

18th meeting

Friday, 8 May 1981, at 10.35 a.m.

President: Mr. Paul J. F. LUSAKA (Zambia).

E/1981/SR.18

AGENDA ITEM 1

Adoption of the agenda and other organizational matters (*concluded*)*

1. The PRESIDENT said that during the discussion of the item at the 4th meeting the representative of Morocco had asked about the implementation by the Council of General Assembly resolution 35/219 A of 17 December 1980 relating, *inter alia*, to the inclusion of Arabic among the official languages of the Council. The

Bureau had carefully reviewed the question with the assistance of the concerned offices of the Secretariat and had come to the conclusion that it should recommend to the Council that all the necessary steps be taken without delay in order to respond fully to the request of the General Assembly concerning the use of the Arabic language. The Bureau had made a recommendation along such lines to all the concerned services of the Secretariat. Bearing in mind that the Assembly had requested the Council to include Arabic among its official languages no later than 1 January 1983, the Bureau recommended that the arrangements for the inclusion of Arabic should be finalized no later than the first regular

*Resumed from the 8th meeting.

session of 1982. The Bureau also recommended that, to that end, the Secretariat should expedite its examination of all the practical implications of the decision. Bearing in mind that the resolution of the General Assembly related not only to the Economic and Social Council but also to the Security Council, the Bureau had felt that it might be necessary at the current stage to build an Arabic language capability within the Secretariat in order that the relevant services could be effectively provided to the bodies concerned. The Bureau had recommended that the Secretary-General should be asked to submit to the General Assembly a detailed report on the subject. Following the submission of the report and in the light of its consideration by the Assembly, the Council would have at its disposal all the elements necessary to finalize the arrangements at its first regular session of 1982. Accordingly, he suggested to the Council that it adopt a draft decision along the following lines:

“The Economic and Social Council:

“(a) Agrees to pursue all the necessary arrangements to respond fully to the request contained in General Assembly resolution 35/219 A of 17 December 1980 concerning the inclusion of Arabic among the official languages of the Economic and Social Council, no later than 1 January 1983;

“(b) To that end, requests the Secretary-General to prepare a report for submission to the General Assembly at its thirty-sixth session concerning all the practical implications of the request contained in Assembly resolution 35/219 A;

“(c) Agrees to finalize the arrangements at its first regular session of 1982, in the light of the consideration by the General Assembly of the proposed report of the Secretary-General.”

2. Mr. LAHLOU (Morocco) expressed his delegation's satisfaction with the action taken by the Bureau and with the proposed decision which, he was sure, would meet with the approval of the Council. He was also confident that the Secretariat would do whatever was necessary to expedite the matter.

3. The PRESIDENT said that, if he heard no objection, he would take it that the Council agreed to the procedure suggested and wished to adopt the draft decision, the final version of which would be prepared by the Secretariat.

It was so decided (decision 1981/135).

AGENDA ITEM 4

Special economic, humanitarian and disaster relief assistance (continued)** (E/1981/L.14 and Corr.1, E/1981/L.37)

4. The PRESIDENT drew attention to the recommendation of the Committee for Development Planning for the inclusion of Guinea-Bissau in the list of the least developed countries, as contained in chapter IV of its report (see E/1981/L.14 and Corr.1). He also drew attention to the draft resolution on the subject (E/1981/L.37) submitted by Mr. Bhatt (Nepal), a Vice-President of the Council, on the basis of informal consultations.

5. Mr. HASSAN (Observer for Djibouti) said that Djibouti had, on various occasions, requested inclusion in the list of the least developed among the developing countries. Unfortunately, its wish that its application be treated with consideration had not come true. The Committee for Development Planning had, once again, rejected Djibouti as a least developed country, which

appeared paradoxical to all who were very well acquainted with the precarious situation of the economy of the country.

6. The main problem lay in the application of the *per capita* GDP (gross domestic product) criterion, on the basis used in the 1975 general review, according to which the lower and upper cut-off points had been \$125 and \$150 at current prices. The latest complete assessment of Djibouti's *per capita* GDP had occurred in 1976 with a figure of \$366 at 1970 prices. His Government felt that the application of that figure in the GDP criterion of the 1975 general review had placed Djibouti in a difficult position where it found itself unable to qualify for status as a least developed country. Those figures represented a misrepresentation of the economic realities, particularly with regard to the income of the national population.

7. The base period 1970-1972 used at that time related to a period when Djibouti had not yet become independent. Furthermore, the criterion made no attempt to distinguish between living conditions of nationals and expatriates. Faced with that dilemma, the Government of Djibouti had invited some international economic experts, commissioned through French bilateral technical aid, to embark on a comprehensive study of the economic situation. The study had concluded that the economic growth of the country continued to move at a very low rate of about 1.1 per cent between 1977 and 1978, at the current value of the franc. Furthermore, considering the magnitude of the inflation rate of 23.5 per cent, there had been a decrease in terms of a constant value for the franc. That, in turn, had brought a further drop in the *per capita* GDP. Another important factor which had further decreased the GDP to a figure of \$314 for 1978 at 1970 prices was the increase in the total population brought about as a result of the continuous influx of refugees. The three distorting factors of that *per capita* GDP were: the effect of the level of prices; the measures applied in the national accounts when comparing Djibouti to other countries with different consumption patterns; the utilization of misleading statistical data as a result of the presence of a considerable number of expatriate technical assistants and expert advisers. The high price levels of commodities in Djibouti should also be taken into account.

8. The comparison of living standards among different countries was always a delicate matter because of differences in their consumption patterns and because exchange rates did not adequately reflect differences in purchasing power. In addition, the national accounts had a tendency to undervalue subsistence production. In the case of Djibouti, the consumption pattern showed that there was an overvaluation of production compared to less urbanized countries with more subsistence production. Under those circumstances, the *per capita* GDP of Djibouti at constant 1970 prices, at the new upper and lower cut-off points, had been estimated at \$165 and \$247 in 1976, \$131 and \$181 in 1977 and \$104 and \$157 in 1978. The precarious situation of Djibouti's economy was reflected in the character of its budget, which was mainly supported by a foreign subsidy under bilateral assistance. In 1979, 57 per cent of the budget had been so financed. That percentage, which constituted the greater part of the national revenue, financed the services of expatriate advisers and experts. It was obvious that the inclusion of their earnings resulted in raising the average *per capita* income figure to a level which had no bearing on economic conditions in the country and which was unrepresentative of the income level of the national population. In addition,

**Resumed from the 15th meeting.

those expatriates spent a negligible part of their earnings in the country, the remainder being transferred abroad—thus having no effect on the national economic life.

9. It should also be noted that, as a result of the prolonged drought, the poor economic situation had deteriorated. Because of that drought, 30,000 nomads out of the 100,000 affected had lost all their livestock. It was also very important to mention that Djibouti was an extreme case among the Sudano-Sahelian countries with a rainfall of only 12 millimetres over one third of the territory, although torrential rains had made a disastrous exception in 1981. In addition to the GDP criterion, a study of the other two indicators showed the share of manufacturing of the cottage industry represented 8.5 per cent of the GDP in 1978. If meat and bakery products were taken out, that percentage dropped to 4.5 per cent. With respect to the third criterion, the rate of literacy in the total population was 12 per cent, and if expatriates were excluded it would fall to 8.8 per cent. In addition, about 30 per cent to 50 per cent of the children showed signs of malnutrition, and food consumption of the national household represented only 65 per cent of total consumption.

10. In the light of such data, his Government was convinced that Djibouti should be eligible for status as a least developed country and it hoped that the Council would reflect on Djibouti's case in the light of that information, which gave a better picture of existing economic realities than the statistics.

11. The PRESIDENT said that he took it that the Council wished to adopt draft resolution E/1981/L.37 without a vote.

The draft resolution was adopted (resolution 1981/34).

12. Mr. IVERSEN (Denmark), speaking on behalf of the five Nordic countries, said that the Nordic countries had been pleased to join in the consensus on draft resolution E/1981/L.37, as they had a long-standing tradition of supporting the least developed countries. In that connection, they welcomed the inclusion of Guinea-Bissau in that list. The Nordic countries shared the views of the Committee for Development Planning, as set forth in chapter IV of its report, particularly paragraphs 4 and 5, dealing with the desirability of a fresh appraisal of the criteria used for the identification of the least developed countries and the merits of exploring the possibilities of revising the current criteria at an appropriate time.

13. Mr. VELLOSO (Brazil) said that his delegation had joined in the consensus on draft resolution E/1981/L.37 and was pleased to see Guinea-Bissau added to the list of least developed countries. However, his delegation's position confined itself only to the decision to include Guinea-Bissau on the list and was without prejudice to the position his delegation might have with regard to the views of the Committee for Development Planning as set forth in paragraphs 4 and 5 of chapter IV of its report. An overall review of the criteria for inclusion on the list would no doubt be taken up at the United Nations Conference on the Least Developed Countries, to be held in September 1981, which would require delicate political input and not merely technical input.

14. Mr. CHOWDHURY (Bangladesh) said that his country, as a least developed country, was happy to welcome the inclusion of Guinea-Bissau in that category and hoped that his delegation and that of Guinea-Bissau could work together to co-ordinate activities. His dele-

gation had joined the consensus on the draft resolution but that should not be interpreted as prejudging its position on paragraphs 4 and 5 of chapter IV of the report of the Committee for Development Planning.

15. Mr. ELHASSAN (Sudan) said that the mandate given to the Committee for Development Planning had been to examine the applications of specific countries for inclusion in the list of the least developed countries. The Committee had made a recommendation to add Guinea-Bissau to the list and the Economic and Social Council had adopted a resolution to that effect. On that understanding, his delegation had joined the consensus on that resolution.

AGENDA ITEM 8

Measures to improve the situation and ensure the human rights and dignity of all migrant workers

REPORT OF THE SECOND (SOCIAL) COMMITTEE (E/1981/47)

16. The PRESIDENT drew the attention of the Council to the draft resolution recommended by the Second (Social) Committee in paragraph 7 of its report on agenda item 8 (E/1981/47) and invited the Council to take action on it.

The draft resolution was adopted by 50 votes to none, with 2 abstentions (resolution 1981/35).

AGENDA ITEM 7

Human rights questions (E/1981/46, E/1981/L.39)

REPORT OF THE SECOND (SOCIAL) COMMITTEE (E/1981/46)

17. The PRESIDENT drew attention to the report of the Second (Social) Committee on agenda item 7 (E/1981/46) and to the draft resolution contained in document E/1981/L.39.

18. Mr. MULLER (Secretary of the Council) said that, due to a technical error, the Sudan had been omitted from among the original sponsors of draft resolution E/1981/L.39. He added that Morocco had subsequently joined those sponsors.

19. The PRESIDENT invited the Council to take action on draft resolutions I to VI and draft decisions I to XXIII recommended by the Second (Social) Committee in paragraphs 63 and 64 of its report (E/1981/46).

Draft resolution I was adopted by 45 votes to none, with 6 abstentions (resolution 1981/36).

Draft resolutions II and III were adopted without a vote (resolutions 1981/37 and 1981/38).

Draft resolution IV was adopted by 33 votes to 5, with 11 abstentions (resolution 1981/39).

Draft resolutions V and VI were adopted without a vote (resolutions 1981/40 and 1981/41).

Draft decisions I and II were adopted without a vote (decisions 1981/136 and 1981/137).

20. Mr. FURSLAND (United Kingdom) and Mr. VERKERCKE (Belgium) drew attention to an error contained in paragraph 21 of the report, and explained that the statements referred to therein had been made in connection with draft decision III.

Draft decision III was adopted by 29 votes to 4, with 19 abstentions (decision 1981/138).

Draft decisions IV and V were adopted without a vote (decisions 1981/139 and 1981/140).

Draft decision VI was adopted by 42 votes to 5, with 6 abstentions (decision 1981/141).

Draft decisions VII to X were adopted without a vote (see decisions 1981/142, 1981/143 and 1981/144).

Draft decision XI was adopted by 46 votes to 5, with 2 abstentions (decision 1981/145).

Draft decision XII was adopted without a vote (decision 1981/146).

Draft decision XIII was adopted by 40 votes to none, with 14 abstentions (decision 1981/147).

Draft decision XIV was adopted by 38 votes to 3, with 13 abstentions (decision 1981/148).

Draft decision XV was adopted by 52 votes to 1 (decision 1981/149).

Draft decisions XVI to XIX were adopted without a vote (decisions 1981/150, 1981/151, 1981/152 and 1981/153).

At the request of the representative of Thailand, a recorded vote was taken on draft decision XX.

In favour: Argentina, Australia, Bahamas, Bangladesh, Barbados, Belgium, Brazil, Burundi, Canada, Chile, China, Denmark, Ecuador, Fiji, France, Germany, Federal Republic of, Ghana, Indonesia, Iraq, Ireland, Italy, Kenya, Malawi, Mexico, Morocco, Nepal, Nigeria, Norway, Pakistan, P.C.U., Senegal, Spain, Sudan, Thailand, Turkey, United Kingdom of Great Britain and Northern Ireland, United Republic of Cameroon, United States of America, Venezuela, Yugoslavia, Zaire, Zambia.

Against: Bulgaria, Byelorussian Soviet Socialist Republic, Ethiopia, German Democratic Republic, India, Nicaragua, Poland, Union of Soviet Socialist Republics.

Abstaining: Algeria.

Draft decision XX was adopted by 42 votes to 8, with 1 abstention (decision 1981/154).

Draft decision XXI was adopted without a vote (decision 1981/155).

Draft decision XXII was adopted by 38 votes to 1, with 12 abstentions (decision 1981/156).

Draft decision XXIII was adopted without a vote (decision 1981/157).

21. The PRESIDENT said that the representative of Iraq had requested that draft resolution E/1981/L.39 be considered by the Council at its 19th meeting. Accordingly, if he heard no objections he would take it that the Council wished to grant that request.

It was so decided.

AGENDA ITEM 3

Implementation of the International Covenant on Economic, Social and Cultural Rights (*continued*)** (E/1981/64 and Add.1, E/1981/L.38)

22. The PRESIDENT drew attention to the report of the Sessional Working Group on the Implementation of the International Covenant on Economic, Social and Cultural Rights (E/1981/64) and to the programme budget implications (E/1981/64/Add.1) of draft decision I recommended by the Sessional Working Group in paragraph 37 of its report. He said that the observer for the Netherlands had informed him that his delegation wished to refer to its proposal contained in document E/1981/L.38 as a draft decision, not a draft resolution.

23. Mr. BOUFFANDEAU (France), referring to the reporting system established under the International Covenant on Economic, Social and Cultural Rights (see General Assembly resolution 2200 A (XXI), annex), said that his delegation had always believed that that system was the only way to ensure that States respected the obligations they had assumed in becoming Parties to the Covenant. Under the Covenant, neither individuals nor States had any legal recourse, because the Covenant imposed on States Parties a single obligation: that of doing everything within their power to ensure that the rights set forth therein were progressively realized for all people living under their jurisdiction. Accordingly, since the reporting system was the only way to give the Covenant binding force, it must be carried out as effectively as possible.

24. Therein lay the first indication of the general direction that should be adopted in considering the reports of States Parties. The purpose of that exercise was not to acquit those States considered to have fulfilled their obligations under the Covenant and to refuse to acquit others. However, the Council should do more than merely take note of the report of the State in question if the reporting system was to be of any use at all.

25. Within the limits thus defined, the activities of each State could be evaluated, attention could be drawn to those areas in which the Council considered that such activities could be stronger or better designed and appropriate measures could be suggested. However, the Council clearly could not carry out that task in plenary meeting, nor should it delegate the entire task to a restricted group, limiting its own role to adopting the report of such a group, without any discussion.

26. In connection with the reporting system, in accordance with the provisions of the Covenant, the Council was entrusted with the authority to offer guidance, make suggestions and formulate recommendations and with undeniable moral authority, both of which the Council should exercise effectively, but not formally. In other words, the report of the Sessional Working Group should generate in-depth discussion in the Council. The control exercised by the Council through the reporting system must have an impact on both national public opinion and, especially, international public opinion. In the field of economic, social and cultural rights, as in the field of civil and political rights, public opinion was essential in order to relay information about the activities of international bodies. Lastly, the purpose of considering the reports of States Parties was not only to determine those areas in which each State could do more to improve the effective enjoyment of economic, social and cultural rights. It was obvious that such an improvement at the level of individuals frequently depended not only on national measures but also, and especially, on international measures. Accordingly, the reporting system should entail more than the separate consideration of individual national reports; it should include the preparation of a synthesis of them, to be discussed by the Council itself. The reactions of the mass media and of public opinion were especially necessary for such a synthesis.

27. On the basis of those observations, his delegation considered that the report of the Sessional Working Group should include a summary of each of the reports submitted by States Parties, prepared in a manner so as to enable members of the Council to form an opinion about the situation of the economic, social and cultural rights in the country concerned. Each such factual summary should be followed by a description of those areas in which the State's activities could be strengthened or

improved. That part of the report could also contain suggestions relating to the recommendations the Council had made in connection with the State in question as well as a technical opinion about the factors and difficulties preventing States from fulfilling their obligations under the Covenant, in accordance with article 17, paragraph 2. Such an opinion could also refer to factors and difficulties which the State concerned had not invoked but which the Sessional Working Group considered to be real. The conclusion of that type of report might contain general considerations in preparation for the overall debate in the Council.

28. A report prepared in that way would help to identify subjects for discussion in plenary meeting, which should be conducted in so far as possible on the basis of the Sessional Working Group's report. Although members of the Council could not be prevented from singling out a particular national report and submitting their own observations on it, such a procedure should be exceptional; it would be more justified for them to make observations in connection with the technical opinions formulated by the Sessional Working Group pursuant to article 17, paragraph 2. However, members of the Council should display moderation in that regard as well.

29. If the Sessional Working Group was composed of highly qualified members and had all the time it needed for its difficult task, the Council could place due confidence in its description of such factors and difficulties. However, it seemed appropriate and perhaps legally necessary that the Council should take a specific decision each time the Group suggested that recommendations should be addressed to a particular State.

30. In short, the main purpose of debates in plenary meeting should be to prepare a synthesis of the situation of economic, social and cultural rights in the world, to study the shortcomings most frequently encountered in the activities of States and perhaps of international organizations, to study the national and international obstacles which most frequently prevented the implementation of the rights set forth in the Covenant and to define the most necessary national or international measures. Such a discussion could be held at the end of each period fixed for the submission of reports.

31. Through such action, the Council would fulfil its implicit obligations under articles 18 to 21 of the Covenant and its explicit obligations under article 22. All those articles referred to the general recommendations which the Council should submit to the General Assembly or should request from the specialized agencies and the Commission on Human Rights in order to contribute to the effective progressive implementation of the Covenant.

32. As to the composition of the Sessional Working Group, logically it should be based on equitable geographical distribution, taking into account only the States Parties to the Covenant in each geographical area. However, it was more important that the Group should work by consensus. The Group should also be composed of governmental experts.

33. Recommendations directed towards the more effective enjoyment of economic, social and cultural rights throughout the world, which was the purpose of the consideration of reports, would be effective only if such recommendations were endorsed by States.

34. The countries that were members of the Sessional Working Group might assign especially competent people to that body, although the effectiveness of a group did not depend essentially on the theoretical

knowledge of its members. Moreover, it was difficult to achieve a unity of views in a group composed of jurists, economists and sociologists, although the aim was not to arrive at definitive conclusions without any discussion. Accordingly, member countries should merely designate people who had a great deal of experience and enough time to devote to the Group's work; such people should be designated for at least two years. The relevant choices could also be submitted to the Secretary-General for his approval, as was done in other cases. Moreover, the Group itself must be given the time it needed to carry out its tasks.

35. As to the reports submitted by the specialized agencies, his delegation agreed with the views expressed by the Secretary-General to the effect that such reports should not be considered separately but should be taken together with the reports of the States Parties (see E/1981/6, para. 22). The specialized agencies submitted their own reports so as to help the Council to consider the reports of States Parties; however, the possibility of considering the reports of the specialized agencies separately should not be ruled out. In accordance with article 18, such reports could include information on the activities of the specialized agencies themselves; the specialized agencies were thus subsidiary bodies of the Council and, to a certain extent, under its control.

36. In terms of the protection of human rights, the reporting system was useful only if it offered States an opportunity to recognize their mistakes or their failings. Since international bodies did not have any binding authority, that was the main way in which that system could be effective. It could also be effective through the publication of information about the relevant work accomplished. He pointed out that the system of periodic reporting had completely failed and had been eliminated because the need for such publicity had been forgotten. It was important not to repeat the same mistake.

Mr. Mapp (Barbados), Vice-President, took the Chair.

37. Mr. CHATTERJIE (United Kingdom) said that his delegation wished to make clear the importance it attached to economic, social and cultural rights and regarded the International Covenant on Economic, Social and Cultural Rights as an important instrument in the field of human rights. It was worthy of note that 68 States had so far ratified the Covenant and his delegation regarded the recommendations in the report of the Sessional Working Group as a first step towards increased effectiveness, even though many of the difficulties which the Group had encountered still remained to be resolved. His Government had already submitted its views on the future composition, organization and working of the Group to the Secretary-General and hoped that other countries which had not yet given their views would do so.

38. The Economic and Social Council was charged with consideration of the reports of States Parties to the Covenant, and the Sessional Working Group, or whatever body was designated by the Council, should be so constructed that it could effectively assist the Council in that task. To that end, the Group should be composed of experts, preferably independent experts, who would have the necessary expertise on the complex and often technical articles contained in the Covenant. That would enable the Group to make a substantive report to the Council so that the Council could then discharge its responsibilities. Consequently, the Group should have adequate time to enable it to complete its work properly and prepare a substantive report, which the Council

should then have time to consider. Under current arrangements, the Group was understandably able to prepare only a procedural report and, as a result, neither the Group nor the Council was able to fulfil its functions satisfactorily. His delegation, however, welcomed the participation of the specialized agencies and hoped that their role, as envisaged in article 18 of the Covenant, could be made more effective.

39. It was clear that there were differences of emphasis and points of view on the Sessional Working Group's composition, organization and methods of work. Those problems should be addressed by the Council and his delegation therefore welcomed the draft decision contained in document E/1981/L.38 which was complementary to those in document E/1981/64. The draft decision (E/1981/L.38) would enable the Council to discuss those issues fully at the earliest suitable opportunity; in effect, at the first regular session of 1982. His delegation therefore considered that the Council should adopt all those draft decisions by consensus.

40. Mrs. AKAMATSU (Observer for Japan) said that her delegation fully understood the difficulties which the Sessional Working Group had encountered because it had met concurrently with the Council. It should be remembered that the Council had established the Commission on Human Rights at its first session and had charged it with the difficult but important task of drawing up an international bill of human rights. The fruit of that effort was, of course, the International Covenant on Economic, Social and Cultural Rights, the implementation of which was currently under consideration by the Council. In that regard, her delegation could not but feel somewhat disappointed with the report of the Sessional Working Group, especially when it was compared to the reports of the Human Rights Committee and the Committee on the Elimination of Racial Discrimination, which were the monitoring organs of their respective conventions.

41. Her delegation did not believe that the monitoring system of the International Covenant on Economic, Social and Cultural Rights had to be necessarily the same as that of the International Covenant on Civil and Political Rights (see General Assembly resolution 2200 A (XXI), annex) or the International Convention on the Elimination of All Forms of Racial Discrimination (General Assembly resolution 2106 A (XX), annex). The International Covenant on Economic, Social and Cultural Rights differed from the others in its general provision, particularly with respect to article 2, paragraph 1, which was open to loose interpretation. That uniqueness derived from the nature of the rights involved and it was for that reason that the Council, in its resolution 384 C (XIII) of 29 August 1951, had requested the General Assembly to reconsider the previous decision to include all rights in one Covenant. It was also for that reason that the General Assembly, in its resolution 543 (VI) of 5 February 1952, had decided that two covenants on human rights should be drafted.

42. Those facts did not mean that the Council should not thoroughly consider the reports of the States Parties on the implementation of the International Covenant on Economic, Social and Cultural Rights. The Covenant was neither a declaration nor a resolution, but a legal instrument, and the credibility of the Council would be questioned if its consideration of the reports of the States Parties was not thorough and complete. Her delegation was not criticizing the work of the Sessional Working Group because it believed that the source of the deficiencies lay in the monitoring system itself. Specifically, her delegation was of the view that the Group

or the monitoring body should remain an intergovernmental body whose members would appoint persons with expertise in their respective fields. Because the substantive provisions of the Covenant covered broad areas, ranging from the right to work to the right to social security to the right to education, it would be impractical to have each expert, serving in his personal capacity, consider all parts of the report. Furthermore, to ensure the continuity of the Group, her delegation believed that its member States should be appointed for longer terms, for example, for three years.

43. As for the duration of monitoring, her delegation welcomed the recommendation of the Group. However, it was of the view that the time was still too short, particularly when compared to the time allotted to the Committee on the Elimination of Racial Discrimination and the Human Rights Committee. In that connection, it should be noted that there were currently 66 States Parties to the Covenant and that that number would steadily increase in the future. It was therefore becoming increasingly impossible for the Group scrupulously to examine all reports. In short, her delegation was not satisfied with the present monitoring system and hoped that ways of effectively monitoring the implementation of the Covenant would continue to be explored.

Mr. Lusaka (Zambia) resumed the Chair.

44. Mr. BERGTHUN (Norway) said that Norway, as a member of the Sessional Working Group, had at the current session of the Council taken an active part in its deliberations. The Group had succeeded in obtaining consensus on some recommendations that at least could improve its effectiveness in some areas. The report before the Council (E/1981/64) was purely procedural. Although the national reports and summary records were publicly available, his delegation understood that a purely procedural report was not satisfactory for States Parties to the International Covenant on Economic, Social and Cultural Rights that were not members of the Sessional Working Group. Nor was it sufficient for the general public interested in human rights questions. The ideal solution was to have substantial reports that, as the observer for the Netherlands had stated at the 15th meeting, gave a faithful picture of how the States Parties discharged their obligations under the Covenant, the measures adopted and the progress they had made in achieving the observance of the rights recognized in the Covenant. Such a report would be more in line with the reports presented by the Human Rights Committee. It must, however, be admitted that the Group would have been under time constraints if it had had an obligation to submit a more detailed report.

45. In the Sessional Working Group, the Norwegian member had put forward a proposal recommending that it should meet parallel with the first regular session of the Council, thereby saving the heavy cost involved in inter-sessional meetings. Norway had further proposed that the report be submitted and considered at the second regular session of the Council. That proposal would have given ample time for the Secretariat to circulate the report and for delegations to study it together with the summary records. Besides, the debate in the Council would not take place under the inevitable time pressure resulting from the current arrangement.

46. It was important for members of the Group to be experts on human rights questions with broad experience in that field. It would have been desirable to constitute the Group at a level of expertise similar to that of the national experts preparing the reports. His delegation also believed that the Group should be constituted as an independent expert group more in line with

the Human Rights Committee. It had been impossible, however, to work out a compromise solution along that line. The Group had therefore stressed that the optimum solution would be to ensure a high level of expertise and representation and at the same time preserve the authority and prestige currently given to it by its inter-governmental structure. The Group recommended that the arrangement of 15 seats, equally distributed among the five regional groups, should be retained. That was, however, a question that ought to be continuously reviewed, taking into account, in particular, the number of countries ratifying the Covenant.

47. As had been demonstrated in the Council, a variety of views existed among members on how the Sessional Working Group ought to organize its work. His delegation wished to stress the importance of maintaining a consensus on those questions. Each year the Council gained more experience and, in the light of that experience, should continue to review arrangements for improving the quality of the work performed by the Group.

48. Mr. BORCHARD (Federal Republic of Germany) said that there had been laudable efforts made by reporting States and by the Sessional Working Group since it had come into existence. In spite of the differences of principle among members of the Group, it had been able to arrive at a compromise on how to conduct its work under the present circumstances and procedures. The assistance and co-operation of the International Labour Organisation had been most helpful in furthering the Group's difficult task.

49. If delegations criticized the purely procedural nature of the report of the Group, the underlying reason was that current methods of work did not allow for another type of report or a more detailed examination of country reports. The standard of work and quality of the Human Rights Committee could not be achieved under such circumstances. Furthermore, the sessional character of the Group and the consideration of its report at the same session of the Council did not provide enough time to submit a substantial report to the Council. That even presented a constitutional difficulty, as the Covenant declared that the Council was the responsible body to examine reports. If the Council was not informed of the way in which its Sessional Working Group had examined certain reports, then it could not form its own opinion and perform its obligation under the Covenant. It was essential that the Council should receive a report by the Group which reflected the different quality of State reports and the equally different co-operation of States representatives with the Group.

50. The recommendations of the Group with regard to its composition and organization of administrative arrangements were a positive step forward and his delegation supported them even though some basic difficulties remained unresolved. His Government hoped that the Council would find a better system for the Group which could be modelled along the lines of the Human Rights Committee and the Committee on the Elimination of Racial Discrimination. His delegation therefore supported the proposal contained in draft decision E/1981/L.38 to review the composition, organization, administrative arrangements and methods of work as a separate and priority item during the Council's first regular session of 1982.

51. Mr. ZACHMANN (German Democratic Republic) said that on the occasion of the thirty-sixth anniversary of the victory over fascism, his delegation wished to extend its congratulations to the representatives of the USSR, the Byelorussian SSR, the Ukrainian SSR and all

the members of the anti-Hitler coalition. That victory had also brought liberty from Hitlerian fascism for the German people and the German Democratic Republic had used that historic opportunity to embark on an entirely new historical role, the building of a socialist society.

52. The Sessional Working Group, in which his delegation actively participated, had been able to fulfil the tasks entrusted to it as could be seen from the adoption of 20 reports submitted by States Parties to the International Covenant on Economic, Social and Cultural Rights concerning rights covered by articles 10 to 12 and two reports concerning rights covered by articles 6 to 9. In addition, his delegation wished to point out the particularly constructive atmosphere that had prevailed in the lengthy consultations during which agreement had been reached on the report of the Group (E/1981/64). His delegation was in agreement with the report, including draft decisions I to IV contained in paragraph 37 thereof.

53. For those reasons, his delegation could not support the draft decision contained in document E/1981/L.38 submitted by the observer for the Netherlands. As the Chairman of the Sessional Working Group had pointed out at the 15th meeting of the Council, the draft decisions in the report of the Group were the result of a compromise. The Group, in which representatives of all regions had participated, had exhaustively discussed the versions outlined by some speakers with regard to its future composition, organization of work and administrative arrangements. That was reflected in paragraphs 22 to 25 of its report. The advantages and shortcomings of the different versions had been examined and a study had been made of the degree to which they corresponded to the resolutions of the Economic and Social Council and of the General Assembly, and, in some cases, financial implications had been looked into. After all those intensive discussions, it had been possible to achieve a result which was acceptable to all members of the Group and which had been carefully prepared, was well balanced, and had been seriously discussed during many hours of informal consultations and finally approved by consensus. The Netherlands draft decision called into question the compromise that had been reached. Furthermore, paragraphs 2 and 3 of draft decision I contained clear and unequivocal formulations which allowed a reconsideration of certain questions in case of basic changes, for example, in the number of member States. His delegation therefore appealed to the Netherlands not to insist on its draft decision.

54. Ms. CAO-PINNA (Italy) said that her country, as a State Party to the International Covenant on Economic, Social and Cultural Rights and as a member of the Council, attached great importance to the reporting system on the implementation of the Covenant, as established by its articles 16 and 17. There were two closely interrelated requirements for an effective and successful reporting system: first, the States Parties must submit comprehensive and accurate reports on the progress made in the observance of the rights recognized in the Covenant; and, secondly, the Economic and Social Council must consider the reports and monitor the implementation of the Covenant in the most effective way possible. Both required a high degree of expertise in the field of human rights. For that reason, Italy had established in 1978 an Inter-Ministerial Committee on Human Rights for the preparation of all periodic reports, the success of which had recently been recognized by the Human Rights Committee and the Committee on the Elimination of Racial Discrimination.

However, when her country had for the same reason formally proposed to the Third Committee of the General Assembly, during the twenty-first session of the Assembly, that the Council establish a Committee of Experts to consider the reports submitted by the States Parties to the Covenant, the proposal had had no success, even though several delegations were in favour of it. Subsequently, the Council had realized that it could not fulfil its responsibilities under the new Covenant without assistance, and had established a permanent Sessional Working Group, with annually changing membership, of a type which was contrary to the very nature of working groups.

55. In view of that background, her delegation had been looking forward to the results of the Council's review of the Group's composition, organization and administrative arrangements, as decided on in resolution 1980/24 of 2 May 1980, in response to the Group's own declaration that it had encountered certain difficulties in considering national reports under the current arrangements, and to the views of the majority of States Parties to the Covenant which favoured a substantial revision of those arrangements. Regrettably, the confidence placed in the review had not been confirmed by the report of the Group as contained in document E/1981/64.

56. She would not add to the detailed comments which had already been made, in particular by the observer for the Netherlands, on part II of the report, concerning the Group's consideration of the reports of States Parties, except to point out that her country's report on economic rights, just completed, had taken almost a year of intensive preparation, and that the prospect of seeing that report mentioned only by its document symbol in the following year's report was hardly encouraging for the preparation of the report on social rights, already begun. However, her delegation hoped that the review of the composition, organization and administrative arrangements of the Sessional Working Group would continue the following year and that a satisfactory solution would be found.

57. In view of that possibility, she wished to indicate the most important changes which should be made in the current structure of the reporting system, not as a criticism of the work of the Group, but in accordance with the conviction that the only change proposed by the Group, namely, longer sessions, would not eliminate the serious shortcomings of the system.

58. No reference was made, either in the resolutions or decisions thus far adopted by the Council on the appointment of members of the Sessional Working Group, or in draft decision I proposed by the Group, to the expertise required of its members, even though that was clearly stipulated in the International Covenant on Civil and Political Rights for the composition of the Human Rights Committee. Further review of the composition of the Group should eliminate the differences in practice with regard to the composition of the two bodies involved in monitoring the implementation of the two Covenants. In addition, Group members should in future be nominated for terms of three years, in order to simplify the annual process of deciding on the Group's composition and to ensure that members accumulated appropriate experience of considering national reports. Lastly, the change in composition which was already planned, aimed at a more equitable geographical distribution, should be made as soon as the Covenant had been ratified by half of the States Members of the United Nations.

59. Only an *ad hoc* committee of independent experts, similar to the Human Rights Committee, could ensure that the Council received substantive reports, and not merely a list of the reports considered by the Sessional Working Group. However, the changes outlined, which were not revolutionary, might serve as a first step towards more fundamental changes, as, for example, changing the name of the Group to the "Economic and Social Council's Committee of Experts on Economic, Social and Cultural Rights". Her delegation fully supported the draft decision prepared by the delegation of the Netherlands, which was a step in the right direction.

60. Mr. GAGLIARDI (Brazil) said that matters relating to the International Covenant on Economic, Social and Cultural Rights were exclusively the concern of the States Parties to that Covenant. The Economic and Social Council should not have been requested to analyse reports of States Parties, and should therefore not have established a Sessional Working Group for that purpose. Since the Group existed, arrangements for it should fall exclusively within the competence of States Parties, which should cover the expenses derived from the implementation of the document which they had decided to ratify. The regular budget of the United Nations should not be burdened with those expenses. That applied also to the Human Rights Committee, established to deal with the International Covenant on Civil and Political Rights. There was no reason for States which were not parties to the Covenant to concern themselves with national measures taken by States Parties towards implementing those Covenants.

61. His delegation would not participate in any of the debates or votes on the issue.

62. Ms. BOZHKOVA (Bulgaria) congratulated the representative of the Union of Soviet Socialist Republics on the celebration of the thirty-sixth anniversary of the victory over fascism.

63. As a State Party to the International Covenant on Economic, Social and Cultural Rights and as a member of the Sessional Working Group, Bulgaria attached great importance to the monitoring of the implementation of the Covenant. As the report in document E/1981/64 indicated, the Sessional Working Group had successfully completed its work of reviewing all the reports of States Parties covering articles 10, 11 and 12 of the Covenant. It had also reached a consensus on all the issues concerning its composition, organization and administrative arrangements and had proved its ability to discharge its duties, in accordance with Council decision 1978/10 of 3 May 1978 and Council resolution 1979/43 of 11 May 1979, which provided an adequate framework for carrying out the mandate entrusted to it in Council resolution 1988 (LX) of 11 May 1976.

64. Her delegation supported the Group's recommendations designed to ensure a high level of expertise and competence within the Group in matters covered by the Covenant and to preserve the authority and prestige which it derived from its intergovernmental structure. A group composed of governmental experts would not lead to any increase in operating costs.

65. Her delegation also supported all the other recommendations of the Sessional Working Group relating to its composition and working methods. They had been adopted by consensus, as a result of lengthy consultations and carefully worked-out compromises between differing views, and the Council should respect them and not therefore reopen the debate on questions of composition and organization, since to do so every year could only entail delays and difficulties in effectively monitoring the implementation of the provisions of the

Covenant. Accordingly, her delegation strongly opposed the draft decision submitted by the observer for the Netherlands (E/1981/L.38), and appealed to him not to insist on it, since it ran counter to the spirit of compromise which had been achieved.

66. Mr. KOMISSAROV (Byelorussian Soviet Socialist Republic) said the fact that the United Nations had established the appropriate conventional basis for the encouragement of general respect for human rights and fundamental freedoms and the development of international co-operation on an equal basis in that field, in accordance with the Charter of the United Nations, was among the great achievements of the Organization. In that connection, the International Covenants on Human Rights (General Assembly resolution 2200 A (XXI), annex) played a central role and imposed international legal obligations on States Parties to ensure the protection of a broad range of specific human rights. The activities of States aimed at guaranteeing the enjoyment of human rights and fundamental freedoms by their nationals was the main pre-condition for international co-operation in the human rights field and the accession of States to the International Covenants and the strict compliance by States with the obligations imposed by those instruments provided a basic measure of the readiness of States to participate in co-operation in the human rights field. His delegation welcomed the fact that the machinery envisaged in the International Covenants had now begun to function, in particular the Sessional Working Group on the Implementation of the International Covenant on Economic, Social and Cultural Rights. The report of the Group showed that it performed its functions in a completely responsible and business-like manner and that it was providing useful assistance to the Council in the examination of reports submitted by States Parties to the Covenant. The work of the Group had confirmed that all human rights and fundamental freedoms were indivisible and interdependent and that the full realization of other rights without the enjoyment of economic, social and cultural rights was impossible.

67. Continuing its constructive co-operation with the Sessional Working Group, the Byelorussian Soviet Socialist Republic had submitted a comprehensive report concerning its implementation of articles 10 to 12 of the Covenant. The numerous provisions on socio-economic rights in the Byelorussian Constitution provided a reliable guarantee of the equality of all citizens and served as the material basis for the effective enjoyment by them of political rights and freedoms. Soviet citizens had complete confidence in their future.

68. His delegation was basically sympathetic to the constructive and encouraging recommendations of the Group in connection with its review of its composition, organization and administrative arrangements. The experience of the Group had confirmed the viability of its current methods and procedures, which were generally in full conformity with the provisions of the Covenant and decisions taken by the Economic and Social Council. His delegation was, however, concerned at the intentions of some countries, mainly from one region, to transform the review process, which had been intended to consider only organizational matters, into a continuous review process that could only destroy the work of the Group. Such suggestions would engage the Council in an unending discussion of the methods of work of the Group and would impede the discussion of reports. His delegation could therefore not accept draft decision E/1981/L.38 and requested that the sponsor not insist on its consideration by the Council. The

authority and effectiveness of the Sessional Working Group could be increased primarily by a show of goodwill and a higher degree of co-operation with the Group on the part of States Parties and strict observance of the provisions and obligations laid down in the Covenant itself.

69. Mr. MAVROMMATIS (Cyprus), regretting the shortage of time, said that he welcomed the opportunity for in-depth discussion of one of the Council's major tasks, that of monitoring the implementation of the International Covenant on Economic, Social and Cultural Rights, and hoped that there would be a further chance to continue the discussion, for otherwise the Council would be open to the accusation of abdicating yet another of its duties, and of becoming increasingly little more than a rubber-stamping body. He hoped that the situation would not develop in the same way as that affecting the International Covenant on Civil and Political Rights, where the Human Rights Committee reported directly to the General Assembly, with the result that the Economic and Social Council showed little interest in its work.

70. In order for the Council to discharge its responsibility of considering in an effective way the reports of States Parties to the Covenant, elaborate rules of procedure were needed to ensure that the Council itself, or the group entrusted with the work, knew how to proceed. An illustration of that need was to be seen in the case of the third world countries, which brought out the indivisible nature of human rights and, above all, economic rights; whilst the Covenant contained provisions weighted in their favour, no suggestion had yet been made as to how they should take advantage of those provisions. Similarly, nothing had yet been said on the subject of article 19, which concerned the Commission on Human Rights, or on articles 21, 22 and 23 on the furnishing of technical assistance to those countries which required it. For that reason, the Council should have a further opportunity to consider its tasks at length and to reach decisions. For example, the Council was charged with making general recommendations, but unless it understood how difficult those recommendations were to interpret and how much time was required by the various bodies to act upon them, such provisions as those contained in article 21 would become worthless. The task of the Council in that area was very difficult and complex, but vitally important.

71. The Sessional Working Group was to be congratulated on its work, but it had been forced to act in accordance with past procedures. There was a discrepancy in the procedures for monitoring the implementation of the two Covenants on human rights; for example, the Sessional Working Group (for the International Covenant on Economic, Social and Cultural Rights) had considered well over 40 reports in four weeks, whereas the Human Rights Committee (for the International Covenant on Civil and Political Rights) had not achieved that total in four years. There were, of course, differences in the two implementation procedures, but nevertheless it was clear that both could not be efficient and that improvements were required in one or the other.

72. In view of the lack of time and the lack of expertise from which the Sessional Working Group had suffered, its recommendations had required courage, and his delegation was fully in favour of them. Indeed, without those proposals there would exist no basis for the continued work of the Council on the matter in the following year, and they should therefore be accepted.

73. There were, however, improvements to be made. The proposal to establish a group composed of governmental experts was very welcome, but the concept needed to be fully defined. Experts were required in at least three fields: the economic, the social and the cultural, in order to achieve a cross-section of opinion. There was nothing in the proposal which would ensure that. Also, over the years, the cycle of reporting had become blurred in a way which was not consistent with the provisions of the Covenant. In order to facilitate the work of reporting Governments and of those who examined the reports, it was important not to confuse the three different sets of rights. Again, the group of governmental experts was described at one point in the report as a "sessional" body, but later it was proposed that it should start work "inter-sessionally". That reflected the time pressure under which the Group had worked. As to the duration of the meetings, the Council was being asked to make a final decision to the effect that the work should be completed within three weeks. The experts themselves should be allowed to decide the time that was required. Another difficulty was that of the selection of experts. The current method, which limited selection to countries which were both States Parties to the Covenant and members of the Economic and Social Council, implied that a non-expert who fulfilled those requirements would have to be preferred over an expert of a non-member country. Further, if the

members of the group were to be considered experts, they should decide on their own working methods and not be bound by the decisions of the Council. In connection with the "appeal" to States Parties which had not yet submitted their reports, a "reminder" rather than an appeal was required, since the States were under a contractual obligation to submit reports, and it was also important to differentiate between a long delay and a short, but possibly justified, delay. Different methods which had been used in other committees had produced results. Also, the proposal to suspend the preparation of analytical summaries was hard to understand. Five or six reports, involving perhaps a year's preparation, had to be examined each day and that would be very difficult without the use of analytical summaries.

74. Those comments illustrated the need to hold further debates on the issue, and, first of all, to study more closely the implications of the excellent idea of appointing a group of governmental experts. The Council should not adopt rash resolutions at the last minute, but should favour a cautious, step-by-step approach. His delegation's only intention in reopening the debate was to seek improvements, since the Sessional Working Group had not had the time to formulate fully developed proposals.

The meeting rose at 1.25 p.m.