General Assembly welcomed and endorsed the overall plans for activities

⁸³⁰ See also G A resolutions 34/113, 36/73, 37/222, 38/166 and 39/169.

⁸³¹ A/37/527 and Add.1.

before, during and after the International Year of Shelter for the Homeless and the priorities for national and international action during 1983-1984 contained in the report of the Executive Director of the United Nations Centre for Human Settlements (Habitat).⁸³² It also endorsed the proposals, contained in the annex to the resolution, on national action needed before April 1984 in order to launch the International Year of Shelter for the Homeless quickly and effectively.

Social progress and development

425. The Economic and Social Council, in its resolution 1979/45, decided to establish an ad hoc working group of 10 experts, two from each region, with the mandate to examine the effectiveness of the implementation of a number of resolutions and decisions, including the Declaration on Social Progress and Development, within the United Nations with respect to the social aspects of development, keeping in mind the necessity of integrating social and economic aspects of development; and to make recommendations for improvements in dealing with social aspects of development within the United Nations in the light of the importance given by the General Assembly to a unified approach to development, taking into account, as appropriate, relevant recent studies and analyses on the subject. In its resolution 1981/24, the Economic and Social Council took note of the report of the Ad Hoc Working Group on the Social Aspects of the Development Activities of the United Nations⁸³³ and endorsed, in particular, the view of the Group that economic and social development were different facets of a unified approach to development, and that social aspects of development were related to the problem of ensuring that development would become an increasingly people-oriented process which would fit into a comprehensive integrated approach that took full account of the indivisible nature of the development process.

426. The General Assembly, in its resolution 34/59, noting the limited progress achieved in implementing the Declaration on Social Progress and Development since its adoption, decided, inter alia, that the Declaration should be taken into account in the formulation of the international development strategy for the third United Nations development decade and in the implementation of programmes of international action to be carried out during the decade. The Assembly further requested the Secretary-General to continue to inform it, in summary form in annexes to the reports on the world social situation, of the measures adopted by Governments, which might not be included in other reports provided on a regular basis, and by the international organizations concerned.

427. In its resolution 34/152, the General Assembly, bearing in mind that social progress and development were founded on respect for the dignity and value of the human person, expressed its awareness that the fundamental aim of development was the sustained increase of the well-being of the entire population on the basis of its full participation in the process of development and a fair distribution of the benefits therefrom. Having considered the 1978 Report on

⁸³² HS/C/6/4.

⁸³³ E/1981/3.

the World Social Situation,⁸³⁴ it noted, inter alia, the slow rate of implementing the Declaration on Social Progress and Development and called upon all Member States to promote economic and social progress by the formulation and implementation of a set of policy measures to achieve their goals and objectives, within the framework of national priorities and interests, in the fields of employment, education, health, nutrition, housing facilities, the well-being of children, the full participation of youth in the development process and the full integration and participation of women in development. It recommended further that Member States should adopt measures to ensure the effective participation, as appropriate, of all sectors of society, as an integral element in local, regional and national development plans and programmes, with the purpose of securing the effective mobilization and utilization of human resources as well as more equitable distribution of development benefits.

428. In the International Development Strategy for the Third United Nations Development Decade, proclaimed by the General Assembly in its resolution 35/56 of 5 December 1980, the Assembly affirmed that the development process had to promote human dignity and that the ultimate aim of development was the constant improvement of the well-being of the entire population on the basis of its full participation in the process of development and a fair distribution of the benefits therefrom.

429. In its resolution 37/54, the General Assembly considered the *1982 Report on the World Social Situation*.⁸³⁵ It once again noted with great concern the lack of implementation of the Declaration on Social Progress and Development and of the objectives and overall development goals adopted and reaffirmed in the International Development Strategy for the Third United Nations Development Strategy, and called upon all Member States to promote economic growth and social progress by the formulation and implementation of an interrelated set of policy measures to achieve their goals and objectives, within the framework of national priorities and interests.

430. The Economic and Social Council, by its decision 1983/171, decided to transmit to the General Assembly a draft resolution by which the Assembly would adopt a Declaration on a New International Human Order: Moral Aspects of Development, contained in the annex to the decision.⁸³⁶

431. Dealing with the question of popular participation, the General Assembly, in its resolution 37/55, recognized that popular participation, including the participation of workers in management and workers' self-management in countries where they existed, constituted an important factor of socio-economic development as well as of respect for human rights and dignity of the human person. The Assembly invited Member States to take into consideration

⁸³⁴United Nations publication, Sales No. E.79.IV.1.

⁸³⁵United Nations publication, Sales No. E.82.IV.2 and Corr.1 and 2.

⁸³⁶During the period under review, the General Assembly did not take final action on the proposal. In its resolution 38/170, it invited Member States to submit their comments on the question, and in particular on the draft declaration.

in their development policies and programmes the recommendations of the International Seminar on Popular Participation held at Ljubljana, Yugoslavia, from 17 to 25 May 1982.⁸³⁷ It also called upon the organs and organizations of the United Nations system to promote popular participation in the execution of their programmes and requested the Commission on Human Rights to consider the question and to submit appropriate suggestions for the more complete realization of human rights. Moreover, it requested the Secretary-General to prepare a comprehensive progress report on the implementation of the resolution.

432. The Economic and Social Council, in its resolution 1983/31, requested the Secretary-General to undertake a comprehensive analytical study on the right to popular participation in its various forms as an important factor in the full realization of all human rights and to submit the study to the Commission on Human Rights. And the General Assembly, in its resolution 38/24, took note with appreciation of the report of the Secretary-General on popular participation in its various forms as an important factor in development and in the realization of human rights,⁸³⁸ and requested the Commission on Human Rights to continue to consider the question.

d. *Rights relating to motherhood and childhood*

Adoption and foster placement

433. The Economic and Social Council, in its resolution 1979/28, took note of paragraphs 150 to 154 of the report of the Commission for Social Development concerning the draft declaration on social and legal principles relating to adoption and foster placement of children nationally and internationally, and submitted the draft declaration⁸³⁹ to the General Assembly for preliminary consideration. In addition, it requested the Secretary-General to transmit the text of the draft declaration to all Member States with a view to obtaining their comments on the matter and submitting the results of the inquiry to the General Assembly. The Council furthermore drew the attention of the General Assembly to the wish of the Commission for Social Development that, in the event of the Assembly adopting the declaration on social and legal principles relating to adoption and foster placement of children nationally and internationally, the Secretary-General should be authorized to convene a group of experts, with relevant experience in family and child welfare, representative of all geographical regions, to draft guidelines for the use of Governments in the implementation of the principles.

434. The General Assembly, in its resolution 37/115 of 16 December 1982, noting the efforts of the Commission on Human Rights to elaborate a draft Convention on the Rights of the Child, requested the Secretary-General to circulate to Member States, for their views, the draft Declaration on Social and Legal Principles relating to the Protection and Welfare of Children, with Special Reference to Foster Placement and Adoption Nationally and Internationally as

⁸³⁷For the report on the seminar, see A/37/442.

⁸³⁸A/38/338 and Corr.1 and Add.1-4 and Add.4/Corr.1.

⁸³⁹For the text of the draft declaration, see E/CN.5/574, sect. IV. See also the present study, sect. I, B.1(i).

well as the conclusions contained in the report of the Secretary-General.⁸⁴⁰ In its resolution 38/142 of 19 December 1983, the General Assembly requested the Secretary-General to invite Member States to comment on the most appropriate procedure for completing work on the draft Declaration and the forum for future discussion. Finally, in its resolution 39/89 of 13 December 1984, it appealed to Member States representing different legal systems to undertake consultations on the draft Declaration, with a view to finding out the extent to which they would join the common endeavour of completing the work thereon. The Assembly also appealed to the Member States that would take part in the consultations to submit a paper containing their common conclusions on the matter, including, if appropriate, their suggestions as to the procedure and forum for future work. The Assembly finally requested the Secretary-General to circulate the paper to Member States with a view to obtaining their comments thereon, including their views as to the procedure and forum for future work, and to report thereon.

Maternity protection

435. Article 11, paragraph 2 of the Convention on the Elimination of All Forms of Discrimination against Women reads:

"In order to prevent discrimination against women on the grounds of marriage or maternity and to ensure their effective right to work, States Parties shall take appropriate measures:

(a) To prohibit, subject to the imposition of sanctions, dismissal on the grounds of pregnancy or of maternity leave and discrimination in dismissals on the basis of marital status;

(b) To introduce maternity leave with pay or with comparable social benefits without loss of former employment, seniority or social allowances;

(c) To encourage the provision of the necessary supporting social services to enable parents to combine family obligations with work responsibilities and participation in public life, in particular through promoting the establishment and development of a network of childcare facilities;

(d) To provide special protection to women during pregnancy in types of work proved to be harmful to them."⁸⁴¹

436. In its resolution 39/123 on the role of women in society, the General Assembly appealed to Governments to recognize the special status and social importance of motherhood and to take, in the context of their special abilities and conditions, all necessary measures to promote the protection of motherhood, including maternity leave with pay, and to provide security for their jobs as long as necessary, so as to allow women, if they so wished, to fulfil their role as mothers without prejudice to their professional and public activities. It also appealed to Governments to

⁸⁴⁰ A/35/336. For the text of the draft declaration, see G A resolution 36/167, annex.

⁸⁴¹ See also paras. 251-258 above.

promote the establishment of appropriate facilities for childcare and education of children as a means of combining motherhood with economic, political, social, cultural and other activities of women and thus to provide assistance to women in integrating fully into their societies.

Rights of the child

437. Article 5 of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief provides:

"1. The parents or, as the case may be, the legal guardians of the child have the right to organize the life within the family in accordance with their religion or belief and bearing in mind the moral education in which they believe the child should be brought up.

"2. Every child shall enjoy the right to have access to education in the matter of religion or belief in accordance with the wishes of his parents or, as the case may be, legal guardians, and shall not be compelled to receive teaching on religion or belief against the wishes of his parents or legal guardians, the best interests of the child being the guiding principle.

"3. The child shall be protected from any form of discrimination on the ground of religion or belief. He shall be brought up in a spirit of understanding, tolerance, friendship among peoples, peace and universal brotherhood, respect for freedom of religion or belief of others, and in full consciousness that his energy and talents should be devoted to the service of his fellow men.

"4. In the case of a child who is not under the care either of his parents or of legal guardians, due account shall be taken of their expressed wishes or of any other proof of their wishes in the matter of religion or belief, the best interests of the child being the guiding principle.

"5. Practices of a religion or belief in which a child is brought up must not be injurious to his physical or mental health or to his full development, taking into account article 1, paragraph 3, of the present Declaration."⁸⁴²

438. With regard to the draft convention on the rights of the child, the Commission on Human Rights at its thirty-fifth session considered the draft convention on the rights of the child submitted by Poland on 7 February 1978.⁸⁴³ It also had before it the report of the Secretary-General on the views, observations and suggestions on the question of the convention on the rights of the child submitted by Member States, competent specialized agencies, regional intergovernmental organizations and non-governmental organizations⁸⁴⁴ and the report of the Working Group set up at that session to draw up the convention on the rights of the child.⁸⁴⁵ In its resolution 19 A (XXXV), the Commission decided to continue, as a matter of priority, its work on a draft convention on the rights of the child with a view to completing, if possible, the elaboration of the convention for

⁸⁴² See also paras. 259-263 above.

⁸⁴³ CHR resolution 20 (XXXIV), annex.

⁸⁴⁴ E/CN.4/1324 and Corr.1 and Add. 1-4.

⁸⁴⁵ E/CN.4/L.1468.

transmission to the General Assembly through the Economic and Social Council. In its resolution 36 (XXXVI), the Commission had before it a new amended version of the draft⁸⁴⁶ submitted on 5 October 1979. The Economic and Social Council, during the period under review, annually decided to authorize a one-week session of an open-ended working group prior to the following session of the Commission on Human Rights to facilitate and speed up the completion of the work on a draft convention on the rights of the child.⁸⁴⁷

439. The General Assembly, in its resolution 34/4 of 18 October 1979, considered the report of the Executive Director of the United Nations Children's Fund on the International Year of the Child.⁸⁴⁸ The Assembly urged Governments to make every effort to consolidate and to build further on the results of the Year in order to achieve lastingly increased benefits for children by such measures, where appropriate, as: "(a) planning for programmes and services benefiting children, including integrated mother-and-child health care, in their national planning for social and economic development; (b) further identifying, defining and documenting the situation of children; (c) setting specific national targets and goals for meeting the needs of children, inter alia, in the fields of health and education and for the development of their intellectual and cultural abilities; (d) increasing budgetary provision for programmes benefiting children by reviewing and/or revising present priorities". It designated UNICEF as the lead agency of the United Nations system responsible for coordinating the development aspects of the follow-up activities of the Year, in consultation with the Director-General for Development and International Economic Cooperation, within their respective spheres of competence, and further requested Governments and organs and organizations of the United Nations system to evaluate and follow up the impact of the Year on their activities, and to inform the Secretary-General, who would report thereon.

440. The Economic and Social Council, in its resolution 1982/39, called the attention of States to the proliferation of cases of removal and retention of children and invited them to cooperate actively with a view to preventing the occurrence of such cases and to solving them speedily, out of concern for the interest of the child. It invited States to organize such cooperation through the conclusion of bilateral arrangements or through accession to regional conventions or international conventions such as the Hague Convention on the Civil Aspects of International Child Abduction of 25 October 1980. It also invited the Commission on Human Rights, when drafting the convention on the rights of the child, to take into consideration the protection of the rights of the child in cases of unauthorized international removal.

441. The Commission on Human Rights, in its resolution 1984/24, welcomed with appreciation the report entitled *The State of the World's Children, 1984* by the Executive Director of the United Nations Children's Fund⁸⁴⁹ and his

⁸⁴⁶E/CN.4/1349.

⁸⁴⁷E S C decisions 1980/138 and 1981/144; and E S C resolutions 1982/37, 1983/39 and 1984/25.

⁸⁴⁸A/34/512, annex.

⁸⁴⁹Published for UNICEF by Oxford University Press (London, 1983).

idea of a revolution for children, with a view to promoting and protecting children's rights, life and health.

e. *The right to education*

442. Article 10 of the Convention on the Elimination of All Forms of Discrimination against Women reads:

"States Parties shall take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education and in particular to ensure, on a basis of equality of men and women:

(a) The same conditions for career and vocational guidance, for access to studies and for the achievement of diplomas in educational establishments of all categories in rural as well as in urban areas; this equality shall be ensured in pre-school, general, technical, professional and higher technical education, as well as in all types of vocational training;

(b) Access to the same curricula, the same examinations, teaching staff with qualifications of the same standard and school premises and equipment of the same quality;

(c) The elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education by encouraging coeducation and other types of education which will help to achieve this aim and, in particular, by the revision of textbooks and school programmes and the adaptation of teaching methods;

(d) The same opportunities to benefit from scholarships and other study grants;

(e) The same opportunities for access to programmes of continuing education, including adult and functional literacy programmes, particularly those aimed at reducing, at the earliest possible time, any gap in education existing between men and women;

(f) The reduction of female student drop-out rates and the organization of programmes for girls and women who have left school prematurely;

(g) The same opportunities to participate actively in sports and physical education;

(h) Access to specific educational information to help to ensure the health and well-being of families, including information and advice on family planning."⁸⁵⁰

443. Article 5, paragraph 2, of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief provides that "every child shall enjoy the right to have access to education in the matter of religion or belief in accordance with the wishes of his parents or, as the case may be, legal guardians, and shall not be compelled to receive teaching on religion or belief against the wishes of this parents or legal guardians, the best interest of the child being the guiding principle."⁸⁵¹

444. The General Assembly, in its resolution 34/170, invited all States to consider the adoption of appropriate

⁸⁵⁰See also paras. 251-258 above.

⁸⁵¹See also paras. 259-263 above.

legislative, administrative and other measures, including material guarantees, in order to ensure the full implementation of the right to universal education through, inter alia, free and compulsory primary education, universal and gradually free-of-charge secondary education, equal access to all educational facilities and the access of the young generation to science and culture. It appealed to all States, in particular the developed countries, actively to support through fellowships and other means the efforts of the developing countries in the education and training of national personnel needed in industry, agriculture and other economic and social sectors. Finally, the Assembly requested the Director-General of the United Nations Educational, Scientific and Cultural Organization to submit a report containing: (a) information on the activities of UNESCO in relation to support for education and training of national personnel of developing countries; (b) his views and suggestions, in accordance with the organization's mandate and after consultation with Member States and specialized agencies, on the need for and the possibility of UNESCO reinforcing its programmes and activities for the purpose of cooperating with developing countries in their efforts to ensure adequate education networks at all levels as well as fellowships and facilities for the training of qualified national personnel, bearing in mind also the proposals contained in General Assembly resolution 33/135; and (c) information on the difficulties and obstacles encountered in the full implementation of the right to education, particularly in developing countries, in conformity with their own requirements of overall progress and development, as well as his conclusions on action to be taken in that regard.⁸⁵²

445. In its resolution 35/80, entitled "Role of qualified national personnel in the social and economic development of developing countries", the General Assembly, inter alia, invited the Governments of developing countries, in accordance with their national development priorities and programmes, to continue to pay special attention, with a view to further improving and expanding their national systems of training qualified personnel, to measures directed towards: "(a) achieving the equality of all members of their society in the field of education, irrespective of race, nationality, sex or religious and social status; (b) eliminating illiteracy; (c) increasing the role of government in the field of education; (d) instituting compulsory education for all children of school age; (e) achieving the planned development of national educational and training systems."

Human rights teaching

446. In its resolution 38/57, the General Assembly, on the occasion of the thirty-fifth anniversary of the Universal Declaration of Human Rights, urged the United Nations Educational, Scientific and Cultural Organization, in cooperation with Governments, to undertake rigorous efforts to spread the teaching of human rights in all educational institutions, particularly primary and secondary schools, as well as in the training of relevant professional groups, and requested the Director-General of UNESCO to submit to the

⁸⁵²For the report, see A/35/148, annex.

General Assembly on the occasion of the fortieth session a report on the efforts made by UNESCO to those ends.

Education of youth

447. The General Assembly, by its resolution 34/151 of 17 December 1979, decided to designate 1985 as International Youth Year: Participation, Development, Peace. It did so having in mind that 1985 was the twentieth anniversary of the Declaration on the Promotion among Youth of the Ideals of Peace, Mutual Respect and Understanding between Peoples⁸⁵³ and the fifteenth anniversary of the establishment of the United Nations Volunteers programme by the General Assembly.⁸⁵⁴

448. By its resolution 36/28, the General Assembly endorsed the Specific Programme of Measures and Activities to be undertaken prior to and during the International Youth Year, as adopted by the Advisory Committee for the International Youth Year,⁸⁵⁵ bearing in mind that continued review and revision of the Programme should be carried out in the following years. In its resolution 37/48, the Assembly endorsed the recommendations made by the Advisory Committee for the International Youth Year for the further implementation of the Specific Programme of Measures and Activities to be undertaken prior to and during the International Youth Year.⁸⁵⁶ By its resolution 39/22, the Assembly decided to devote an appropriate number of plenary meetings at its fortieth session, in 1985, to policies and programmes relating to youth and to designate those meetings as the United Nations World Conference for the International Youth Year.

f. Rights relating to cultural life, the arts and scientific advancement

449. Article 13 of the Convention on the Elimination of All Forms of Discrimination against Women provides that "States Parties shall take all appropriate measures to eliminate discrimination against women in other areas of economic and social life in order to ensure, on a basis of equality of men and women, the same rights, in particular: ... (c) the right to participate in recreational activities, sports and all aspects of cultural life".⁸⁵⁷

450. In its resolution 35/130 A, the General Assembly recognized that the establishment of the new international economic order called in particular for an important contribution to be made by science and technology to economic and social progress, and also to the promotion of human rights and fundamental freedoms. It further expressed its awareness that the implementation of the Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of Mankind would contribute to the strengthening of international peace and security and promote cooperation among States in the field of human rights and the economic and social development of peoples. It stressed the importance of implementing the

⁸⁵³G A resolution 2037 (XX).

⁸⁵⁴G A resolution 2659 (XXV).

⁸⁵⁵A/36/215, annex, sect. IV, decision 1 (I).

⁸⁵⁶A/37/348, annex, appendix III.

⁸⁵⁷See also paras. 251-258 above.

provisions and principles contained in the Declaration in order to promote human rights and fundamental freedoms under conditions of scientific and technological progress and requested the Secretary-General to submit a report prepared on the basis of the information received from Member States regarding the implementation of the provisions of the Declaration.⁸⁵⁸ It also requested the Commission on Human Rights to give special attention to the question of the implementation of the provisions of the Declaration.

451. The Commission on Human Rights, in its resolution 38 (XXXVII), called upon all States to make full use of the results of scientific and technological progress to ensure the greatest possible satisfaction of human material and spiritual needs. It also instructed the Subcommittee on Prevention of Discrimination and Protection of Minorities to undertake a study of the use of the results of scientific and technological progress for the realization of the rights to work and to development.⁸⁵⁹

452. During the period under review, the General Assembly also dealt with the question of armed Israeli aggression against the Iraqi nuclear installations. In its resolution 36/27,⁸⁶⁰ the Assembly expressed its deep alarm over the unprecedented Israeli act of aggression against the Iraqi nuclear installations on 7 June 1981 and condemned the threats by Israel to repeat such attacks if and when it deemed it necessary. In that context, the Assembly affirmed the inalienable sovereign right of all States to develop technological and nuclear programmes for peaceful purposes, in accordance with the internationally accepted objectives of preventing the proliferation of nuclear weapons.

***g. Rights to protection of scientific, literary or artistic production*

(c) Question of the relation of rights and freedoms, other than those proclaimed in the Universal Declaration of Human Rights, to the concept of "human rights and fundamental freedoms"

(i) The right of petition

453. The Commission on Human Rights, by its decision 4 (XXXV), decided that the analysis of existing United Nations procedures for dealing with violations of human rights⁸⁶¹ prepared by the Secretary-General pursuant to Commission resolution 16 (XXXIV) should be brought up to date.

Communications concerning the status of women

454. The Economic and Social Council, in its resolution 1980/39, recalled that the Commission on the Status of Women was entitled to receive communications relating to the status of women but had no mandate to act upon them. It requested the Commission on Human Rights to submit its

views on how those communications should be handled, taking into account the procedures of the Commission, and in addition requested the Commission on the Status of Women to consider procedures for handling such communications. It further requested the Secretary-General to provide background information regarding existing procedures on communications within the United Nations system.⁸⁶²

455. The Commission on Human Rights, in response, adopted resolution 1983/39, in which it was of the view that the implementation in the Commission on the Status of Women of a procedure for considering communications concerning the status of women would be a useful complement to the procedures established in the Commission on Human Rights for the consideration of communications concerning violations of human rights. It further thought that efforts should be made to encourage coordination between the various organs of the United Nations which were in receipt of communications, and to avoid unnecessary duplication. Finally the Commission on Human Rights decided that it should continue to receive and deal with all communications concerning all violations of human rights, proposing however that the Commission on the Status of Women could, on the basis of those communications which specifically affected the status of women, submit recommendations to the Economic and Social Council on those issues relating to the rights of women.

456. In its resolution 1983/27, the Economic and Social Council reaffirmed the mandate of the Commission on the Status of Women to consider confidential and non-confidential communications on the status of women. In that respect it requested the Secretary-General to submit to the Commission a report on confidential and non-confidential communications on the status of women, including communications received under Council resolution 76 (V) of 5 August 1947 and 304 I (XI) of 14 and 17 July 1950, including the comments of Governments thereon, if any, and communications received by the specialized agencies, regional commissions and other United Nations bodies, together with information on action that might have been taken following the receipt of such communications. It further authorized the Commission to appoint a working group consisting of not more than five of its members, to meet in closed meetings during each session on the Commission in order that it might perform the following functions: "(a) consideration of all communications, including the replies of Governments thereon, if any, with a view to bringing to the attention of the Commission those communications, including the replies of Governments, which appear to reveal a consistent pattern of reliably attested injustice and discriminatory practices against women; (b) preparation of a report, based on its analysis of the confidential and non-confidential communications, which will indicate the categories in which communications are most frequently submitted to the Commission." The Commission, after examining the report, was empowered only to make recommendations to the Council, which would

⁸⁵⁸For the report, see A/36/429 and Add.1 and 2.

⁸⁵⁹The Commission repeated this request in its resolutions 1982/4, 1983/42 and 1984/29.

⁸⁶⁰See also G A resolutions 37/18, 38/9 and 39/14; and CHR resolution 1982/5.

⁸⁶¹E/CN.4/1317.

⁸⁶²For the background information, see E/1982/34 and Corr.1 and Add.1 and 2.

then decide what action might appropriately be taken on the emerging trends and patterns of communications. The Council decided further that all actions envisaged under that procedure by the Commission on the Status of Women should remain confidential until such time as the Commission might decide to make recommendations to the Economic and Social Council.

The "1503" procedure

457. The Commission on Human Rights continued its practice of establishing a working group to examine such particular situations as might be referred to the Commission by the Subcommittee on Prevention of Discrimination and Protection of Minorities under Economic and Social Council resolution 1503 (XLVIII) of 27 May 1970 and those situations which the Commission had decided to keep under review.⁸⁶³

458. By its decision 9 (XXXVI),⁸⁶⁴ the Commission on Human Rights, having regard to paragraph (a) of decision 5 (XXXIV) of 3 March 1978,⁸⁶⁵ decided that States should have the right to participate in the entire discussion of any situation in which they were concerned and to be present during the adoption of the final decision taken in regard to that situation.

459. On two occasions, the Economic and Social Council decided to use the public part of the "1503 procedure". In its decision 1979/35 of 10 May 1979, the Council approved the recommendation of the Commission on Human Rights that the material relating to the situation of human rights in Equatorial Guinea, which was before the Commission under Council resolution 1503 (XLVIII), should no longer be restricted. In its resolution 1980/31 of 2 May 1980, on the recommendation of the Commission, the Council regretted the failure of the Government of Malawi to cooperate with the Commission, which was examining the situation concerning the alleged persecution of Jehovah's Witnesses in Malawi, and decided to publicize the matter.

(ii) *The right of peoples and nations to self-determination*

460. During the period under review, the General Assembly welcomed the attainment of independence of the following States: Saint Lucia on 22 February 1979,⁸⁶⁶ Kiribati on 12 July 1979,⁸⁶⁷ Saint Vincent and the Grenadines on 27 October 1979,⁸⁶⁸ Zimbabwe 1980,⁸⁶⁹

⁸⁶³ CHR decisions 13 (XXXV), 8 (XXXVI), 4 (XXXVII), 1982/103, 1983/110 and 1984/114; endorsed by the Economic and Social Council in its decisions 1979/40, 1980/134, 1981/150, 1982/140, 1983/153 and 1984/145 respectively.

⁸⁶⁴ Approved by the Economic and Social Council in its decision 1980/135.

⁸⁶⁵ In that decision, the Commission had decided, inter alia, to invite States in respect of which situations were being considered under Economic and Social Council resolution 1503 (XLVIII) to send representatives to address the Commission and to answer any questions put by members of the Commission.

⁸⁶⁶ G A resolution 34/94.

⁸⁶⁷ Ibid.

⁸⁶⁸ Ibid.

⁸⁶⁹ G A resolution 35/119.

Vanuatu 1980,⁸⁷⁰ Belize on 21 September 1981,⁸⁷¹ Antigua and Barbuda on 1 November 1981,⁸⁷² Saint Christopher and Nevis on 19 September 1983,⁸⁷³ and Brunei Darussalam on 1 January 1984.⁸⁷⁴

461. The Economic and Social Council, in its decision 1979/39, decided that the study on the historical and current development of the right to self-determination⁸⁷⁵ and the study on the implementation of United Nations resolutions relating to the right of peoples under colonial and alien domination to self-determination⁸⁷⁶ should be printed and given the widest possible distribution, including distribution in Arabic.

462. In its resolution 35/118, the General Assembly, having decided to hold a special commemorative meeting⁸⁷⁷ on the occasion of the twentieth anniversary of the Declaration on the Granting of Independence to Colonial Countries and Peoples, contained in its resolution 1514 (XV) of 14 December 1960, and convinced that the Declaration had played and would continue to play an important role in assisting the peoples under colonial domination in their struggle for freedom and independence and in mobilizing world public opinion for the complete elimination of colonialism in all its forms and manifestations, adopted the Plan of Action for the Full Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples as set forth in the annex to resolution 35/118.

463. In its resolution 35/35 B, the General Assembly reaffirmed that the universal realization of the right of peoples to self-determination and the speedy granting of independence to colonial countries and peoples was a fundamental condition for the effective guarantee and observance of human rights and for the preservation and promotion of such rights in various parts of the world. It declared its firm opposition to acts of foreign military intervention, aggression and occupation, since they had resulted in the suppression of the right to self-determination and other human rights of peoples in various parts of the world. It called upon those States responsible for such acts to cease their military intervention and occupation of foreign countries and territories, to cease all acts of repression, discrimination, exploitation and maltreatment of the peoples concerned, including innocent men, women and children, particularly the brutal and inhuman methods reportedly employed for the purpose. Moreover, it deplored the plight of the hundreds of thousands of refugees and displaced persons who had been uprooted by the aforementioned acts and reaffirmed their right to return voluntarily to their homes and requested the Commission on Human Rights to continue to give special attention to the violation of the right of self-determination and other human rights resulting from foreign military aggression, intervention or occupation.

⁸⁷⁰ Ibid.

⁸⁷¹ G A resolution 36/68.

⁸⁷² Ibid.

⁸⁷³ G A resolution 38/54.

⁸⁷⁴ G A resolution 39/91.

⁸⁷⁵ E/CN.4/Sub.2/404.

⁸⁷⁶ E/CN.4/Sub.2/405.

⁸⁷⁷ G A (35), Plen., 93rd mtg.

464. The General Assembly, in its decision 37/420, dealt with the question of military activities and arrangements by colonial Powers in Territories under their administration which might be impeding the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples. It deplored the establishment and maintenance by colonial Powers and their allies of military bases and other installations in the colonial Territories under their administration, reiterated its condemnation of all military activities and arrangements by colonial Powers in Territories under their administration which were detrimental to the interests and rights of the colonial peoples concerned, especially their right to self-determination and independence, and once again called upon the colonial Powers concerned to terminate such activities and eliminate such military bases in compliance with its relevant resolutions and in particular with paragraph 9 of the annex to its resolution 35/118, containing the Plan of Action for the full Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples. It also deprecated the continued alienation of land in colonial Territories for military installations.

465. In its resolution 39/93, the General Assembly, bearing in mind that the year 1985 would mark the fortieth anniversary of the establishment of the United Nations as well as the twenty-fifth anniversary of the Declaration on the Granting of Independence to Colonial Countries and Peoples, endorsed the Programme of Activities in Observance of the Twenty-fifth Anniversary of the Declaration on the Granting of Independence to Colonial Countries and Peoples as set out in the annex to the resolution, which it commended, for appropriate action, to all States, the United Nations bodies concerned, the specialized agencies and other organizations of the United Nations system and the non-governmental organizations active in the field of decolonization. The Programme included activities at the international, regional and national levels. Those at the international level included the holding of a special commemorative meeting⁸⁷⁸ by the General Assembly, an extraordinary session of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, and the preparation of a draft text of a special declaration/final document with a view to facilitating the full and speedy implementation of the Declaration. The Special Committee was asked to hold two regional seminars on the subject of decolonization in 1985.

Adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to colonial and racist regimes in southern Africa

⁸⁷⁸In its resolution 39/161 B, the General Assembly decided that the events commemorating the fortieth anniversary of the United Nations should reflect in an appropriate manner the observance of the twenty-fifth anniversary, also in 1985, of the Declaration on the Granting of Independence to Colonial Countries and Peoples, with a view to strengthening international commitment to the full achievement of decolonization.

466. The Economic and Social Council, in its decision 1980/131, decided that the revised report prepared by the Special Rapporteur of the Subcommittee on Prevention of Discrimination and Protection of Minorities on the adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to colonial and racist regimes in southern Africa,⁸⁷⁹ which contained a general provisional list of banks, transnational corporations and other organizations giving assistance to the racist and colonial regimes of southern Africa, should be appended to the original report of the Special Rapporteur⁸⁸⁰ and should be printed and disseminated on the widest possible scale. It further approved the decision of the Commission on Human Rights to request the Subcommittee to entrust the Special Rapporteur with the responsibility of continuing to bring the list up to date every year and submitting the updated report to the Commission through the Subcommittee.⁸⁸¹

467. The Commission on Human Rights, in its resolution 1982/12, requested the Group of Three Members of the Commission which had been set up under the International Convention on the Suppression and Punishment of the Crime of Apartheid to examine whether the actions of transnational corporations operating in South Africa came under the definition of the crime of apartheid, and whether or not some legal action could be taken under the Convention. In its resolution 1984/6, the Commission noted with appreciation the opinions expressed by the Group of Three Members of the Commission that the actions of transnational corporations operating in South Africa came under the definition of the crime of apartheid and that article III of the International Convention on the Suppression and Punishment of the Crime of Apartheid could apply to the actions of such transnational corporations.⁸⁸² The Commission called upon States parties to the Convention to express their views on the extent and nature of the responsibility of transnational corporations for the continued existence of the system of apartheid in South Africa.

Mercenaries

468. During the period under review, the General Assembly continuously reaffirmed that the practice of using mercenaries against national liberation movements and sovereign States constituted a criminal act and that the mercenaries themselves were criminals. It called upon the Governments of all countries to enact legislation declaring the recruitment, financing and training of mercenaries in their territory and the transit of mercenaries through their territory to be punishable offences and prohibiting their nationals from serving as mercenaries, and to report on such legislation to the Secretary-General.⁸⁸³ In addition, the General Assembly, by adopting, in its resolution 35/118, a Plan of Action for the Full Implementation of the

⁸⁷⁹E/CN.4/Sub.2/425, Corr.1-2 and Add. 1-7.

⁸⁸⁰United Nations publication, Sales No. E.79.XIV.3.

⁸⁸¹See also E S C decisions 1981/141, 1982/128, 1983/137 and 1984/130.

⁸⁸²See E/CN.4/1984/48, para. 23.

⁸⁸³See G A resolutions 34/44, 35/35 A, 36/9, 37/43, 38/17 and 39/17.

Declaration on the Granting of Independence to Colonial Countries and Peoples, recommended that Member States should adopt the necessary measures to prevent the recruitment, financing and training of mercenaries in their territories for use against the national liberation movements struggling for their freedom and independence from the yoke of colonialism, racism and apartheid.

469. In its resolution 34/140, the General Assembly deplored the increased recruitment, training, assembly, transit and use of mercenaries for the purpose of overthrowing Governments of Member States and of fighting against the national liberation movements of peoples which were struggling against colonial domination or alien occupation or racist regimes in the exercise of their right of self-determination. It called upon all States to exercise the utmost vigilance against the menace posed by the activities of mercenaries and to ensure by both administrative and legislative measures that their territory and other territories under their control, as well as their nationals, were not used for the planning of subversion and recruitment, assembly, financing, training and transit of mercenaries designed to subvert or overthrow the Government of any Member State and to fight the national liberation movements of peoples which were struggling against colonial domination or alien occupation or racist regimes in the exercise of their right of self-determination. It decided to consider the drafting of an international convention to outlaw mercenarism in all its manifestations and urged all States to consider effective measures to prohibit the recruitment, training, assembly, transit and use of mercenaries within their territories. It also invited all Member States to communicate to the Secretary-General their views and comments on the need to elaborate urgently an international convention to prohibit the recruitment, use, financing and training of mercenaries.

470. In its resolution 35/48, the General Assembly decided to establish an Ad Hoc Committee on the Drafting of an International Convention against the Recruitment, Use, Financing and Training of Mercenaries, composed of 35 Member States, and requested the Ad Hoc Committee to elaborate at the earliest possible date an international convention to prohibit the recruitment, use, financing and training of mercenaries. In the same resolution, the Assembly requested the Secretary-General to compile a list of all relevant legislation of Member States and any other conventions and protocols additional thereto of international and regional organizations on mercenaries and to place such materials at the disposal of the Ad Hoc Committee. In subsequent sessions, it annually renewed the mandate of the Ad Hoc Committee.⁸⁸⁴

Self-determination and objets d'art

471. The General Assembly, in its resolution 36/64, appealed to museums and public and private collectors to return totally or partially, or make available to the countries of origin, particularly the items kept in the storehouses of such museums, and to help the countries of origin, with the cooperation of the United Nations Educational, Scientific and Cultural Organization, in their endeavours to prepare an

inventory of those collections. In its resolution 38/34, the Assembly took note with satisfaction of the importance accorded by the World Conference on Cultural Policies, held at Mexico City from 26 July to 6 August 1982, to the question of the return or restitution of cultural property during the debate on cultural policies. It further endorsed the opinion expressed at the Conference that the return of cultural property to its country of origin should be accompanied by the training of key personnel and technicians and the provision of the necessary facilities for the satisfactory conservation and presentation of the property restored.⁸⁸⁵

472. The General Assembly, in its resolution 37/123 B, having learned that the Israeli army, during its occupation of Beirut, had seized and taken away the archives and documents of every kind concerning Palestinian history and culture, including cultural articles belonging to Palestinian institutions, archives, documents, manuscripts and materials such as film documents, literary works by major authors, paintings, objets d'art and works of folklore, research works and so forth, serving as a foundation for the history, culture, national awareness, unity and solidarity of the Palestinian people, condemned those acts of plundering the Palestinian heritage. It called upon the Government of Israel to make full restitution, through the United Nations Educational, Scientific and Cultural Organization, of all the cultural property belonging to Palestinian institutions, including the archives and documents removed from the Palestinian Research Centre and arbitrarily seized by the Israeli forces.⁸⁸⁶

473. During the period under review, the General Assembly, the Economic and Social Council and their subsidiary bodies concerned continued to deal with the situation in specific Territories, for which they had affirmed the right to self-determination and independence.⁸⁸⁷ The situations dealt with concerned in particular East Timor,⁸⁸⁸ Namibia,⁸⁸⁹ Palestine,⁸⁹⁰ South Africa,⁸⁹¹ Western Sahara⁸⁹² and Zimbabwe (Southern Rhodesia).⁸⁹³

474. It may be mentioned in that context, that the General Assembly and Economic and Social Council dealt with the case of Ziad Abu Ain (Eain). The Economic and Social Council, in its resolution 1981/42, bearing in mind that the Government of Israel defiantly considered internationally recognized and legitimate resistance by the Palestinian population under illegal occupation as "common crimes" and that the Israeli authorities of occupation systematically violated the human rights of the Palestinian population under Israeli military occupation, noted further that Mr. Ziad Abu Ain had been detained illegally in a United States prison over a year pending his extradition to Israel. The Council appealed to the Government of the United States of America

⁸⁸⁵ A/38/456, p. 12, para. 17.

⁸⁸⁶ See also G A resolution 38/180 B.

⁸⁸⁷ See also the present *Supplement*, under Articles 73 and 81.

⁸⁸⁸ See, for example, G A resolution 36/50.

⁸⁸⁹ See, for example, G A resolution 35/227 A.

⁸⁹⁰ See, for example, G A resolution ES-7/2.

⁸⁹¹ See, for example, G A resolution 34/93 O.

⁸⁹² See, for example, G A resolution 34/37.

⁸⁹³ See, for example, G A resolution 34/192.

⁸⁸⁴ G A resolutions 36/76, 37/109, 38/137 and 39/84.

to release Mr. Ziad Abu Ain from the United States prison in which he was being detained. In the same year, by its resolution 36/171, the General Assembly strongly deplored the action of the Government of the United States of America in extraditing Mr. Ziad Abu Eain to Israel and demanded his immediate release.⁸⁹⁴

(iii) *Rights of minorities*

475. The Commission on Human Rights, by its resolution 21 (XXXV), requested the Subcommission on Prevention of Discrimination and Protection of Minorities to submit its opinion on the draft declaration on the rights of persons belonging to national, ethnic, religious and linguistic minorities⁸⁹⁵ proposed by Yugoslavia. At its subsequent session, the Commission adopted resolution 37 (XXXVI), in which it requested the Chairman-Rapporteur of the Working Group which it had established at the thirty-fourth session to consider questions connected with the drafting of such a declaration, to prepare a revised and consolidated text of that draft declaration and to transmit it to the Secretary-General in time for consideration by the Subcommission. The Commission further requested the Secretary-General to prepare a document⁸⁹⁶ incorporating all provisions relevant to the rights of persons belonging to national, ethnic, religious or linguistic minorities as contained in international instruments in time for submission to the Subcommission. It requested the Subcommission to make a thorough and detailed examination of the revised draft declaration and to submit its views on the revised draft to the Commission.

476. At its following sessions, the Commission on Human Rights decided to re-establish an open-ended working group in order to continue consideration of the revised draft declaration.⁸⁹⁷ By its resolution 1984/62, the Commission requested the Subcommission to prepare a text defining the term "minority".

(iv) *Other rights*

The rights of disabled persons

477. The Economic and Social Council, by its decision 1979/24, took note of a Declaration on the Rights of Deaf-Blind Persons,⁸⁹⁸ the text of which was annexed to that decision, and decided to bring it to the attention of the General Assembly as part of the documentation submitted under the question of the International Year for Disabled Persons.

478. The General Assembly, in its resolution 34/154, adopted the Plan of Action for the International Year of Disabled Persons,⁸⁹⁹ decided to expand the theme of the

International Year of Disabled Persons to "Full participation and equality" and requested the Secretary-General to convene a meeting of the Advisory Committee for the International Year of Disabled Persons in 1980 to examine the implementation of the Plan of Action and to begin the consideration of a long-term programme of action. It also invited Member States to submit national reports on their implementation of the Plan of Action.⁹⁰⁰ It affirmed further that, in the implementation of the Plan of Action, special attention should be given to the disabled in developing countries through the provision of technical assistance, both multilateral and bilateral, for the prevention of disabilities and for rehabilitation, and requested the Secretary-General to accord priority to the organization of an action-oriented international symposium of experts on technical assistance in the field of disability and technical cooperation among developing countries.

479. By its resolution 37/52, the General Assembly adopted the World Programme of Action concerning Disabled Persons.⁹⁰¹ It also decided to evaluate at its forty-second session, with the help of the Secretary-General, the implementation of the World Programme of Action. At the same session, in its resolution 37/53, the Assembly proclaimed the period 1983-1992 United Nations Decade of Disabled Persons as a long-term plan of action and encouraged Member States to utilize the period as one of the means to implement the World Programme of Action concerning Disabled Persons.

480. The Subcommission on Prevention of Discrimination and Protection of Minorities, by its resolution 1982/1, recommended that Governments give consideration to difficulties encountered by disabled persons in the enjoyment of universally proclaimed human rights as well as to the need to strengthen procedures designed to permit disabled persons to bring allegations of violations of their human rights to a competent body vested with the authority to act on such complaints or to the attention of the Government.

481. The Economic and Social Council, in its resolution 1984/26, requested Governments to pay particular attention to ways and means of strengthening procedures whereby disabled persons may seek redress for human rights violations in accordance with resolution 1982/1 of the Subcommission, and further requested the Subcommission to appoint a special rapporteur to undertake a thorough study of the causal connection between serious violations of human rights and fundamental freedoms and disability and of the progress made to alleviate problems. Subsequently, in its resolution 1984/20, the Subcommission decided to appoint a Special Rapporteur to undertake such a study and requested the Special Rapporteur to include in the study consideration

⁸⁹⁴See also G A resolutions 38/79 A and 39/95 A.

⁸⁹⁵E/CN.4/L.1367/Rev.1.

⁸⁹⁶For the document, see E/CN.4/Sub.2/L.735.

⁸⁹⁷CHR resolutions 21 (XXXVII), 1982/38, 1983/53 and 1984/62.

⁸⁹⁸Adopted by the Helen Keller World Conference on Services to Deaf-Blind Youths and Adults on 16 September 1977.

⁸⁹⁹The Plan of Action for the International Year of Disabled Persons consists of the text appearing in paragraphs 57 to 76 of the annex to document A/34/158 and Corr.1, with the deletion of the phrase following the words "(see subpara. (i) below)" in paragraph

74 (c), of paragraph 74 (u) and of the words following the word "nationally" in paragraph 75 (b).

⁹⁰⁰See also G A resolution 36/77.

⁹⁰¹A/37/351/Add.1 and Add.1/Corr.1, annex, sect. VIII, recommendation 1 (IV). The Assembly also considered the Vienna Affirmative Action Plan adopted by the World Symposium of Experts on Technical Cooperation among Developing Countries and Technical Assistance in Disability Prevention and Rehabilitation of Disabled Persons (IYDP/SYMP/L.2/Rev.1).

of and recommendations regarding: "(a) human rights and humanitarian law violations that result in disability or have a particular impact on disabled persons; (b) apartheid, as it relates to disability; (c) all forms of discrimination against disabled persons; (d) Institutionalization and institutional abuse; (e) economic, social and cultural rights as they relate to disability." It further requested the Special Rapporteur to include an outline of the topic of scientific experimentation as it related to disability.

Question of international legal protection of the human rights of individuals who are not citizens of the country in which they live

482. The Economic and Social Council, in its decision 1979/36, decided that the study prepared by the Special Rapporteur of the Subcommittee on Prevention of Discrimination and Protection of Minorities on the question of international legal protection of the human rights of individuals who were not citizens of the country in which they lived⁹⁰² should be printed and given the widest possible dissemination. The Council also decided to transmit the draft declaration on the same subject⁹⁰³ to Member States for their comments. At its next session, in its resolution 1980/29, it transmitted the text of the draft declaration to the General Assembly and recommended that the Assembly should consider the adoption of a declaration on the subject. During the thirty-fifth and subsequent sessions of the General Assembly, the draft declaration was examined in a working group with the task of elaborating a final version.⁹⁰⁴

The rights of indigenous populations

483. By its resolution 1982/34, the Economic and Social Council authorized the Subcommittee on Prevention of Discrimination and Protection of Minorities to establish annually a working group on indigenous populations in order to review developments pertaining to the promotion and protection of the human rights and fundamental freedoms of indigenous populations, including information requested by the Secretary-General annually from Governments, specialized agencies, regional intergovernmental organizations and non-governmental organizations in consultative status, particularly those of indigenous peoples, to analyse such materials, and to submit its conclusions to the Subcommittee. The Council also decided that the Working Group should give special attention to the evolution of standards concerning the rights of indigenous populations, taking account of both the similarities and the differences in the situations and aspirations of indigenous populations throughout the world.

484. At its thirty-fifth session, by its resolution 1982/31, the Subcommittee on Prevention of Discrimination and Protection of Minorities agreed with the Working Group in its preliminary identification of the main areas of concern and its decision to emphasize the importance of the question of defining indigenous populations from an international viewpoint and the special and urgent attention that had to be paid to the cases of physical destruction of indigenous

communities (genocide) or destruction of indigenous cultures (ethnocide). It also requested the Commission on Human Rights and the Economic and Social Council to establish a fund for the purpose of allowing representatives of indigenous populations to come to Geneva to participate in the work of the Working Group. The Subcommittee, in its resolutions 1983/37 and 1984/35 B, endorsed the plans of action drawn up by the Working Group for its future work.⁹⁰⁵

485. By its resolution 1984/35 A of 30 August 1984, the Subcommittee on Prevention of Discrimination and Protection of Minorities expressed its appreciation to the Special Rapporteur for his excellent and exhaustive study,⁹⁰⁶ and decided to consider the conclusions, proposals and recommendations as an appropriate source for its future work on the question and for the work of its Working Group on Indigenous Populations. In its resolution 1984/35 B, it requested the Working Group to consider elaborating, as appropriate, analytical papers with a view to their subsequent circulation to interested observers, analyses of basic issues such as the legal foundations of indigenous rights in general, as well as draft principles relating to land rights. It also requested the Working Group to focus its attention on the preparation of standards on the rights of indigenous populations and to relate its consideration of developments affecting the rights of indigenous populations to the process of preparing international standards thereon. Finally, it requested the Working Group to consider the drafting of a Body of Principles on Indigenous Rights.

Human rights in armed conflicts

486. With regard to the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of international armed conflicts (Protocol I) and the protection of victims of non-international armed conflicts (Protocol II), the General Assembly reiterated its call that all States should consider without delay the matter of ratifying or acceding to the two Protocols concerning the respect for human rights in armed conflicts.⁹⁰⁷ It further called upon all States becoming parties to Protocol I to consider making the declaration provided for under article 90 of that Protocol.

487. The General Assembly, in its resolution 35/153, welcomed the successful conclusion of the United Nations Conference on Prohibitions and Restrictions of Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects, held at Geneva from 10 to 28 September 1979 and from 15 September to 10 October 1980, which resulted in the adoption of the following instruments: (a) Convention on Prohibition or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects; (b) Protocol on Non-Detectable Fragments (Protocol I); (c) Protocol on Prohibitions or Restrictions on the Use of Mines, Booby Traps and Other Devices (Protocol II); and

⁹⁰⁵For the plans of action, see E/CN.4/Sub.2/1983/22, annex I, and E/CN.4/Sub.2/1984/20, annex I.

⁹⁰⁶E/CN.4/Sub.2/476 and Add.1-6; E/CN.4/Sub.2/1982/2 and Add.1-7; and E/CN.4/Sub.2/1983/21 and Add.1-8.

⁹⁰⁷G A resolutions 34/51, 37/116 and 39/77.

⁹⁰²E/CN.4/Sub.2/392 and Corr.1.

⁹⁰³E/CN.4/1336.

⁹⁰⁴G A resolutions 35/199, 36/165, 37/169, 38/87 and 39/103.

(d) Protocol on Prohibitions or Restrictions on the Use of Incendiary Weapons (Protocol III). Those instruments aim, inter alia, at the reduction of the suffering of civilian populations and of combatants through the prohibition or restriction for humanitarian reasons of the use of specific conventional weapons, including any which might be deemed to be excessively injurious or to have indiscriminate effects. By its resolution 38/66, the General Assembly noted with satisfaction that the Convention and the three Protocols had entered into force on 2 December 1983.

Human rights of United Nations staff

488. In its resolution 31 (XXXVI), the Commission on Human Rights expressed its concern at reports on infringements of the human rights of United Nations staff members and the abrogation of rights conveyed under the Convention on the Privileges and Immunities of the United Nations, and appealed to Member States to respect their obligations under relevant international instruments. It further requested the Secretary-General to use his good offices to ensure the full enjoyment of human rights by United Nations staff members and the enjoyment of the rights conveyed under the Convention on the Privileges and Immunities of the United Nations.

The right to peace

489. The General Assembly, by its resolution 34/111, approved the idea of establishing a University for Peace as an international centre of higher learning for postgraduate studies, research and the dissemination of knowledge specifically aimed at training for peace, within the system of the United Nations University and with its headquarters in Costa Rica. At its thirty-fifth session, in its resolution 35/55, the Assembly approved the establishment of the University in conformity with the International Agreement for the Establishment of the University for Peace and with the Charter of the University for Peace, both annexed to the resolution.

490. By its resolution 36/67, the General Assembly declared that the third Tuesday of September, the opening day of the regular sessions of the General Assembly, should be officially proclaimed and observed as International Day of Peace and should be devoted to commemorating and strengthening the ideals of peace both within and among all nations and peoples.

491. In its resolution 37/16, the General Assembly declared 1986 to be the International Year of Peace and decided to proclaim it solemnly on 24 October 1985, the fortieth anniversary of the United Nations. By its resolution 38/56, the Assembly further endorsed the principal objectives of the International Year of Peace indicated in the report of the Secretary-General.⁹⁰⁸

492. At its thirty-ninth session, the General Assembly approved the Declaration on the Right of Peoples to Peace in its resolution 39/11 of 12 November 1984.⁹⁰⁹

493. At the same session, in its resolution 39/157, the General Assembly solemnly reaffirmed the lasting validity of the purposes and principles enshrined in the Declaration on Preparation of Societies for Life in Peace.⁹¹⁰ It also requested the Secretary-General to consider convening in 1986 a panel of peace research experts to consider, in a comprehensive manner, questions pertaining to the implementation of the Declaration.

494. With regard to the Declaration on the Participation of Women in Promoting International Peace and Cooperation, the General Assembly, in its resolution 34/158, urged the Commission on the Status of Women to consider the question of elaborating a draft declaration on the participation of women in the struggle for the strengthening of international peace and security and against colonialism, racism, racial discrimination, foreign aggression and occupation and all forms of foreign domination, in accordance with General Assembly resolution 32/142, and for the full and effective enjoyment of human rights and fundamental freedoms. In its decision 35/429, the Assembly sought the views of the Governments of Member States on a draft declaration⁹¹¹ entitled "Draft Declaration on the Participation of Women in the Struggle for the Strengthening of International Peace and Security and against Colonialism, Apartheid, All Forms of Racism and Racial Discrimination, Foreign Aggression and Occupation and All Forms of Foreign Domination".⁹¹²

495. In its resolution 37/63, the General Assembly proclaimed the Declaration on the Participation of Women in Promoting International Peace and Cooperation. Article 1 provides that women and men have an equal and vital interest in contributing to international peace and cooperation and that, to that end, women must be enabled to exercise their right to participate in the economic, social, cultural, civil and political affairs of society on an equal footing with men. That participation is dependent on a balanced and equitable distribution of roles between men and women in the family and in society as a whole (article 2). Articles 3 and 4 recognize that the increasing or full participation of women in those fields will contribute to international peace and cooperation and to the eradication of apartheid, of all forms of racism, racial discrimination, colonialism neo-colonialism, aggression, foreign occupation and domination and interference in the internal affairs of States.

496. Part II of the Declaration (articles 6-14) contains a number of provisions on implementation. Article 12, for example, provides that among the appropriate measures to be taken to provide practical opportunities for the effective participation of women in promoting international peace and cooperation, economic development and social progress shall be:

(a) The promotion of an equitable representation of women in governmental and non-governmental functions;

(b) The promotion of equality of opportunities for women to enter diplomatic service;

⁹⁰⁸A/38/413 and Add.1 and 2.

⁹⁰⁹See also paras. 271-272 above.

⁹¹⁰G A resolution 33/73.

⁹¹¹For the draft declaration, see A/35/639, sect. A.

⁹¹²See also G A decision 36/428.

(c) The appointment or nomination of women, on an equal basis with men, as members of delegations to national, regional or international meetings;

(d) Support for increased employment of women at all levels in the secretariats of the United Nations and the specialized agencies, in conformity with Article 101 of the Charter of the United Nations”.

Rights relating to the environment

497. By its resolution 34/173 of 17 December 1979, the General Assembly, aware that the exportation of hazardous chemicals and unsafe pharmaceutical products could have serious and adverse effects on the health of peoples in the importing countries, urged Member States to exchange information on such products that had been banned in their territories and to discourage, in consultation with importing countries, the exportation of such products to other countries. At its thirty-sixth session, in its resolution 36/166, the Assembly requested the Secretary-General and the organs, organizations and other competent bodies of the United Nations to provide the necessary technical assistance to the developing countries, to help them establish an adequate system for monitoring the import of unsafe pharmaceutical products of doubtful therapeutic value and banned hazardous chemicals and to train scientific personnel to handle those problems. In its resolution 37/137, the General Assembly agreed that products that had been banned from domestic consumption and/or sale because they had been judged to endanger health and the environment should be sold abroad by companies, corporations or individuals only when a request for such products was received from an importing country or when the consumption of such products was officially permitted in the importing country. It further agreed that all countries that had severely restricted or had not approved the domestic consumption and/or sale of specific products should make available full information on those products with a view to safeguarding the health and environment of the importing country, including clear labelling in a language acceptable to the importing country. The Assembly furthermore requested the Secretary-General to prepare and regularly update a consolidated list of products whose consumption and/or sale had been banned, withdrawn, severely restricted or, in the case of pharmaceuticals, not approved by Governments.⁹¹³

498. The General Assembly, in its resolution 35/71, recognized that the presence of material remnants of war, particularly mines, on the territories of certain developing countries seriously impeded their development efforts and entailed loss of life and property. It expressed its conviction that the removal of those remnants of war should be the responsibility of the countries that had implanted them and should be carried out at their expense, and called upon those States which had taken part in those wars to make available all information on the areas in which such mines had been placed, including maps indicating the position of those areas, and information concerning the types of mines. It also supported the demand of the affected States for compensation for the losses incurred and requested the

Secretary-General to consult with the States concerned to find ways and means for solving the problem. In its resolution 37/215, the Assembly regretted that no concrete measures had been taken to solve the problem and requested the Secretary-General, in cooperation with the Executive Director of the United Nations Environment Programme, to prepare a factual study⁹¹⁴ on the problem of remnants of war, particularly mines, covering:

“(a) The economic and environmental problems experienced by developing countries affected by remnants of war, the loss of life and property they have suffered, their specific demands in this respect and the extent to which the responsible States are willing to compensate the affected States and to assist them in solving the problem;

(b) The legal status of the problem;

(c) The international cooperation required to solve the problem;

(d) The role of the United Nations in this regard, including the possibility of convening a conference pursuant to General Assembly resolutions 35/71 and 36/188”.

By its resolution 39/167, the General Assembly requested the Secretary-General, in cooperation with UNEP and other organizations of the United Nations system, within their mandates, to collect all information on expertise and available equipment so as to evaluate, on request, the actual needs of the developing countries affected and to assist them in their efforts to detect and clear material remnants of war.

499. In 1982, the Governing Council of the United Nations Environment Programme held a session of a special character at Nairobi and adopted the Nairobi Declaration.⁹¹⁵ The General Assembly, in its resolution 37/219, endorsed the Declaration, in which the world community, inter alia, had urged all Governments and peoples of the world to discharge their historical responsibility to ensure that the planet Earth was passed over to future generations in a condition that guaranteed a life in human dignity for all.

The right to development

500. The Commission on Human Rights, by its resolution 4 (XXXV), took note with satisfaction of the report⁹¹⁶ prepared by the Secretary-General on the international dimensions of the right to development as a human right in relation with other human rights based on international cooperation, including the right to peace. It invited the competent economic and social organs of the United Nations to take account of the study in their respective activities and fields and, in particular, invited the Preparatory Committee for the New International Development Strategy to pay due attention to the integration of human rights in the development process. The Commission further noted that exercise of the right to development implied a reign of peace and the establishment of an international economic order based on respect for human rights.

⁹¹³See also G A resolutions 38/149 and 39/229.

⁹¹⁴For the study, see A/38/383.

⁹¹⁵A/37/25, part one, annex II.

⁹¹⁶E/CN.4/1334.

501. The Economic and Social Council, in its decision 1979/29, invited the Secretary-General, in cooperation with the United Nations Educational, Scientific and Cultural Organization and other competent specialized agencies, to undertake a study of the regional and national dimensions of the right to development as a human right, paying particular attention to the obstacles encountered by developing countries in their efforts to secure the enjoyment of that right.⁹¹⁷

502. By its resolution 35/56, the General Assembly proclaimed the Third United Nations Development Decade, starting on 1 January 1981. Paragraph 8 of the preamble to the International Development Strategy for the Third United Nations Development Decade, annexed to the resolution, provided that the development process had to promote human dignity and that the ultimate aim of development was the constant improvement of the well-being of the entire population on the basis of its full participation in the process of development and a fair distribution of the benefits therefrom.

503. The General Assembly, in its resolution 35/174 of 15 December 1980, requested the Secretary-General to give priority, through the programme of advisory services in the field of human rights, to the holding in 1981 of a seminar on the relations that existed between human rights, peace and development.⁹¹⁸

504. The Commission on Human Rights, by its resolution 36 (XXXVII), established a Working Group of 15 governmental experts to study the scope and contents of the right to development and the most effective means to ensure the realization, in all countries, of the economic, social and cultural rights enshrined in various international instruments, paying particular attention to the obstacles encountered by developing countries in their efforts to secure the enjoyment of human rights.⁹¹⁹ The Commission further requested the Working Group, inter alia, to submit a report with concrete proposals for implementation of the right to development and for a draft international instrument on the subject. At its subsequent sessions, the Commission decided to reconvene the Working Group with the same mandate in order to allow it to elaborate a draft declaration on the right to development.⁹²⁰

The elderly and the aged

505. By its resolution 37/51, the General Assembly, bearing in mind that the States gathered in the World Assembly on Ageing had reaffirmed their belief that the fundamental and inalienable rights enshrined in the Universal Declaration of Human Rights applied fully and undiminishedly to the ageing, and recognizing that quality of life was no less important than longevity, and that the ageing should therefore, as far as possible, be enabled to enjoy in

their own families and communities a life of fulfilment, health, security and contentment, appreciated as an integral part of society.⁹²¹ The Assembly also endorsed the International Plan of Action on Ageing, adopted by consensus by the World Assembly on Ageing.⁹²² The General Assembly further requested the Secretary-General to continue to use the United Nations Trust Fund for the World Assembly on Ageing to meet the rapidly increasing needs of the ageing in the developing countries. It also requested the Secretary-General to use the Trust Fund to encourage greater interest among developing countries in matters related to ageing and to assist Member States, at their request, in formulating and implementing policies and programmes for the elderly and for technical cooperation and research related to the ageing of populations and for promoting cooperation among developing countries in the exchange of relevant information and technology. Finally, the Assembly requested the Economic and Social Council, through the Commission for Social Development, to review the implementation of the Plan of Action every four years, beginning in 1985, and to transmit its findings to the General Assembly.

3. QUESTION OF THE MEANING OF THE EXPRESSION "FOR ALL WITHOUT DISTINCTION AS TO RACE, SEX, LANGUAGE OR RELIGION"

506. During the period under review, two definitions of specific forms of discrimination were adopted. Article 1 of the Convention on the Elimination of All Forms of Discrimination against Women provides: "For the purposes of the present Convention, the term 'discrimination against women' shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field."⁹²³ Article 2, paragraph 2, of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief sets forth: "For the purposes of the present Declaration, the expression 'intolerance and discrimination based on religion or belief' means any distinction, exclusion, restriction or preference based on religion or belief and having as its purpose or as its effect nullification or impairment of the recognition, enjoyment or exercise of human rights and fundamental freedoms on an equal basis."⁹²⁴

**4. QUESTION OF THE MEANING OF THE TERM "UNIVERSAL"; THE TERRITORIAL SCOPE OF THE PROVISIONS RELATING TO HUMAN RIGHTS

⁹¹⁷For the study, see E/CN.4/1421 (first part) and E/CN.4/1488 (second part).

⁹¹⁸For the report on the seminar, see ST/HR/SER.A/10.

⁹¹⁹Approved by the Economic and Social Council in its decision 1981/149.

⁹²⁰CHR resolutions 1982/17, 1983/15 and 1984/16; endorsed by the Economic and Social Council in its decisions 1983/139 and 1984/132 respectively.

⁹²¹See *Report of the World Assembly on Ageing, Vienna, 26 July to 6 August 1982* (United Nations publication, Sales No. E.82.I.16), chap. VI, sect. A.

⁹²²*Ibid.*

⁹²³See also paras. 251-258 above.

⁹²⁴See also paras. 259-263 above.