



General Assembly

Distr.
GENERAL

A/41/472
1 August 1986
ENGLISH
ORIGINAL: ENGLISH/SPANISH

Forty-first session
Item 104 of the provisional agenda*

NEW INTERNATIONAL HUMANITARIAN ORDER

Report of the Secretary-General

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* A/41/150.

I. INTRODUCTION

1. At its fortieth session, the General Assembly considered a report relating to the new international humanitarian order submitted by the Secretary-General in pursuance of General Assembly resolution 38/125 of 16 December 1983 (A/40/248 and Add.1 and 2). In resolution 40/126, adopted on 13 December 1985, the Assembly expressed its appreciation to the Secretary-General for his report, took note of the activities of the Independent Commission on International Humanitarian Issues, as described in the report of the Secretary-General, and looked forward to the outcome of its efforts and its final report. The Assembly invited Governments that had not yet done so to communicate to the Secretary-General their views regarding the proposal to promote a new international humanitarian order, and requested the Secretary-General, in the light of further views received, to submit to the Assembly at its forty-first session an addendum to his report, including a survey of specific humanitarian issues. Finally, the Assembly decided to review at its forty-first session the question of a new international humanitarian order.

2. By a note dated 24 January 1986, the Secretary-General transmitted General Assembly resolution 40/126 to all Governments and requested that any further views on the matter be sent by 30 April 1986 so as to enable the early issuance of the addendum to his report. As at 31 July 1986, further replies had been received from the Governments of Bolivia, Costa Rica and Grenada. An acknowledgement was also received from the Government of the United States of America. The substantive parts of those replies are reproduced in the annex to the present report.

3. When the report of the Secretary-General (A/40/348 and Add.1 and 2) was introduced in the Third Committee of the General Assembly on 6 December 1985, the representative of the Secretary-General informed the Committee that in the course of the preparation of the report relevant information had been solicited or collected from specialized agencies and other bodies of the United Nations system on a series of specific humanitarian issues in the contemporary world, notably the following:

- (a) Hunger and starvation
- (b) Health and environmental conditions;
- (c) Massive unemployment;
- (d) Massive illiteracy;
- (e) Situation of women and children;
- (f) Genocide;
- (g) Arbitrary and summary executions;
- (h) Torture;
- (i) Enforced or involuntary disappearances;

- (j) Slavery and slavery-like practices;
- (k) Armed conflicts;
- (l) Weapons that cause unnecessary human suffering;
- (m) Situations of gross violations of human rights;
- (n) Refugees, mass exoduses and displacements;
- (o) Migrant workers and non-citizens;
- (p) Natural and man-made disasters;
- (q) Population questions;
- (r) Vulnerable groups whose survival is threatened;
- (s) Racial and religious intolerance;
- (t) The drug problem.

A bibliography of documentation on these topics is available in the Secretariat and can be consulted upon request.

4. As the General Assembly, in paragraph 4 of resolution 40/126, requested the Secretary-General to include in the addendum to his report a survey of specific humanitarian issues, concise surveys on the humanitarian issues mentioned above are contained in section II of the present report. The surveys were prepared within the United Nations Secretariat or the relevant specialized agency and, in appropriate instances, in consultation with organizations directly concerned. In some instances they are based on more extensive versions prepared by the agency concerned which, however, had to be shortened so as to keep the size of the present report within the prescribed limits.

II. SURVEY OF SPECIFIC HUMANITARIAN ISSUES

A. Introduction

5. A broad range of specific humanitarian issues is currently attracting the attention of the international community and will continue to deserve urgent attention in the foreseeable future. The issues vary in nature and scope, and the selection that follows is intended to provide a global overview and, at the same time, to point to matters that would appear to lend themselves to solutions within humanitarian organizations.

6. The global threat to the right to life and the other humanitarian risks arising from the existence of nuclear weapons are not treated specifically because they are dealt with regularly in several organs of the United Nations and have been extensively documented.

B. Hunger and starvation

7. Over 500 million people are undernourished because food production is inadequate and distribution is unreliable and because those people, being poor, lack the economic means to purchase or produce enough to eat. Solving current food problems depends on two main factors: sustained increases in food production and more equitable access to food supplies.

8. World supplies of dietary energy are now about 10 per cent more than the nutritional requirements of the population. Even the supplies available in the developing countries would be nearly sufficient to meet domestic needs if they were distributed strictly in accordance with nutritional requirements. In fact, to a large extent, levels of income determine how food is distributed among the population. Thus some people, particularly in industrialized countries, consume more than their nutritional requirements and many people, especially in developing countries, consume less.

9. Redistribution sufficient to eliminate hunger and malnutrition would entail massive reapportionment of income and natural resources both among and within countries. However, available food supplies can be redistributed through such measures as food aid, supplementary feeding programmes, selective subsidies and low-price shops.

10. In order for the developing nations to expand their agricultural production as rapidly as they must, investments will be needed to increase and improve irrigation. While agricultural areas can still be extended without ecological damage in some areas, most of the growth in production must come from higher yields on land already in use. Agriculture must make greater use of chemical and organic fertilizers, improved seeds, and pesticides. Mechanization must be encouraged judiciously in areas where it will raise production and create off-farm employment.

11. The largest single source of capital assistance for the food and agriculture sector and for rural development is the World Bank, which in recent years has greatly increased its emphasis on these sectors.

12. Since the early 1950s, food aid has responded to emergencies and has supported nutritional programmes and food-for-work and development projects.

13. In 1974, the World Food Conference set a minimum target of food aid of 10 million tons of cereals a year (about 0.6 per cent of annual world production). Since then, progress achieved has been mixed.

14. During the past decade, the notion of food security has been extended, reflecting shifts in perception of the world food problem as a whole. During the world food crisis of the early 1970s, international concern about improving world food security focused on measures to reduce price and supply instability in world markets. The World Food Conference in 1974 and the 1979 Five-Point Plan of Action on World Food Security approved by the Council of the Food and Agriculture Organization of the United Nations (FAO) at its seventy-fifth session, therefore, sought to ensure availability of food supplies in the event of widespread crop failure. Measures to alleviate instability in world cereal markets remain a priority for achieving world food security. However, these measures are not

considered adequate to combat hunger in developing countries that is of a chronic rather than a temporary nature.

15. The FAO Committee on World Food Security therefore adopted in 1983 a revised concept of world food security that has since received widespread support by the international community. According to this concept, food security should have three specific aims: (a) increasing food production; (b) maximizing stability in food supplies and markets; and (c) ensuring access to supplies for those who need them.

16. Many low-income food-deficit countries need to develop national preparedness programmes to cope with crop fluctuations and food disasters. Such programmes should include an early warning system to give advance indications of potential crop failures. They should also contain a set of measures and procedures to be introduced in the event of serious crop failures, including emergency import programmes; they should identify food reserves to be drawn upon until additional supplies arrive and should include stand-by disaster units. Regional workshops on these issues have already been organized by FAO for the Asia and Pacific region and for Africa.

17. FAO established its Global Information and Early Warning System on Food and Agriculture on the recommendations of the 1974 World Food Conference. 1/ The main objectives of the System are to give a warning of impending changes in world food conditions and to enhance the capacity of Governments and international organizations to take prompt and appropriate action to deal with emerging food shortages. FAO has also assisted in the establishment of national early warning systems in several countries and regional groupings, such as the Southern Africa Development Co-ordination Conference.

18. In the past 10 years, and since the World Food Conference, some aspects of world food security have been improved. However, much remains to be done. Food security problems will remain central in FAO work and the organization will continue to explore all possible approaches until the poorest and neediest of the world have dependable access to their basic food.

C. Health and environmental conditions

19. Health is assuredly a humanitarian issue. Its close interrelationship with and interdependence on the environment determine the conditions and the quality of life and welfare of the people.

20. The social and humanitarian consequences of adverse environmental conditions are only too obvious: people who live in substandard sanitary conditions, without adequate water supply or waste disposal facilities, who fall ill as a result of eating unsafe food, or who are exposed to an increasing concentration of chemicals in the environment in which they live and work, cannot be expected to lead socially and economically productive lives. The goal of health for all is inextricably linked with a better environment and its impact on the quality of life.

21. The main line of the response of the World Health Organization (WHO) to the humanitarian dimension of the problem is of a technical nature and is part of its

environmental health programme. The objective of the WHO programme for the promotion of environmental health is to protect and promote human health through national, community and personal measures for the prevention and control of conditions and factors in the environment that adversely affect health.

22. Future activities in this area will go deeper into understanding the concept of environmental refugees - whole populations that are dislocated from their traditional settlements because of environmental deterioration. To the extent that resources are available, it will be necessary to draw up short- and long-term action plans to reverse the growing influx of environmental refugees. Both preventive (long-term) and curative actions are urgently required to save human suffering on an unprecedented scale.

D. Massive unemployment

23. Unemployment across the world has grown enormously in recent years. In many low-income countries much of what had been underemployment of one kind or another has turned into open unemployment, in some countries rising to well over 20 per cent of the economically active population. In many industrialized countries the era of "full employment" of the 1950s and 1960s has passed, with seemingly chronically high levels being reached in large parts of Western Europe. Only in South-East Asia has unemployment remained low and in a very few countries it has fallen steadily in recent years.

24. As for the unemployed themselves, youths have attracted most attention; in some countries the unemployment rates for teenagers have exceeded 40 per cent. Even harder hit have been minority groups, such as coloured ethnic groups and immigrants. In southern Africa the majority group has borne the brunt of unemployment, but that is a special case.

25. Evidence on the incidence of unemployment among men and women is mixed, for in some countries employment of women has been growing, while employment of men has been shrinking. Nevertheless, taking due account of "discouraged workers", unemployment of women in many economies has been chronically high, and many unemployed women have had no other regular source of income to meet their own needs, or those of their children or other relatives.

26. Finally, there has been the growing phenomenon of older-worker unemployment. Already a majority of the world's population aged over 55 are in low-income countries; there and in many industrialized countries unemployment among older workers has grown massively in recent years, and in many cases workers in their 50s, once unemployed, become permanent rejects from the labour force, demoralized, increasingly prone to acute poverty, ill health and early death.

27. Co-ordinated international action is required to tackle global unemployment. Most countries that have tried to stimulate their economies in order to boost employment have found it impossible to sustain such efforts in the face of worsening import penetration and balance-of-payments crises. Co-ordinated actions by groups of trading partners are needed, coupled with measures to control inflation that do not place the burden of price changes on the unemployed. A more humanitarian method must be found of checking inflation and maintaining economic

growth than the costly and tragic recipe of mass unemployment. It is a matter of human will and a matter of recognizing that the social malaise represented by unemployment deserves to be given very high priority in policy formulation. It is precisely because the unemployed have no effective lobby group working to protect their interest that national politicians and the international community have a special responsibility to work on their behalf.

E. Massive illiteracy

28. Endeavours to establish a new international humanitarian order must address the problem of illiteracy that in 1985 afflicted an estimated 889 million adults or 27.7 per cent of the population (15 years and older) of the planet. The persistence of illiteracy, which is a consequence of underdevelopment but also a major impediment to development, makes it impossible for millions of men and women to play an effective part in the shaping of their own destinies: it condemns to failure the battle against poverty, the elimination of inequalities and any attempts to establish relations of equality between individuals and nations. As a problem of world-wide scope, illiteracy is of concern to all countries, even those not directly affected by it. Hence, an intensification of the struggle against illiteracy appears an indispensable part of the quest to create a new humanitarian order.

29. Illiteracy is not a random phenomenon. The geography of illiteracy closely corresponds to that of poverty and destitution. There is a strong correlation between illiteracy, on the one hand, and malnutrition, poor health, short life expectancy, inadequate shelter, lack of access to safe drinking water and related symptoms and consequences of poverty, on the other. Whereas the illiteracy rate averages 2.1 per cent in the developed countries, the average is 38.2 per cent in the developing countries and, in some cases, it is nearly 90 per cent. These high rates of adult illiteracy are paralleled by unsatisfactory access of children to school as well as by high drop-out and repetition rates that reduce the effectiveness of investments in education. In 1980, an estimated 114 million children aged 6 to 11 years in the developing countries were not enrolled in school and, unless urgent remedial action is taken, they will become the illiterate adults of tomorrow.

30. It must be emphasized first of all that the promotion of literacy is a task that primarily involves the countries concerned since its success depends on the will of Governments and citizens to mobilize energies and resources. The United Nations organizations and agencies, particularly the United Nations Educational, Scientific and Cultural Organization (UNESCO), and the international community as a whole have, however, an important supportive role to play.

31. Viewing illiteracy as a major humanitarian problem that requires the solidarity of the international community with those countries most seriously affected, UNESCO has sought to mobilize world opinion in support of literacy work by making decision-makers and the public at large more aware of the nature, magnitude and implications of illiteracy.

32. UNESCO has also accorded literacy priority within its Regular Programme and budget. The funding thus provided is devoted primarily to co-operation with

Governments in formulating and implementing literacy and post-literacy strategies and to the training of key national personnel needed to plan and carry out literacy activities. In recent years, UNESCO has assisted its member States in launching regional programmes and projects to accelerate the eradication of illiteracy through the advancement of technical co-operation between developing countries. These regional programmes and projects have taken a global approach in which literacy instruction for adults and out-of-school youth is co-ordinated with measures to generalize the coverage and upgrade the quality and relevance of primary education.

33. The promotion of literacy in the developing world calls not so much for new initiatives - although appropriate ones would be welcome - but for more intensive and systematic support to ongoing national efforts. Literacy work is a labour-intensive, not a capital-intensive, activity. Yet, there are irreducible material requirements that the Governments of developing nations, particularly the least developed among them, afflicted by a decade of economic crisis, are often unable to meet. Enhanced international co-operation to assist developing countries to ensure to all citizens the right to education could contribute to the creation of a more just, equitable and humanitarian world.

F. Situation of women and children

34. The World Conference of the International Women's Year, in the Declaration of Mexico on the Equality of Women and Their Contribution to Development and Peace 1975, 2/ called upon women all over the world to unite to eliminate violations of human rights committed against women and girls such as rape, prostitution, physical assault, mental cruelty, child marriage, forced marriage and marriage as a commercial transaction. The Conference also declared that the solidarity of women in all countries of the world should be supported in their protest against violations of human rights condemned by the United Nations.

35. The Programme of Action for the Second Half of the United Nations Decade for Women, 3/ adopted at the World Conference of the United Nations Decade for Women: Equality, Development and Peace, held at Copenhagen from 14 to 30 July 1980, stressed the development of policies and programmes aimed at the elimination of all forms of violence against women and children and the protection of women of all ages from the physical and mental abuse resulting from domestic violence, sexual assault, sexual exploitation and any other form of abuses.

36. With regard to the plight of children, the United Nations Children's Fund (UNICEF) has stated in its report on the state of the world's children, 1985:

"The front line in the long war on poverty and underdevelopment is and remains the struggle for economic justice and growth. And the fundamental issues of women's rights, land reform, disarmament, income distribution, job creation, fairer aid and trade policies, and a more equitable international economic order, remain fundamental determinants of children's survival, health and well-being. But while that struggle is being waged, an extraordinary opportunity has now arisen to strengthen the 'second front'. Most parents in poor communities could now be given the knowledge and the support to enable them to protect their children from the worst effects of that poverty in their

most vulnerable, vital years of growth. And in so doing, a long-awaited blow could be struck against development's 'enemy within' - the self-perpetuating cycle of ill-health, poor growth, and lowered potential by which the poverty of one generation casts its shadow on the next." 4/

The report concludes:

"The more government provides the services which support this parental action - by the training of community health workers, or the deployment of referral services, or the setting up of immunization posts, or the installing of clean water supply - the more dramatic the results will be. But the process clearly begins with the empowering of people.

"...

"In our national societies, and in the international community, we have the knowledge, we have the techniques, we have the organizational capacity. We are therefore confronted with a stark question: do we have the will?

"And of those who would argue that it is not a matter of will but of resources, it must now be asked - how low does the cost have to fall before the will is found? We are now talking about a particular opportunity to save the lives of approximately 7 million young children a year, and to protect the normal development of many millions more, at a cost which certainly does not exceed a fraction of 1 per cent of the world's gross international product. If the will to accept that challenge is missing, then perhaps it will never be there. For in all realism, it is unlikely that there will ever again be such an opportunity to do so much for so many, and for so little." 5/

37. The continuing incidences and scale of child labour in many parts of the world led the Sub-Commission on Prevention of Discrimination and Protection of Minorities to request a major study on the subject. 6/ Furthermore, the Seminar on ways and means of achieving the elimination of the exploitation of child labour in all parts of the world was organized by the United Nations and the International Labour Office and held from 28 October to 8 November 1985. 7/

38. The sale of children is a problem which has also given rise to much concern. Accordingly, the Economic and Social Council, in its resolution 1983/30 of 26 May 1983, has requested that a study be prepared on the sale of children.

39. Regarding the plight of children in time of armed conflict the NGO Forum on Child Victims of Armed Conflicts, held in Rome in April 1984, was informed that in too many conflicts children were not only victims but also protagonists in the conflict, where they regarded themselves, voluntarily or not, as committed fighters. This phenomenon of combatant children, which Europe experienced at the end of the Second World War, is now recurring elsewhere and must be stopped before it is too late. The Forum recommended to the Executive Board of UNICEF that, in view of the gravity and urgency of situations in which children are implicated as victims of armed conflict, concerned NGOs and intergovernmental organizations, particularly UNICEF, should initiate and maintain ongoing contacts among themselves with a view to ensuring an optimal response to these needs.

/...

G. Genocide

40. Reports continue to reach the United Nations of actual or potential situations of genocide in the contemporary world. A United Nations rapporteur reported to the Commission on Human Rights a few years ago that in one situation over a million persons had died. The United Nations has been presented with evidence that in some situations entire groups of persons have been liquidated or subjected to the threat of liquidation. The prevention of genocide and genocidal practices must therefore be counted among the most urgent humanitarian issues requiring the continuing attention of the international community.

41. A study of the question of the prevention and punishment of the crime of genocide (E/CN.4/Sub.2/416) was prepared by Mr. N. Ruhashyankiko, Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, in 1978. In paragraph 614 of the report the Special Rapporteur reported that:

"A number of allegations of genocide have been made since the adoption of the 1948 Convention. In the absence of a prompt investigation of these allegations by an impartial body, it has not been possible to determine whether they were well-founded. Either they have given rise to sterile controversy or, because of the political circumstances, nothing further has been heard about them. For these reasons, the Special Rapporteur feels that the Commission on Human Rights should consider the setting up of ad hoc committees to inquire into allegations of genocide brought to the knowledge of the Commission by a member State or an international organization and supported by sufficient prima facie evidence."

42. Continuing concern over the question of genocide led the Economic and Social Council in its resolution 1983/33 of 27 May 1983 to request the Sub-Commission to appoint a Special Rapporteur to revise and update the study on the question of the prevention and punishment of the crime of genocide. The revised and updated study (E/CN.4/Sub.2/1985/6) was submitted to the Sub-Commission at its thirty-eighth session, in 1985.

H. Arbitrary and summary executions

43. A Special Rapporteur appointed by the Commission on Human Rights has submitted regular reports since 1983 containing evidence that arbitrary and summary executions take place on a widespread scale in a number of situations in the world. In his first report, submitted in 1983 (E/CN.4/1983/16 and Add.1), he informed the Commission that he had received information disclosing various patterns of arbitrary and summary executions. He reported that even though executions were carried out after certain proceedings, the court procedures themselves were so curtailed or distorted that the procedural safeguards as provided for in the International Covenant on Civil and Political Rights had not been observed. (See also E/CN.4/1984/29 and E/CN.4/1985/17.)

44. In paragraph 207 of his fourth report (E/CN.4/1986/21), submitted in 1986, the Special Rapporteur reported that:

"... the question of arbitrary and summary executions has remained one of the most urgent problems on the international human rights agenda which is deserving of the utmost priority attention. There really has been no respite in the number of such executions. If the number has gone down in one situation, it has been offset by an increase in others and, overall, the problem has remained acute. The Special Rapporteur is therefore strongly of the view that the international community should continue to monitor the phenomenon of summary or arbitrary executions and in particular to devise ways and means of intervening effectively in situations of imminent or threatened summary or arbitrary execution."

I. Torture

45. Torture is without doubt an acute humanitarian issue in the contemporary world. Accordingly, the General Assembly, the Commission on Human Rights and other United Nations organs have been giving regular attention to ways and means of stamping out this criminal phenomenon. The adoption by the General Assembly, in 1984, of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Assembly resolution 39/46, annex) was a landmark event in the activities of the international community to eradicate torture.

46. In its resolution 1985/33 of 13 March 1985, the Commission on Human Rights, concerned about the alarming number of reported cases of torture in various parts of the world, decided to appoint a Special Rapporteur to examine questions relevant to torture. The Special Rapporteur submitted his first report in 1986 (E/CN.4/1986/15). In that report he concluded that torture was still widespread and occurred in a rather systematic way in a number of countries. In paragraph 142 of the report he stated that:

"... in some countries torture seems to have been institutionalized. Harsh and brutal treatment have become an habitual concomitant of interrogation during detention. In some cases equipment for torture is provided through the same channels as other equipment and material for normal services."

He continued in paragraph 147:

"The most saddening conclusion the Special Rapporteur feels compelled to draw is that torture, in many, if not all, cases, is considered to be the easiest and the fastest way to solve problems. It is indeed shocking to see how easily people fall into the practice of torture. Torture became part of the interrogatory procedures in the middle ages and more recent centuries because it was thought to be the easiest and fastest way to ascertain the truth. Due to a moral awakening and the recognition of the dignity of the individual human being, such practices have been abolished in national legislations. An examination of the present situation where torture is still widely practised, but officially denounced, can only lead to the conclusion that this moral awakening has not yet had tangible results for everybody. It is, therefore, all the more important that the international community, supported by world-wide public opinion, should continue and intensify its struggle against the 'plague of the second half of the twentieth century'."

47. By its resolution 1986/50 of 13 March 1986, the Commission on Human Rights took note of the report of the Special Rapporteur (E/CN.4/1986/15) and decided to continue his mandate for another year.

J. Enforced or involuntary disappearances

48. Since 1981, the Working Group on Enforced or Involuntary Disappearances, established by the Commission on Human Rights, has reported on various situations in which enforced or involuntary disappearances affecting thousands of human beings have occurred. 8/ Unfortunately, this practice continues unabated, and in paragraph 291 of its report submitted to the Commission on Human Rights in 1985 (E/CN.4/1985/15) the Working Group informed the Commission that it

"is still firmly of the view that enforced or involuntary disappearances constitute the most comprehensive denial of human rights in our time, bringing boundless agony to the victims, ruinous consequences to the families, both socially and psychologically, and moral havoc to the societies in which they occur. It is indeed a ... human rights violation that warrants the continued attention of the international community and in particular that of the Commission on Human Rights."

49. In paragraph 294 of the report the Working Group added:

"It cannot be claimed that a major breakthrough has been achieved in the effort to eradicate the occurrence of enforced disappearances. The number and details of the cases presented in the report speak for themselves. In countries where the problem has been rampant for many years, the trend has by no means been reversed. In countries where the phenomenon is almost exclusively connected with a specific political structure of the past, hardly any noticeable progress has been made in clarifying outstanding cases. In others, where disappearances were still considered an incipient phenomenon at the time of the extension of the Working Group's mandate, the situation has in the meantime reached alarming proportions. In some countries where changes of Government have led to a more co-operative attitude towards the Group, few concrete achievements have been recorded, despite genuine efforts to investigate reported cases. From the Working Group's point of view these facts are all the more disheartening as they provide little comfort to the relatives of missing persons ...".

50. The Working Group, inter alia, appealed to Governments of countries where the phenomenon of enforced or involuntary disappearances had reached alarming proportions to consider setting up national organs to investigate reports of missing persons.

K. Slavery and slavery-like practices

51. The General Assembly, by its resolution 278 (III), of 13 May 1949, requested the Economic and Social Council to study the problem of slavery. Since that time, five comprehensive surveys have been prepared and studied by the Council.

52. The Economic and Social Council, by its decision 1980/123 of 2 May 1980, authorized the Sub-Commission 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. 9/ This decision originated from Sub-Commission resolution 6 A (XXXI), which was based on a recommendation by the Sub-Commission's Working Group on Slavery.

53. In paragraphs 187 and 188 of the study (E/CN.4/Sub.2/1982/20 and Add.1), 10/ which he submitted to the Sub-Commission on the Prevention of Discrimination and Protection of Minorities, the Special Rapporteur concluded as follows:

"The phenomenon of slavery manifests several of the gravest forms of the violation of human rights: often it combines coercion, severe discrimination and the most extreme form of economic exploitation. ... [It] is the ultimate structural abuse of human power; that any vestiges of it should remain in the 1980s is a disgrace to professed international standards.

"The cumulative evidence contained in this report substantiates prima facie that, although chattel-slavery in the former traditional sense no longer persists in any significant degree, the prevalence of several forms of slavery-like practice continues unabated. Indeed, instances of new forms of servitude and gross exploitation have come to light only in recent years, as violators seek to circumvent laws or to take advantage of changing economic and social conditions. Some of the individual cases, although they may appear isolated, highlight wider and deeper problems that deserve attention. Hence the necessity to re-examine continuously both the nature of the problem and the manner in which the international community should deal with it."

L. Armed conflicts

54. The Charter of the United Nations states that all Members of the Organization shall refrain in their international relations from the threat or use of force in any manner inconsistent with the purposes of the United Nations. Article 1 of the Charter states that the purpose of the United Nations is to maintain international peace and security, and to that end, to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace, and to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace.

55. Notwithstanding the prohibition of the use of force, armed conflicts have continued to take place on a widespread scale since the establishment of the United Nations. Armed conflicts, whether international or domestic, have occurred in practically every region of the world since 1945. The human consequences of those conflicts are phenomenal. Millions of lives have been lost and immeasurable pain and suffering have been inflicted on human beings, most of them innocent victims of such conflicts. The avoidance of war, therefore, remains one of the highest humanitarian goals of the international community and the United Nations remains committed to this goal more than to any other. Yet another attempt may be required at creative political thinking with a view to rendering the United Nations more

effective in the field of prevention and containment of armed conflict. In any event, the consequences of any armed conflict can be attenuated if the existing norms of international humanitarian law, such as the Hague and Geneva Conventions, are fully respected by all concerned. Respect for the principles of international humanitarian law is therefore a further imperative.

M. Weapons that cause unnecessary human suffering

56. Attempts to prohibit the use of weapons of warfare whose effects are considered too cruel may be traced back to the St. Petersburg Declaration of 1868, which stated that nations should not use weapons that aggravated the suffering of the disabled. More recently, the question of prohibiting other inhumane weapons was considered by the United Nations, the Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts and the International Committee of the Red Cross (ICRC). Following a recommendation of the Diplomatic Conference in 1977, the General Assembly, in its resolution 32/152 of 19 December 1977, decided to convene in 1979 a United Nations conference with a view to reaching agreements on prohibitions or restrictions of the use of specific conventional weapons. The United Nations Conference on Prohibitions or Restrictions of Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects ^{11/} met in 1979 and 1980 and adopted the 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. ^{12/}

57. Notwithstanding these efforts, the use of such weapons has not ceased. In some recent conflicts the use of prohibited weapons has led to expressions of serious concern by the Security Council as well as by the Secretary-General. There has been an international outcry against the use of chemical weapons in particular.

N. Situations of gross violations of human rights

58. One of the most serious problems facing the international community in the field of humanitarian order is the apparent gap between internationally proclaimed standards and actual performance.

59. Human rights standards are disrespected, or violated, for various reasons. Unfortunately, many of the standards proclaimed by the United Nations have not been incorporated into national governmental systems or have not yet become part of the national culture. As a result, Governments that apply local laws, religious or traditional precepts or that feel threatened often act in disregard of internationally proclaimed standards on human rights. The international community faces a major challenge to ensure that universally proclaimed standards become integrated into every national society not only within the governmental and judicial system but within the culture of each society as well.

60. The number of lives lost through situations of gross violations of human rights since the end of the Second World War probably matches the number of lives lost in armed conflicts during that period. The number of human beings who have undergone hardship or suffered from political imprisonment, torture or other cruel,

inhuman or degrading treatment or punishment is staggering. As stated in General Assembly resolution 34/175 of 17 December 1979, "mass and flagrant violations of human rights are of special concern to the United Nations". In the same resolution the Assembly 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.

61. In an Appeal for Humanity launched on 10 January 1985, the International Committee of the Red Cross stated that it was "more and more concerned by the incessant violations of international humanitarian law and principles of humanity and the hindrances put on the development of its activities in certain countries". It drew attention to the necessity "to hold back this miserable tendency".

62. The Office of the United Nations High Commissioner for Refugees frequently receives information that persons seeking refuge are being rejected at borders or sent back to their death, and that refugees in camps are being subjected to bombardments or to murder, physical assaults or prolonged detention - a grim picture indeed, which flies in the face of internationally proclaimed standards.

O. Refugees, mass exoduses and displacements

63. The present world refugee population, the great majority - mainly women and children - living in refugee camps and settlements, exceeds 10 million and unfortunately shows no sign of abating in any significant way in the foreseeable future. Concentrations and flows of refugees - often in substantial numbers - are to be found in almost all geographical areas of the world. However, it is mainly in Africa, Asia and Central America that the largest concentrations of refugees are currently found. The question of their physical safety remains a grave humanitarian problem.

P. Migrant workers and non-citizens

64. The problems facing migrant workers and non-citizens, who number millions of human beings, have been given regular consideration by the General Assembly, the Economic and Social Council, the Commission on Human Rights and the Sub-Commission on Prevention of Discrimination and Protection of Minorities, as well as by other international organizations such as the International Labour Organisation and the Inter-Governmental Committee for Migration. ^{13/} Indeed, the Working Group on the Drafting of an International Convention on the Protection of the Rights of All Migrant Workers and Their Families is concurrently preparing an international convention on the human rights of migrant workers (see General Assembly resolution 40/130 of 13 December 1985).

65. The humanitarian issues in regard to migrant workers and non-citizens are many and continue to warrant priority attention by the international community. Migrants live in surroundings and conditions with which they are often unfamiliar; they may be unaware of their rights or of the means to seek their enforcement; they are prone to ill-treatment, exploitation and harassment; if their legal status is irregular, their plight may be even graver and on occasions may border on servitude. Millions of human beings are caught in such situations. Non-citizens

are in some circumstances held hostage by the majority community and have been prey to physical violence, harassment, intimidation and, in some instances, mass expulsion.

66. In recent years, traditional settlement migration has been overshadowed numerically by international contract migration as well as by refugee movements, which are different in origin and viewed differently by States. The treatment of settlers, who like most migrants suffer personal hardship some of the time and find themselves in a weak political, economic and social position, arouses far less concern than the treatment of contract migrants in their State of employment. Non-nationals who are admitted as contract workers for the purpose of employment are not viewed as future co-citizens and are, therefore, subject to institutionalized discrimination.

67. Non-nationals who are in an irregular situation as regards their admission to a country, the length of their stay or their economic activity represent the most vulnerable category. They range from illegal border-crossers to asylum-seekers awaiting a determination of their refugee status and frustrated family members joining regular migrants employed in a State that prohibits or limits family reunification. Although few voices can be heard that would deny to this category of migrants the enjoyment of fundamental human rights, the actual laws and practices of a number of States leave much to be desired; indeed, the trend is, with few exceptions, towards less human rather than more human treatment.

Q. Natural and man-made disasters

68. No place on earth is completely safe because the earth's surface is an intimate risk mosaic, in which every region is threatened by a variety of both natural and man-made hazards. It is impossible to remove all such risk, but the associated losses can be reduced by planning for greater safety through the adoption of disaster mitigation strategies. The reduction of risk from major hazards will require the co-operation of different groups, including intergovernmental organizations, national and local governments, industrialists, land owners, scientists, financial institutions (such as insurance companies and banks), developers, architects, engineers, the media, the owners and occupiers of private homes and commercial buildings and the general public.

69. Whatever country or hazard may be under consideration, decisions regarding risk reduction are taken in the light of a definite acceptable level of risk. Naturally, the acceptable level of risk from any given hazard varies from country to country and indeed from region to region within a country. Thus, societies evolve in a manner that allows them to operate within specific levels of tolerance for natural and man-made events. Boundaries to what is in effect acceptable risk are defined either by laws or by common practice.

70. One function of the Office of the United Nations Disaster Relief Co-ordinator is to assist Governments in establishing disaster preparedness systems and to promote the concept of "disaster prevention" - that is, removal of hazard, modification of impact and modification of loss. It is not always realized how many different organizations and disciplines, how many groups and special interests

are involved in these processes, nor how they can, should or do interact. Disaster prevention and, to an only slightly lesser degree, disaster preparedness touch practically every aspect of national life and economic development.

R. Population questions

71. During the past decade the world has undergone far-reaching changes, and significant progress has been made in many fields important for human welfare through national and international efforts. However, for a large number of countries, particularly in the developing regions, the period has intensified already serious problems in social, economic and demographic terms. Rapid population growth, high levels of infant and maternal mortality, the continuing unmet need for family planning in many countries, the role and status of women, changes in population structures, particularly in relation to aging of populations, high rates of internal migration and urbanization, the changing nature of international migration, and the increasing numbers of refugees continue to be causes of humanitarian concern.

72. Aware of the humanitarian dimensions of population issues, the United Nations Fund for Population Activities undertakes a number of broad-based activities that contribute to the resolution of population problems in a humane manner. While some of these activities may not seem to be directly related to the promotion of a new international humanitarian order, they do uphold humanitarian principles and in concert with other development activities contribute towards the prevention of human suffering and an improved quality of life for people.

S. Vulnerable groups whose survival is threatened

73. Under the auspices of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, which was so authorized by the Economic and Social Council in its resolution 1589 (L) of 21 May 1971, a Special Rapporteur prepared and concluded, in 1983, a major study on the problem of discrimination against indigenous populations (E/CN.4/Sub.2/1986/7 and Add.1-4). By its resolution 1982/34 of 7 May 1982, the Council authorized the Sub-Commission to establish annually a working group on indigenous populations with a two-fold mandate: to review developments pertaining to the promotion and protection of the human rights and fundamental freedoms of indigenous populations and to prepare standards concerning their rights. The Working Group on Indigenous Populations has so far submitted four reports to the Sub-Commission (E/CN.4/Sub.2/1982/33; E/CN.4/Sub.2/1983/22; E/CN.4/Sub.2/1984/20; and E/CN.4/Sub.2/1985/22 and Add.1).

74. Each year representatives of indigenous populations from many countries present information and proposals to the Working Group. The situations they describe are often very distressing; they include allegations of genocide and ethnocide and repeated and sometimes systematic violations of the right to life. It has been stated that community and religious leaders, as well as ordinary members of indigenous groups, are thus frequently the victims of disappearances, summary executions, torture and arbitrary detention. Deprivation of the

traditional sources of livelihood, annihilation of indigenous cultures and social organizations, and imposed living conditions, including birth control measures, have also been mentioned by these representatives as threats to the very survival of indigenous communities.

T. Racial and religious intolerance

75. In his statement on the observance of the International Day for the Elimination of Racial Discrimination, on 21 March 1985, the Secretary-General expressed the serious concern of the world community over the persistence of racist practices wherever they occur. In view of the persistence of these practices the international community has assigned and continues to assign priority to combatting racial intolerance. The launching of the Second Decade against Racism and Racial Discrimination (see General Assembly resolution 38/14) offers much hope in this regard, as do the steps taken with a view to implementing the relevant international instruments, including the International Convention on the Elimination of All Forms of Racial Discrimination (Assembly resolution 2106 A (XX), annex), the International Convention on the Suppression and Punishment of the Crime of Apartheid (resolution 3068 (XXVIII), annex), and the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief (resolution 36/55, annex).

76. Intolerance on grounds of religion has also been a subject of concern in the United Nations for a long time. In view of the noted discrimination in the matter of religious rights and practices the Sub-Commission on Prevention of Discrimination and Protection of Minorities had prepared and published in 1960 a Study of Discrimination in the Matter of Religious Rights and Practices. 14/

77. In that study it was concluded that:

"It is the duty of the United Nations to see to it not only that all types of discrimination - whether they are remnants of the past or something new - are eradicated, but also that in the future no one should be subjected to any treatment likely to impair his right to freedom of thought, conscience and religion. In short, its duty is to ensure that the trend towards equality should become both universal and permanent." 15/

78. Problems of religious intolerance, unfortunately, have not abated and United Nations human rights organs have, therefore, continued their efforts to combat religious intolerance. In its resolution 1983/40 of 9 March 1983, the Commission on Human Rights requested the Sub-Commission on Prevention of Discrimination and Protection of Minorities to undertake a comprehensive and thorough study of this subject, which would include a report on the various manifestations of intolerance and discrimination on the grounds of religion or belief in the contemporary world and on the specific rights violated, using the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief as a standard and identifying their root causes as well as recommendations as to specific measures that could be adopted to combat intolerance and discrimination on the grounds of religion or belief, with special emphasis on action that could be taken in the field of education.

79. In its resolution 1986/20 of 10 March 1986, the Commission on Human Rights expressed its deep concern about reports of incidents and governmental actions in all parts of the world which were inconsistent with the provisions of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion and Belief. The Commission, therefore, decided to appoint a special rapporteur to examine such incidents and actions and to recommend remedial measures including, as appropriate, the promotion of a dialogue between communities of religion or belief and their Governments.

U. "The drug problem"

80. The drug abuse phenomenon is increasingly recognized as having a negative impact in most regions of the world. Drug-related problems affect all social strata and age groups in developing countries as well as in the industrialized world. Despite national and international efforts, the world-wide production of illicit drugs continues to mount with devastating results. The scourge of illicit drug traffic and drug abuse has reached ever more dangerous proportions. The humanitarian dimensions of the drug abuse phenomenon are painfully clear, including the crippling of the drug-dependent person, the burden to family members, and the high social costs in terms of absenteeism, required medical care and, in growing numbers, drug-related deaths reflecting wasted lives. In addition, the siphoning of significant human and financial resources seriously affects economic and social development. One of the most tragic aspects is the devastation brought by drug abuse to the younger generation, as thousands of young lives are irreparably damaged or lost to this terrifying social blight.

81. In its resolution 40/120 of 13 December 1985, the General Assembly expressed its deep concern at the constant upward trend in illicit traffic and drug abuse, which posed serious dangers for individual human rights and for the economic, cultural and political structures of society. In its resolution 40/121 of the same date, it reaffirmed that maximum priority must be given to the fight against the illicit production of, demand for and traffic in illicit drugs and related international criminal activities, such as the illegal arms trade and terrorist practices, which also had an adverse effect not only on the well-being of peoples but also on the stability of institutions, as well as posing a threat to the sovereignty of States.

82. The General Assembly therefore, in its resolution 40/122 of 13 December 1985, decided to convene, in 1987, an International Conference on Drug Abuse and Illicit Trafficking at the ministerial level at the Vienna International Centre as an expression of the political will of nations to combat the drug menace, with the mandate to generate universal action to combat the drug problem in all its forms at the national, regional and international levels and to adopt a comprehensive multidisciplinary outline of future activities which would focus on concrete and substantive issues directly relevant to the problems of drug abuse and illicit trafficking.

Notes

- 1/ See Report of the World Food Conference, Rome, 5-16 November 1974 (United Nations publication, Sales No. 75.II.A.3), chap. II.
- 2/ Report of the World Conference of the International Women's Year, Mexico City, 19 June-2 July 1975 (United Nations publication, Sales No. E.76.IV.1), part one, sect. I.
- 3/ Report of the World Conference of the United Nations Decade for Women: Equality, Development and Peace, Copenhagen, 14 to 30 July 1980 (United Nations publication, Sales No. E.80.IV.3), chap. I, sect. A.
- 4/ UNICEF, The State of the World's Children 1985, p. 16.
- 5/ Ibid., pp. 72-73.
- 6/ A. Bouhdiba, Exploitation of Child Labour (United Nations publication, Sales No. E.82.XIV.2).
- 7/ For the report of the Seminar, see document ST/HR/SER.A/18.
- 8/ See the reports of the Working Group on Enforced or Involuntary Disappearances (E/CN.4/1435 and Add.1; E/CN.4/1492; E/CN.4/1983/14; E/CN.4/1984/21 and Add.1 and 2; E/CN.4/1985/15 and Add.1; and E/CN.4/1986/18 and Add.1).
- 9/ United Nations publication, Sales No. 67.XIV.2.
- 10/ Subsequently issued as a United Nations publication, Sales No. E.84.XIV.1.
- 11/ For the report of the Conference, see A/CONF.95/15 and Corr.2.
- 12/ For the printed text of the Convention and its Protocols, see United Nations Disarmament Yearbook, vol. 5, 1980, (United Nations publication, Sales No. E.81.IX.4), appendix VII.
- 13/ See "Exploitation of labour through illicit and clandestine trafficking" (E/CN.4/Sub.2/L.640) and International provisions protecting the human rights of non-citizens (United Nations publication, Sales No. E.80.XIV.2).
- 14/ United Nations publication, Catalogue No. 60.XIV.2.
- 15/ Ibid., p. 60.

ANNEX

Further views received from Governments

BOLIVIA

[Original: Spanish]

[17 February 1986]

1. The Constitutional Government of Bolivia has studied with interest the proposal by Jordan concerning the promotion of a new international humanitarian order.
2. The proposal to promote a new international humanitarian order could serve as the basis for a more pragmatic study of international provisions and rules in the humanitarian field.
3. In brief, the Government of Bolivia welcomes the proposal to promote new instruments in the international order and is prepared to consider the matter in greater depth when the United Nations establishes the necessary machinery for that purpose.

COSTA RICA

[Original: Spanish]

[25 November 1985]

1. After studying in detail the report analysing the proposal to establish a new international humanitarian order, we have the following comments to make.
2. It is essential to establish a point of departure, and the Government of Costa Rica considers that to that end it would be appropriate to seek to define what is meant by the term "international humanitarian order" and then to determine what the word "new" implies. The proponent of the proposal defines the international humanitarian order using as a point of departure the terms humanitarianism and humanitarian, which together with humanitarian principles enter the juridical order as concepts that are part of that order. In the same way, he clearly stipulates that the international humanitarian order is closely related to the work of the International Committee of the Red Cross, from which he took the principle of seeking to ensure respect for the individual and linked it to specific situations such as natural disasters and armed conflicts.
3. When reference is made to humanitarian law what is meant is the traditional law which since 1864 has imposed restrictions on belligerents and has made possible a reduction in the loss of human life and suffering resulting from acts of war.

4. This approach coincides with that of the Legal Adviser of the International Committee of the Red Cross, who in defining humanitarian law said that it is a body of international rules, conventional or customary in origin, intended to be implemented during international or non-international armed conflicts.

5. The proponent of the proposal makes two comments. One concerns the evolution in humanitarian law which has given rise to four conventions and two protocols containing the international rules applicable to armed conflicts, and the other concerns the lack of such rules in the case of other problems of an international nature such as the thoughtless attitude of rich States towards poor States, which also gives rise to human suffering.

6. Concerning the first of those comments, the Government of Costa Rica considers that the Geneva Conventions of 1949 and the Protocols thereto demonstrate a clear and accelerating evolution and substantial progress with regard to application in the field to be regulated. In other words, the Conventions reflect the indispensable adaptation of legal rules to actual needs with respect to the protection of the individual in armed conflicts; the latter concept has even evolved in such a way as to include urban guerrilla warfare, one of the newest forms of armed conflict.

7. With regard to the second comment, relating to the gap between developed and developing countries, the Government of Costa Rica understands the concern of the proponent of the proposal regarding the inadequacy of the rules of international law because of the lack of coercive measures for their enforcement. However, it should be noted in this respect that in the first place the problem is not merely one of humanitarian law and that even when such law does exist, the problems related to disparity in progress are not solved by it. In fact, as has been pointed out, humanitarian law has another purpose which is its sole purpose, namely the specific one of regulating warfare.

8. The Government of Costa Rica wishes to conclude by saying that it recognizes the progress in humanitarian law which has led to the establishment of provisions regulating the protection of groups of persons ranging from prisoners to the civilian population and including the sick, the wounded, the shipwrecked and persons who have disappeared. It recognizes too that much remains to be done in the light of the development of new forms of warfare and also that, given the vast area that humanitarian law must cover, the inclusion in that area of the problems of economic disparity at the world level would use up effort and resources in an area that does not fall within the purview of such law.

GRENADA

[Original: English]

[7 April 1986]

1. The Government of Grenada endorses the humanitarian sentiments contained in the Jordanian proposal for a new international humanitarian order (see A/36/245) relating to international response to human suffering caused by man-made and natural disasters.

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2. The promotion of an international humanitarian instrument which can respond rapidly and effectively to problems of refugees, displaced persons, terrorism, illiteracy, hunger, poverty, famine, flood, earthquakes and other natural phenomena is welcomed by the Government of Grenada.

3. However, the Government of Grenada believes that any new body should complement the activities of existing agencies in this specific area of global concern.
