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President: Mr. Abdul Rahman PAZHWAQ
(Afghanistan).

AGENDA ITEM 21

United Nations Emergency Force:
(a) Report on the force;
(b) Cost estimates for the maintenance of the Force
REPORT OF THE FIFTH COMMITTEE (A/6588)

AGENDA ITEM 73

Supplementary estimates for the financial year 1966
REPORT OF THE FIFTH COMMITTEE (A/6590)

AGENDA ITEM 78

Audit reports relating to expenditure by specialized agencies and the Atomic Energy Agency:

- (a) Earmarkings and contingency authorizations from the Special Account of the Expanded Programme of Technical Assistance;
 - (b) Allocations and allotments from the Special Fund
- REPORT OF THE FIFTH COMMITTEE (A/6596)

Mr. Silveira da Mota (Brazil), Rapporteur of the Fifth Committee, presented the reports of that Committee and then spoke as follows.

1. Mr. SILVEIRA DA MOTA (Brazil), Rapporteur of the Fifth Committee: The report on the cost estimates for the maintenance of the United Nations Emergency Force [A/6588] contains two draft resolutions which the Committee has recommended for adoption by the General Assembly. Draft resolution A relates to the revised cost estimates for the maintenance of the Force for the year 1966; and draft resolution B is concerned with the appropriation for and the financing of the cost of maintaining the Force in 1967.

2. The Committee's report on the supplementary estimates for the financial year 1966 also contains two draft resolutions recommended by the Committee for adoption by the General Assembly [A/6590, para. 19]. Draft resolution A is the revised appropriation resolution for the financial year 1966, while draft resolution B relates to the revised income estimates for that financial year.

3. The Committee's report on the audit reports relating to expenditure by specialized agencies and the International Atomic Energy Agency [A/6596] contains, in paragraph 3, a recommendation that the General Assembly should take note of the proposed interpretation of the modification of paragraph 53 of resolution 1240 (XIII) by resolution 2029 (XX).

4. The Committee also decided to recommend in its report two draft resolutions for adoption by the Assembly [A/6596, para. 4]. Draft resolution A deals with the expenditure by specialized agencies and the International Atomic Energy Agency of technical assistance funds allocated from the Special Account for the year 1965. Draft resolution B pertains to expenditure by specialized agencies of funds earmarked from the Special Fund for the same financial year.

Pursuant to rule 68 of the rules of procedure, it was decided not to discuss the reports of the Fifth Committee.

5. The PRESIDENT: In connexion with agenda item 21 (a), the Assembly has before it the Secretary-General's report on the United Nations Emergency Force [A/6406]. The only decision that the Assembly has to take in this connexion is to take note of the report.

The General Assembly took note of the report of the Secretary-General.

6. The PRESIDENT: The Assembly will now deal with item 21 (b), the cost estimates for the maintenance of the United Nations Emergency Force. Several representatives wish to explain their votes on this item and I shall now call on them.

7. Mr. DAOUDY (Syria) (translated from French): The delegation of the Syrian Arab Republic would like to make the following comments on the question of the United Nations Emergency Force.

(1) As we know, this is not the first time that this question is on the agenda of the General Assembly. It has been on the agenda in past years and the Secretary-General has dealt only with the purely technical aspect of the question in his reports on it. Such is not the case in the report [A/6406] before the Assembly this year. The responsible authority of the United Nations Emergency Force alludes to matters which are within neither its own competence nor even that of the United Nations. To our recollection the question of the Palestine Liberation Army does not come within the purview of the Emergency Force, nor, as far as we know, within any terms of reference assigned to the responsible official of that Force, so that that official has no reason to report in paragraphs 25 and 26 on the Palestine Liberation Army, its strength, its operational deployment, or on any other aspect of its activities.

(2) We therefore formally protest against the fact that the authorities of the Emergency Force and the competent Secretariat services have seen fit to introduce here items which are not included in the agenda and to submit to the Secretary-General information on them which we consider questionable and which appears in the report. However, we are certain that the Secretary-General himself would definitely not wish the reports of the Secretariat to deal with matters which the General Assembly has not instructed it to study and which, moreover, are not within the scope of agenda item 21.

(3) At this juncture, the delegation of the Syrian Arab Republic simply wishes to register its protest against this disturbing and unjustifiable precedent, to which the representative of Syria rightly objected in the Fifth Committee (1165th meeting) during the debate on the financial aspects of the question.

8. We would also add that if in the future the responsible authorities of the Emergency Force continue to exceed their assigned terms of reference, we regret that we shall then be compelled to resort to other means to deal with the situation.

9. Mr. PARTHASARATHI (India): My delegation voted in favour of the draft resolution in the Fifth Committee, as indeed it voted last year for a similar draft resolution. We shall vote for draft resolution B recommended by the Fifth Committee [A/6588, para. 7] on the following considerations and understandings: First, our understanding is that the present decision on the financing of UNEF is an *ad hoc* arrangement, and that it should not be impossible to arrive at a commonly acceptable formula before long.

10. Secondly, India has always paid its assessed share of contributions to the UNEF Special Account regularly. Between 1957 and 1966, India contributed a total sum of \$2,566,567 towards the UNEF Special Account. India was also the first in accepting the principle of annual rotation of contingents, which made it possible to keep the expense of UNEF at the lowest and most economical level. We continue to hope, along with the Secretary-General, that the principle of an annual rotation of troops will come to be generally accepted and practised.

11. Thirdly, as the Assembly is aware, a survey team was appointed by the Secretary-General early in 1965 to undertake a new examination of the Force to determine whether and where economies could be made without adversely affecting the good management and effective functioning of the Force. Some of the important conclusions of the team were that continued United Nations presence of the UNEF type was an important element in the maintenance of peace and security in the Middle East and that its withdrawal might well give rise to a sharp increase in the frequency of incidents and violations along the Line probably with serious consequences.

12. This judgement of the team was accepted by the General Assembly and has been generally borne out by the events and incidents in the region that have taken place since. The team did not, however, feel justified in recommending any drastic change in the Force as it involved numerous political and other problems. However, it recommended the streamlining of the Force. The practical and concrete effects of this attempt at streamlining have taken the form of certain reductions in the size of the Force, and have resulted in a certain reorganization of the Headquarters set-up of the Commander. My delegation, while agreeing with the idea of bringing about economies in expenditure, does hope that such economies do not have the effect of reducing the effectiveness of UNEF, and thus jeopardizing peace and security in the area.

13. Fourthly, as is well known, India has been the largest single contributor amongst all those Member States which have provided troops for the United Nations Emergency Force—ever since 1957-1958, when out of a total strength of approximately 5,000 troops there were approximately 1,200 from India, until today, when out of a strength of 3,592 in UNEF approximately 1,000 are from India. We feel, therefore, a special responsibility for underlining what the Secretary-General has pointed out in his report:

"The Secretary-General also stated his conviction that any significant lowering of this basic strength figure would make it impossible for the Force to carry on as a peace force with its present functions and responsibilities and that any action which would result in a reduction of the Force below the basic figure indicated would have the unavoidable result, for all practical purposes, of changing the nature of the operation in a fundamental way." [A/6498, para. 3.]

14. Mr. EL KONY (United Arab Republic): My delegation deems it necessary to make a few remarks on paragraphs 24, 25 and 26 of the report of the Secre-

tary-General on the United Nations Emergency Force [A/6406]. The first two paragraphs refer to the maintenance of a network of military observation posts either by Gaza police or the Palestinian Liberation Army. But, fortunately, it is admitted in paragraph 25 that they were "immediately behind the 500-metre zone". It is clear, therefore, that there is no violation of any agreement on our side of the Demarcation Line. I am wondering why that was specifically mentioned in this report and in this way.

15. In paragraph 26, UNEF headquarters have volunteered to undertake an estimate of the strength of the Palestinian Liberation Army from local sources in Gaza, but it is equally admitted, with some embarrassment, as may be seen from reading that paragraph, that "it is not for UNEF to undertake any estimate of the strength of the Palestine Liberation Army..." However, the headquarters of UNEF has done it all the same.

16. We believe that this kind of function by UNEF, as well as referring to it in the report, is beyond its mandate. This activity of UNEF is, moreover, uncalled for and without any justification.

17. The blood of the victims of the recent Israeli raid in Jordan has barely dried. The wide and great destruction is still there for all to see. I hope we will be forgiven by the patrons of Israel if we show more vigilance on our side of the Demarcation Line. We simply refuse to be sitting ducks for the Israelis.

18. While the item of peace-keeping operations with its different aspects and implications is so intensely discussed in the United Nations, it would indeed be wise and helpful to create trust and confidence in the very idea of peace-keeping operations by respecting faithfully the rules of the mandate and the principle of impartiality in conducting the already existing operations.

19. Mr. KULEBIAKIN (Union of Soviet Socialist Republics) (translated from Russian): The Soviet delegation has often stated its basic position on the United Nations Emergency Force in the Middle East. In deciding to establish the Emergency Force in 1956, the General Assembly exceeded its powers, because under the Charter of the United Nations only the Security Council has the power to take a decision concerning the use of armed force in the name of the United Nations. No decision on the financing of the Emergency Force taken outside the Security Council and thus in violation of the Charter can be binding on Member States, because the expenditure it entails is not expenditure covered by Article 17 (2) of the Charter. We consider, as we always have done, that both the political and the material responsibility in this case must be borne by the aggressor.

20. Accordingly, the Soviet Union, as in the past, will not help finance the United Nations Emergency Force. The Soviet delegation will vote against any draft resolution which establishes a procedure for financing the Emergency Force without going through the Security Council and thus conflicts with the Charter. In particular, the Soviet delegation will vote against the draft resolution adopted by the Fifth Committee and contained in document A/6588 [para. 7].

The Soviet delegation also voted against this draft resolution in the Fifth Committee.

21. In view of the protest made by a number of representatives against paragraph 26 of the report contained in document A/6406, it should be pointed out that the facts which those delegations protested against are yet another consequence of the fact that the United Nations Emergency Force was set up and operates without the approval of the Security Council, in violation of the Charter.

22. Mr. QUIJANO (Argentina) (translated from Spanish): The Argentine delegation wishes to explain its vote on the item entitled United Nations Emergency Force (UNEF), in particular its position with regard to the draft resolution recommended by the Fifth Committee [A/6588, para. 7] relating to cost estimates for the maintenance of the Force in 1967. Because of the importance we attach to the item and the decision to be adopted by the General Assembly, I should like to comment briefly on the reason for our position.

23. Once again, as has happened at every General Assembly since 1956, my delegation has to face the complex problem of financing the Emergency Force. The very fact that the problem has been before us for over ten years justifies our concern with a situation that can no longer be called an emergency. But our concern is accentuated by the fact that neither the States in the area, nor the States which have primary responsibility under the Charter for the maintenance of peace, nor the States which so generously contribute troops to UNEF have indicated that a solution is being worked out or contemplated that would permit the winding up of this peace-keeping operation. The result is that the most practical solution available is repeated as a matter of routine.

24. Several delegations in the Fifth Committee said in support of the draft resolution now before us that it was a repetition of the formulas used to cover the costs of UNEF in 1965 and 1966. That is one of the reasons why we are reluctant to accept the proposed solution, since we do not want to treat this as a matter of routine.

25. My delegation notes the Secretary-General's recommendation that it is necessary to maintain UNEF. We also note with appreciation the efforts made to reduce costs, which now are estimated at a total of \$14 million for 1967. But the operation is being maintained in its original form, no political solution is in sight and, what is more serious as far as we are concerned, a large number of Member States continue to object in various ways to the operation and financing of the Force, support for which diminishes year by year, as is shown by the votes in the General Assembly and the Fifth Committee.

26. In the light of these remarks concerning the operation of UNEF, and of the attitude of an important group of countries which have announced that they will not pay contributions for past years or any future contributions the Assembly may approve, it is unrealistic to decide that the 1967 costs should be financed on a basis of collective responsibility because there is risk of increasing the Organization's financial deficit, which was examined, but not, of

course, solved, in the study made early this year by the Ad Hoc Committee of Experts to Examine the Finances of the United Nations and the specialized agencies.

27. We believe the problem could be solved. The studies recommended by the Special Political Committee in regard to peace-keeping operations may provide a basis for doing so. But the formula put forward in the Fifth Committee's report is, we believe, open to objection because it ignores many of the factors we consider important in regard to peace-keeping operations, particularly the principles of resolution 1874 (S-IV), which are mentioned in the preamble to the draft resolution but have been applied only in part.

28. Until 1964, the Republic of Argentina accepted resolutions under which it was called upon to pay contributions of over \$1 million to finance UNEF. We have paid part of this sum, and we intend to pay the arrears, as we are doing in connexion with the United Nations Operation in the Congo. But in present circumstances and because of the objections mentioned, Argentina is not prepared to assume new commitments. We wish this position to be clear.

29. Nevertheless, in recognition of the effort of countries which are making great sacrifices to participate in UNEF and because of the apparent consensus regarding the extension of its mandate for another year, we do not wish to take a negative position and shall register our reservations by abstaining.

30. The PRESIDENT: The two draft resolutions recommended by the Fifth Committee on agenda item 21 (b) appear in paragraph 7 of its report [A/6588]. In regard to the votes on this item, the Canadian delegation has asked for a recorded vote. I shall ask the Under-Secretary for General Assembly Affairs to explain how that vote will be taken.

31. Mr. NARASIMHAN (Under-Secretary for General Assembly Affairs): As has been explained in the Secretary-General's note [A/INF/115] on the use of the voting machine, if a roll-call vote is requested under rule 89 of the rules of procedure it is mandatory to call the names of delegations in the usual way, and representatives then press the appropriate buttons on their desks while also orally calling out their votes.

32. The alternative procedure of a recorded vote can result in a considerable saving of time, while preserving a record of how the voting went. When you, Mr. President, ask those in favour, those opposed and those abstaining so to signify, representatives are requested to press the appropriate button on the panel in front of them. The results of the vote will then appear immediately on the boards on both sides of the podium. The automatic printer will produce a tally sheet, and after the President has announced the result of the vote copies of the tally sheets can be made available to all delegations. Further, in accordance with rule 89, the votes of all delegations will appear in the official records in the English alphabetical order of the names of the Members.

33. The PRESIDENT: If the Assembly agrees, we shall now proceed to take a recorded vote on this

item. I put to the vote draft resolution A recommended by the Fifth Committee [A/6588, para. 7].

A recorded vote was taken:

In favour: Afghanistan, Australia, Austria, Belgium,^{1/} Bolivia, Brazil, Burma, Burundi, Cameroon, Canada, Central African Republic, Ceylon, Congo (Democratic Republic of), Cyprus, Denmark, Dominican Republic, Ecuador, Finland, Ghana, Greece, Guinea, Guyana, Iceland, India, Indonesia, Iran, Ireland, Israel, Italy, Ivory Coast, Jamaica, Japan, Kuwait, Laos, Liberia, Libya, Luxembourg, Malawi, Morocco, Nepal, Netherlands, New Zealand, Nigeria, Norway, Paraguay, Philippines, Senegal, Somalia, South Africa, Sweden, Thailand, Trinidad and Tobago, Tunisia, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America, Upper Volta, Uruguay, Yugoslavia.

Against: Albania, Bulgaria, Byelorussian Soviet Socialist Republic, Czechoslovakia, Hungary, Mali, Mongolia, Poland, Romania, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics.

Abstaining: Algeria, Argentina, China, El Salvador, Ethiopia, France, Guatemala, Honduras, Jordan, Kenya, Madagascar, Mauritania, Mexico, Pakistan, Rwanda, Sierra Leone, Singapore, Syria, Togo, United Arab Republic, United Republic of Tanzania, Yemen, Zambia.

Draft resolution A was adopted by 59 votes to 11, with 23 abstentions.

34. The PRESIDENT: I put to the vote draft resolution B recommended by the Fifth Committee [A/6588, para. 7].

A recorded vote was taken.

In favour: Afghanistan, Australia, Austria, Belgium,^{2/} Bolivia, Brazil, Burma, Burundi, Cameroon, Canada, Ceylon, Congo (Democratic Republic of), Cyprus, Denmark, Dominican Republic, Ecuador, Finland, Ghana, Greece, Guinea, Guyana, Iceland, India, Indonesia, Iran, Ireland, Israel, Italy, Ivory Coast, Jamaica, Japan, Kuwait, Laos, Liberia, Luxembourg, Malawi, Morocco, Nepal, Netherlands, New Zealand, Nigeria, Norway, Paraguay, Philippines, Senegal, Somalia, Sweden, Thailand, Trinidad and Tobago, Tunisia, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America, Upper Volta, Uruguay, Yugoslavia.

Against: Albania, Bulgaria, Byelorussian Soviet Socialist Republic, Czechoslovakia, Hungary, Mali, Mongolia, Poland, Romania, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics.

Abstaining: Algeria, Argentina, China, El Salvador, Ethiopia, France, Guatemala, Honduras, Jordan, Kenya, Libya, Madagascar, Mauritania, Mexico, Pakistan, Rwanda, Sierra Leone, Singapore, South

^{1/} The delegation of Belgium subsequently informed the Secretariat that it wished to be recorded as having abstained in the vote on draft resolution A.

^{2/} The delegation of Belgium subsequently informed the Secretariat that it wished to be recorded as having abstained in the vote on draft resolution B.

Africa, Syria, Togo, United Arab Republic, United Republic of Tanzania, Yemen, Zambia.

Draft resolution B was adopted by 56 votes to 11, with 25 abstentions.

35. The PRESIDENT: I call on the representative of the United States, who wishes to speak in explanation of vote.

36. Mr. KILLION (United States of America): In explanation of the affirmative vote of the United States on the draft resolution [A/6588, para. 7] on the financing of the United Nations Emergency Force, my delegation wishes to make the following statement.

37. For many years the United States has considered the establishment and the maintenance by the United Nations of the Emergency Force in the Middle East to be one of the outstanding accomplishments of this world Organization. There can be little doubt that the presence of the Force has been a vital factor in preserving peace in that important area of the world. Despite differences of view concerning the financing of the Force, no delegation has ever questioned the necessity of its establishment or the manner in which it has performed its task. The fact that this is so constitutes a very high tribute to the Secretary-General, to the members of his staff who have dealt with the Force, and to the Commander, the officers and the men of the Force itself.

38. The United States also wishes to express its deep gratitude and appreciation to the nations which have contributed the troops which have provided, and continued to provide, the effective means for the maintenance of peace in the Middle East.

39. We have noted with gratification that the cost estimates for the Force have been coming down. The estimate for 1965 was \$18.9 million; the current estimate for 1966 is \$16,146,000; and the estimate, as members know, which was just approved by this Assembly for 1967 was \$14 million. The United States sincerely hopes that additional progress can be made in reducing the cost of the Force to the Member nations of the United Nations through a continuing review of all administrative, operational and logistic expenses affecting the United Nations Emergency Force. The Secretary-General may find it very desirable to repeat periodically surveys of the type which have proved to be so successful in the past.

40. By supporting this draft resolution we wished to indicate further our unqualified concurrence with the observations set forth by the Advisory Committee in paragraphs 16 to 20 of its report (A/6452).

41. With respect to the actual dollar level of the cost estimates for 1967, the United States voted for this draft resolution subject to the necessary Congressional approval of the appropriation of funds for the United States contribution.

42. The PRESIDENT: That concludes our consideration of agenda item 21. The Assembly will now proceed to the consideration of agenda item 73.

43. I call on the representative of the Soviet Union, who wishes to speak in explanation of vote.

44. Mr. KULEBIAKIN (Union of Soviet Socialist Republics) (translated from Russian): The Soviet delegation has explained the Soviet Union's position on the question of the supplementary estimates for the financial year 1966 [A/6590], in detail in the Fifth Committee. At this time, therefore, we should like to give only a brief explanation of vote.

45. The Soviet delegation would like to point out that although expenditure under the revised budget for 1966 is less than the estimates previously approved by the Assembly, this is not the result of any economy in the use of United Nations funds; rather, it is a result of the fact that the figures in the original budget estimates were artificially high.

46. The Soviet delegation considers that the over-all expenditure of the United Nations in 1966, and in particular for the maintenance of the Secretariat, was again extremely high.

47. The Soviet delegation has frequently stated that the Secretariat staff is too big and could be considerably reduced without affecting the normal functioning of the Organization. However, nothing has been done along those lines.

48. The Soviet delegation also wishes to state that a number of items of expenditure were included in the United Nations budget for 1966 illegally, in violation of the United Nations Charter. These items of expenditure include allocations for the payment of interest on the United Nations loan which was floated to cover the expenses of the United Nations operations in the Middle East and the Congo and appropriations for the financing of a number of special missions and the United Nations Field Service, which were established in violation of the Charter and for which there was no practical need, such as the United Nations Commission for the Unification and Rehabilitation of Korea, the so-called Memorial Cemetery in Korea, and other items.

49. The Soviet delegation considers that it is high time to review and exclude from the regular budget items of expenditure for action taken in violation of the Charter or for which there is no need.

50. The Soviet Union has not paid that share of its contributions corresponding to the section of the budget for 1966 which I have referred to and will not in the future make any contributions to cover expenditure on such activities.

51. The Soviet delegation also considers it necessary to state that it does not agree with the inclusion in the regular budget of the United Nations of expenditure for the financing of technical assistance, because this method of financing technical assistance results in unnecessary dispersion of funds, duplication and excessive administrative expenditure. In order to ensure proper utilization of the specialists and resources of socialist countries, the Soviet Union is depositing its contribution under sections 13, 14 and 15 of the budget in Soviet currency in the United Nations account in the Foreign Trade Bank of the Soviet Union.

52. For the reasons I have given, the Soviet delegation opposes the appropriations under sections 3, 12, 13, 14, 15, 16 and 17 and cannot support the revised

budget for 1966 as a whole; it will therefore abstain when the budget is put to the vote.

53. The PRESIDENT: The Assembly will now proceed to vote on the draft resolutions recommended by the Fifth Committee [A/6590, para. 19]. I first put to the vote draft resolution A.

Draft resolution A was adopted by 83 votes to 1, with 11 abstentions.

54. The PRESIDENT: I now put to the vote draft resolution B.

Draft resolution B was adopted unanimously.

55. The PRESIDENT: This concludes our consideration of agenda item 73, and we turn now to agenda item 78.

56. May I invite Members to turn their attention to paragraphs 2 and 3 of the report of the Fifth Committee [A/6596]?

57. The Fifth Committee recommends that the General Assembly take note of those two paragraphs and in particular of the text contained in paragraph 3 of that report. If there is no objection to this recommendation, I shall take it that the Assembly so agrees.

It was so decided.

58. The PRESIDENT: We turn now to draft resolutions A and B [A/6596, para. 4]. May I take it that the General Assembly adopts these two draft resolutions without objection?

Draft resolutions A and B were adopted without objection.

59. The PRESIDENT: That concludes our consideration of agenda item 78.

AGENDA ITEM 55

Report of the United Nations High Commissioner for Refugees

AGENDA ITEM 56

Draft Declaration on the Elimination of Discrimination against Women

AGENDA ITEM 62

Draft International Covenants on Human Rights

60. Mrs. PONCE DE LEON (Colombia), Rapporteur of the Third Committee (translated from Spanish): I have the honour to present to the General Assembly for approval three reports of the Third Committee, on agenda items 55, 56 and 62: the report of the United Nations High Commissioner for Refugees (A/6586), the Draft Declaration on the Elimination of Discrimination against Women (A/6555 and Corr.1), and the Draft International Covenants on Human Rights (A/6546).

61. The Third Committee dealt with the report of the United Nations High Commissioner for Refugees at its 1447th to 1450th meetings, during which we heard the High Commissioner's report on the world refugee programmes and adopted draft resolution I which appears in paragraph 20 of the report (A/6586). The draft resolution suggests various measures the

High Commissioner will consider with a view to a permanent solution of the refugee problem.

62. Under the same item the Third Committee adopted draft resolution II which appears in paragraph 20 of the same report. It relates to the Protocol on the Status of Refugees. The Third Committee recommends both draft resolutions for adoption by the General Assembly.

63. On item 56, entitled "Draft Declaration on the Elimination of Discrimination against Women" (A/6555 and Corr.1), the Third Committee held three meetings, during which it commended the Commission on the Status of Women for the valuable contribution it had made by preparing the draft and expressed the view that it would be of major importance in the struggle for equal rights. The Committee considered, however, that examination of the draft Declaration and the amendments submitted would require more time than was available at the present session and would therefore have to be undertaken at the twenty-second session. The Committee adopted the draft resolution in paragraph 11 of document A/6555 and Corr.1 and recommends it to the General Assembly for adoption.

64. I now turn to the third report, on agenda item 62, the draft International Covenants on Human Rights (A/6546), with which the Assembly concludes its consideration of this important item.

65. Eighteen years ago, the General Assembly adopted the Universal Declaration on Human Rights, which established the international minimum standards which are basic to the dignity of the human being and essential to the establishment of freedom, justice and ultimately peace on a firm and durable basis. Since that time, the General Assembly has adopted declarations, conventions and other instruments inspired by the high ideals of that Declaration and based on the principles it embodies.

66. The Declaration, which has been one of the strongest pillars of the United Nations, is the basis of the Covenants on Human Rights, which are intended to give legal force to the principles and rights it sets forth. Thus, while the Declaration enumerates the rights of individuals, the Covenants also establish the obligation of States to respect them. Under the Covenants, States undertake not only to guarantee to the individual that his rights will be respected and that the necessary measures to that end will be adopted, but also assume an obligation before the international community to make the rights fully effective. There is thus a close relationship in the field of human rights between the United Nations, Member States and the peoples represented by those Members, the common objective being to achieve the well-being of mankind and to ensure the ideal of free human beings enjoying freedom from fear and want, to use the words of the preamble to the draft Covenants. It has been said that the interdependence of the international and the national in the field of human rights is an attainable ideal within the reach of States willing to adapt to changing realities.

67. The preambles, which are the same in both Covenants, refer to the inherent dignity of the human person and the ideal of free human beings envisaged by the Declaration and reiterate the obligation of

States under the United Nations Charter to promote universal and effective respect for human rights and freedoms. They recall that the individual also has duties and responsibilities to other individuals and to the community.

68. In 1955, with the adoption of the first articles, we had for the first time an international legal instrument embodying the right of self-determination of peoples. The denial of that right means subjugation and restriction of individual rights and freedoms. Because of its political and human significance, the right of self-determination was stressed as one of the most important human rights, since it is a prerequisite for the full enjoyment of other fundamental freedoms and rights.

69. The texts of the draft International Covenants on Human Rights we are submitting to the Assembly may not perhaps fully reflect the aspirations or the wishes of all the States or peoples represented here. We have not spent eighteen years in vain on these texts and on the world Organization. No other instrument in the history of the United Nations, which embodies so many aspirations, has undergone such evolution or such change.

70. In 1955, when the preambles and first articles were adopted, the United Nations had seventy-six Members, including five African States, one of them South Africa. Today, as we complete their consideration, there are 122 States Members, thirty-nine of them independent African nations.

71. But the change is not purely numerical. The change lies in the political balance which these new countries bring to the world scene, the integration of millions of human beings and of their aspirations in international life. We have seen decolonization, economic and social development, technological improvement, scientific advances, dazzling progress in the conquest of space, and man, in all corners of the earth, whether prosperous or impoverished, fascinated by his own power. The magnitude of the advance is commensurate with the magnitude of the aspirations, and the latter are aimed at justice. There has been a change of ideas, modes of expression, attitudes, objectives and even ideals. There has been an awakening of the world conscience to a duty that cannot be denied, an awakening of peoples to a clear right—that of strengthening the foundations of justice, society based on equality, the obligation of States to promote conditions that will permit every person the full enjoyment of his rights.

72. The draft international Covenants include the right of self-determination, the obligation of States towards their peoples; they recognize the equal rights of women and men in all fields of human rights, the right to life, the prohibition of slavery, the liberty and security of the person, the right of asylum, the protection of privacy, freedom of thought, of conscience and religion, freedom of opinion and expression, human rights in the courts, political rights and equality before the law. The Covenants contain provisions on labour law, the protection of the family, mothers and children, health protection, social security, and education. With the adoption of these instruments every

imaginable aspect of the life of the individual is covered.

73. During this session the Third Committee adopted the final clauses and measures for the implementation of both Covenants. The measures of implementation proposed by the Commission on Human Rights in the matter of economic, social and cultural rights were maintained. The amendments adopted were designed to improve them. Under these measures of implementation, States Parties undertake to submit reports on the measures they have adopted and the progress made with a view to giving effect to the rights recognized in the Covenants. The Secretary-General will receive the reports and will transmit them to the Economic and Social Council for consideration, and to the specialized agencies whose field of competence includes the rights in question. In other words, the States Parties and the United Nations and specialized agencies will closely cooperate in the full and effective implementation of the Covenants.

74. A number of fundamental amendments were made in the measures of implementation proposed by the Commission on Human Rights in the case of the Covenant on Civil and Political Rights. By a substantial majority and by a double system of application, the Third Committee opted for a dual system of measures of implementation, consisting of an obligatory procedure under which States undertake to submit reports on the measures they have adopted to give effect to civil and political rights and an optional procedure for investigation and conciliation applicable only to States Parties which declare that they recognize the competence of the Committee to receive and consider communications in which a State Party claims that another State Party is not fulfilling its obligations.

75. I referred earlier to various changes made in the international Covenants on Human Rights. As a striking example, I may mention the deletion during this session of the clauses relating to the implementation of the Covenants in Non-Self-Governing Territories which, when the clauses were drafted in 1951, were relevant to existing conditions. Under these clauses States undertook to extend the benefits of the Covenants to territories under their jurisdiction. However, when the General Assembly adopted the Declaration on the Granting of Independence to Colonial Countries and Peoples on 14 December 1960, the right of all peoples to self-determination was affirmed, and colonialism was declared to be a practice contrary to the United Nations Charter and the ideals of the Organization. During this session, it was held that in an instrument intended to have lasting force there was no need to incorporate provisions that covered transitory institutions. It was also argued that a colonial or territorial clause would be totally anachronistic in a document drafted in the latter half of the twentieth century and that retention of the provision would be tantamount to acceptance of the legal existence of colonialism.

76. The inclusion in the implementation measures of an article on the inherent right of all peoples to dispose fully and freely of their natural resources is also consistent with contemporary thinking. Two General

Assembly Committees, the Second and the Third Committees, have adopted important decisions on this matter and in this spirit during the present session of the Assembly. In addition, the majority of the members of the Committee decided to delete any reference to the International Court of Justice in the light of recent events.

77. In the course of the session there was some discussion of the right of individuals to bring complaints before an international organ. In this context, it was held that the sovereign right of States might be limited by procedures of this sort, but that there are new trends in international law in this respect. International conventions now in force have given individuals the right of direct appeal to international organs. Under the Optional Protocol to the Covenant on Civil and Political Rights relating to the individual's right to petition, which the Third Committee adopted this year, expression is given to the desire that individuals should be protected by international law. The fact that this right has been embodied in a protocol is a major advance towards the universal recognition of human rights.

78. Taking into account conditions in today's world, the effort of the peoples to achieve satisfactory levels of living, and the fact that although aspirations are the same everywhere, resources and opportunities to achieve them differ enormously, the Third Committee unanimously adopted the International Covenants on Human Rights and the optional system for the implementation of the Covenants on Civil and Political Rights and the Optional Protocol on individual communications as being the best measures possible in the present situation. The Committee sincerely hopes that as States consolidate their progress, they will assume increasingly great obligations as they attain the levels necessary to permit full implementation of the provisions of the Covenant.

79. Allow me, as spokesman for my colleagues in the Third Committee, to express our satisfaction at the work we have accomplished, which represents a substantial contribution to the cause of the United Nations and a good beginning to the celebration of the International Year on Human Rights set for 1968. We are fully aware that approval of the International Covenants on Human Rights is a historic event. We were always conscious of the fact that we were drafting one of the most important international legal instruments of the United Nations and hopeful that, like all instruments conceived as an ideal for mankind, it would serve as a guide and a standard for our leaders.

80. In conclusion, I should like, in fairness, to pay tribute, first, to Mrs. Halima Embarek Warzazi, Chairman of the Third Committee, who ably and unfalteringly guided us in our difficult debates; to the Director of the Division of Human Rights, Mr. Marc Schreiber, for his wisdom and his advice; to the Secretary of the Third Committee, Mr. Kamleshwar Das, for his knowledge and invaluable assistance to the officers of the Committee; and to all the members of the Secretariat who assisted us. Our thanks go also to Professor Ronald S. Macdonald, our Vice-Chairman, and to the delegations who laboured indefatigably and made substantial contributions to the drafting of the Covenants in the course of the session. It is only

proper to acknowledge that all were deeply involved in the success of our labours, and that it is to them that we owe their successful conclusion. I am certain that in saying this I am speaking on behalf of all my colleagues in the Third Committee.

81. I now present the report and resolutions in paragraph 627 of the report (A/6546) which the Third Committee recommends to the General Assembly for adoption, together with the Fifth Committee report (A/6591) on the financial implications of the International Covenants on Human Rights and the Optional Protocol.

Pursuant to rule 68 of the rules of procedure, it was decided not to discuss the reports of the Third Committee.

82. The PRESIDENT: I call on the representative of Burundi in explanation of vote.

83. Mr. NSANZE (Burundi) (translated from French): I should like to make a few comments on the report submitted by the Third Committee [A/6586]. The Burundi delegation will vote in favour of the draft resolutions in that document for three reasons: first, because Burundi believes that as a Member of the United Nations and as a nation, it has a humanitarian duty to fulfil; secondly, because the complex problems so grievously besetting some underdeveloped countries prompt us to adopt that stand; and finally, because, being faithful to our international obligations, we must endorse these principles.

84. The refugee problem is particularly serious in my country which, although small, was compelled by circumstances to give asylum in its territory to thousands of refugees from brother countries. We thus cannot but vote in favour of the recommendations made by the United Nations High Commissioner for Refugees, and we even believe that further recommendations should be added to facilitate the High Commissioner's work of granting asylum to refugees, helping them to settle and, if possible, providing for their repatriation, which must be voluntarily agreed to by the refugees and by their country of origin.

85. As we already pointed out in the Third Committee [1448th meeting] when this report was presented, our Government has decided to co-operate more closely with the High Commissioner than in the past as regards aid and assistance for these dispossessed and disinherited people—the refugees. Our Government's determination in this respect has not been confined to supporting the High Commissioner; my Government has also decided to co-operate in as fraternal and as practical a way as possible with the countries of origin, for this difficult and complex problem requires mutual understanding which can be fruitful only after a dialogue in an atmosphere of friendliness and mutual confidence.

86. In conclusion, we would also appeal to the wealthy nations, which are in a better position to assist the refugees and to help the host countries to carry out the task that falls upon them both as a result of circumstances and because of the humanitarian concern they must show towards exiles.

87. Thus, despite some difficulties which that aid and assistance may entail, it is nevertheless worth while to note that support from countries which, by

their nature or for other reasons, are better equipped to assist in that area, instead of confining themselves to purely theoretical and platonic. . .

88. The PRESIDENT: I respectfully draw the attention of the speaker to the fact that the Assembly has just decided that statements will be limited to explanations of vote. I would request you, Sir, please to confine yourself in your statement to an explanation of your vote.

89. Mr. NSANZE (Burundi) (translated from French): Mr. President, I apologize if our deep concern over this problem has led me to diverge slightly from the limits prescribed in the procedure of the Assembly. In response to your request, I should like to conclude by stating the reasons which finally convinced my delegation and my Government to endorse the recommendations in the report to which I referred.

90. Hence, in order to mobilize all the necessary assistance for refugees from the specialized agencies, and particularly from the Office of the United Nations High Commissioner for Refugees, my delegation is addressing a specific appeal to you, Mr. President, for the sincere and special support rendered necessary by the particular circumstances of my country. I also appeal to the countries of origin, in the hope of gaining a better understanding of certain political implications which are inherent in one way or another in the status of refugees.

91. The PRESIDENT: The General Assembly will now proceed to the consideration of agenda item 55 relating to the report of the United Nations High Commissioner for Refugees [A/6311/Rev.1 and Rev.7/Add.1]. The recommendations of the Third Committee appear in its report [A/6586, para. 20]. We shall vote first on draft resolution I.

Draft resolution I was adopted by 90 votes to none, with 11 abstentions.

92. The PRESIDENT: We shall now proceed to vote on draft resolution II.

Draft resolution II was adopted by 91 votes to none, with 15 abstentions.

93. The PRESIDENT: We shall turn now to agenda item 56. The draft resolution recommended by the Committee [A/6555, para. 11] was adopted unanimously in the Third Committee. May I take it that the General Assembly also adopts it unanimously?

The draft resolution was adopted unanimously.

94. The PRESIDENT: The General Assembly will now consider agenda item 62. I would draw the attention of the Assembly to the report of the Fifth Committee [A/6591] containing the financial implications of the draft Covenant on Civil and Political Rights as recommended by the Third Committee and the optional Protocol thereto. The General Assembly has already decided not to discuss the report of the Third Committee [A/6546] on this item. Interventions will therefore be limited to explanations of vote. However, if there are any representatives who would like to make a statement, I shall be pleased to call on them.

95. I call on the representative of Lebanon in explanation of vote.

96. Miss TABBARA (Lebanon) (translated from French): I asked to speak on a point of order. I wish to make a procedural proposal. I am asking that the General Assembly should vote on each of the following texts as a whole, as listed in paragraph 627 of the report [A/6546]: draft resolution A: the International Covenant on Economic, Social and Cultural Rights; the International Covenant on Civil and Political Rights and the Optional Protocol to the International Covenant on Civil and Political Rights; draft resolution B: and draft resolution C.

97. My delegation is making this proposal in order to accelerate the work of the General Assembly and to treat the Covenants with the proper respect.

98. My delegation was prompted to do this because these Covenants were studied article by article, paragraph by paragraph, and votes were taken on each. All delegations had the time and the opportunity to request separate votes. Each delegation had the opportunity in the Third Committee to state its position clearly for inclusion in the records. My delegation is aware of that and believes that we should now vote in the General Assembly on each of the instruments enumerated as a whole.

99. My delegation naturally realizes that we must give each delegation the opportunity to explain its vote. Explanations of vote would be made after the five votes I have requested have been taken. And since these Covenants entitle delegations to enter reservations, each delegation may do so as it subsequently sees fit.

100. In making this formal proposal, my delegation addresses a friendly appeal to all delegations present to help us expedite our work and to treat these Covenants with the proper respect.

101. Through you, Mr. President, in making this formal proposal, I appeal again to all delegations present and I hope that my proposal will be adopted unanimously.

102. The PRESIDENT: The Assembly has heard the statement made by the representative of Lebanon. I called on her to speak in explanation of vote. I am sorry that I did not know she was raising a point of order. I thought that points of order, particularly those concerning matters relating to the vote, could be raised after the explanations of vote before the vote, and when we were proceeding to the vote. Therefore I should like to know from the representatives who have asked for the floor on points of order at this stage whether they wish to speak in connexion with this point of order or on some other matter. If it is on this point of order, I would request them to co-operate with me by allowing the explanations of vote to be completed, and I will take up the point of order raised by Lebanon just before we proceed to the vote. At that time it will be understood that we shall try not to open a very long debate on that matter. If there is no objection to the suggestions made by Lebanon, we shall proceed in that way; and, if there is objection, we shall put it to the house to decide. May I take it that the Assembly agrees with this suggestion?

103. With regard to the second point made by the representative of Lebanon, concerning the explanations of vote, I would request her to co-operate with me in understanding that it would not be in accordance with the rules of procedure if I deprived any representative of the opportunity of explaining his vote before the vote if he wishes to do so. I would seek your co-operation in understanding my own responsibility in this. Even if the house would like this motion to be taken, I should like to inform you that it would be much more desirable to adhere to our rules of procedure. I note that there is no objection to my statement.

104. There is only one more point on which I should like to seek your co-operation. I have a long list of speakers for explanations of vote. There is no doubt that the Assembly is considering one of the most important and vital items on its agenda. However, I would seek your co-operation in making the statements in explanation of vote as brief as possible. I shall now call on those representatives who wish to explain their votes.

105. Mr. GROS ESPIELL (Uruguay) (translated from Spanish): The approval today by the General Assembly of the two Covenants on Human Rights and of the Optional Protocol to the Covenant on Civil and Political Rights is a historic act marking a further stage in the long, unfinished process of assuring recognition and full respect of the freedom, equality and the inherent dignity of the human person.

106. The process is inevitably complex and difficult, because although man is the object and end of society and of the legal order, acceptance of the idea that he is the possessor of rights that must be recognized has only been achieved after a long historical development, with moments of triumph and periods of retrogression, which can be found in all stages of human evolution. Nevertheless, it may not be unduly optimistic to say that, on an average, there has been in this evolution a slow but progressive upward trend, in the light of which one can, as a great contemporary philosopher has done, describe human history as a whole as an epic of freedom.

107. I need not recall all the stages of this process, culminating in unquestionable acceptance of the fact that the State is an institution in the service of man and that human rights, whatever one's views regarding their origin and nature, must be recognized and protected. Nor need I analyse the causes and nature of the monstrous ideological retrogression represented by the theory of the totalitarian State. One should, however, stress the determination of the peoples, manifested on many historic occasions at the end of the last war and embodied in the second paragraph of the Preamble to the Charter of the United Nations "to reaffirm faith in fundamental human rights, in the dignity and worth of the human person". To this end an international Organization was established having as one of its purposes, in the words of Article 1, paragraph 3 of the Charter to encourage "respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion".

108. To achieve this purpose the General Assembly must act, under Article 13, paragraph 1 b of the Charter to assist in the "realization of human rights and fundamental freedoms for all". Under Article 55 c, the Organization is to promote "universal respect for fundamental rights and freedoms for all". The Economic and Social Council is empowered under Article 62, paragraphs 2 and 3 to make recommendations and prepare draft conventions for submission to the General Assembly on these matters, while one of the basic objectives of the Trusteeship System is, under Article 76 c, to encourage respect for human rights and freedoms.

109. My country contributed effectively to the initiatives that led to the drafting of these criteria. These ideas were stated in the Uruguayan Government's memorandum of 28 September 1944 on the future international organization, as well as in the statement by the Chairman of the delegation of Uruguay to the San Francisco Conference.^{3/} In the proposed amendments to the Dumbarton Oaks draft, submitted on 5 May 1945, Uruguay proposed the addition of a paragraph 4 in chapter I which may be regarded as one of the sources of the present Article 1, paragraph 3 of the Charter. The document also stated that the Assembly should, within a specified period, draft a Universal Declaration of Human Rights and an instrument to establish an effective international jurisdiction to protect and guarantee those rights.^{4/}

110. After the adoption of the United Nations Charter in 1945 human rights, whose validity had been unquestioned for centuries, despite sporadic violations, were no longer subject to regulation and protection by municipal law alone. Henceforward, their protection was no longer a matter for the State alone, within the limits set by rules normally of a constitutional character. No longer were there only a few exceptional treaties dealing with the rights of individuals in relation to specified situations. Now the peoples of the United Nations reaffirmed in general and universal terms their faith in those rights and the Governments of Member States agreed in consequence on the necessity of developing and promoting them. Human rights, marking the culmination of a period of juridical thought and a consequence of historical experiences that shocked the conscience of all mankind in the fourth decade of our century, thus became a specific subject of international law. The contention that man was fully and completely a subject of international law might still be open to question but there could be no denying that under the Charter of the United Nations, States assumed the international obligation to promote and develop these rights and freedoms and therefore to respect them scrupulously.

111. The observance of human rights could no longer be regarded as a matter exclusively within the domestic jurisdiction of States. It had to be recognized that States, in freely agreeing to defend and safeguard human rights, were not impairing their sovereignty but, on the contrary, in exercise of that sovereignty were establishing an international sys-

^{3/} Documents of the United Nations Conference on International Organization, G/7 (a); and ibid., p/8 (vol. III, p. 281).

^{4/} ibid., G/7 (a) (1).

tem designed to ensure respect for human rights, which are inherent in man and older than the State itself.

112. This thinking, which was expressed in the travaux préparatoires and the text of the San Francisco Charter, also, I am proud as a man of the Americas to say, found expression in the New World.

113. To cite only a few immediate precedents, I might mention some of the decisions of the Conference of Chapultepec^{5/} in particular, article 12 of the Declaration of Mexico of 6 March 1945, article 1 (b) of the resolution of general international organization of 7 March 1945 and the resolution on international protection of human rights of the same date. Years later, at the Ninth American International Conference, at Bogotá in April 1948, the Charter of the Organization of American States was adopted, a system based on the joint proclamation of fundamental human rights and the affirmation that the State must necessarily respect human rights. The same Conference approved the American International Charter of Social Guarantees and the American Declaration of the Rights and Duties of Man.

114. Shortly afterwards, on 10 December 1948, the General Assembly of the United Nations approved the Universal Declaration of Human Rights (resolution 217 (III)). Although the Declaration does not impose enforceable international obligations on States, its importance is beyond question.

115. In the first place, as the proclamation of a common standard of achievement for all mankind, it possesses indisputable moral force since its provisions not only influence world public opinion but would also serve as guidelines for national legislations.

116. In the second place, from a strictly juridical viewpoint, its value cannot be questioned since it was adopted by a decision of the General Assembly acting on a matter within its own competence. Further, as a text defining, specifying and enumerating the rights globally and generically enshrined in the Charter, it has undoubtedly, in the words of Lauterpacht, "indirect legal authority"^{6/} since, through the Declaration, the relevant Charter provisions are made applicable and its rules binding.

117. The Declaration, which was approved without a single dissenting vote, by 48 votes in favour and 8 abstentions, recognizes, and this is encouraging, that it is based on "a common understanding of these rights and freedoms". In other words, it starts from the assumption that despite the differing political, economic and social systems into which the world is divided, there is a universal idea of human rights founded on "recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family".

118. In the world today we can still find examples implying a negation of these ideas. Nevertheless no one now questions the fact that without recognition

of human rights, neither liberty, justice nor peace can exist.

119. Since 1948 we have been engaged in the United Nations, the Commission on Human Rights, the Economic and Social Council and the Third Committee of the Assembly, on the difficult task of drafting Covenants on Human Rights. The task, which began in the Commission on Human Rights before the Declaration was adopted and has been discussed in the Third Committee for over ten years, has now concluded in the resolution approved by the General Assembly. Uruguay had the honour of collaborating in all stages of this work and in all the organs that contributed to the drafting of the Covenants.

120. The two Covenants are essential elements in the effective safeguarding of human rights because in them the States Parties, going beyond mere declarations, expressly undertake to respect and defend the rights listed in the Covenants, and at the same time machinery is established for international implementation and verification.

121. His Holiness Pope John XXIII, in his memorable encyclical Pacem in Terris, after analysing the Charter of the United Nations and the Universal Declaration of Human Rights, referred to the new stages that lay ahead—and without doubt the two Covenants constitute the most important immediate step—and said:

"May the time soon come when this Organization will be able to guarantee effectively human rights: rights which, because they spring essentially from the dignity of the human person, are universal, inviolable and inalienable."^{7/}

122. The two Covenants before the Assembly—the Covenant on Economic, Social and Cultural Rights and the Covenant on Civil and Political Rights, with its annexed Optional Protocol—proceed from the common ground recognized in both preambles that both categories of rights, alike in their philosophical essence, derive from the inherent dignity of the human person. The two Covenants agree that the ideal of free human beings can only be achieved if conditions are created whereby everyone may enjoy his economic, social and cultural rights and conversely, that man can only be freed from fear and want if everyone may enjoy his civil and political rights.

123. It was decided at an earlier stage that there should be two Covenants: one on economic, social and cultural rights and the second on civil and political rights. This division was not made because of any idea that some rights were more important than others or that they were different in kind. On the contrary, their equal importance, their necessary interrelationship and their common foundation were recognized and established. The decision to draft two Covenants was made for purely practical reasons, in particular because the measures of implementation and verification are or may be different in the two cases by reason of their distinctive characteristics.

124. The Covenant on Civil and Political Rights includes certain direct and necessary measures of

^{5/} Inter-American Conference on Problems of War and Peace, held in Mexico, 1945.

^{6/} International Law and Human Rights (London, Stevens and Sons Limited, 1950), p. 408.

^{7/} Encyclical, Peace among Peoples Based on Truth, Justice, Love and Freedom, Vatican Multilingual Publications, 1963, page 35.

Only if the States accepting them make an express implementation. Other optional measures are also provided for in the document but will have effect declaration. Other measures of implementation are established and regulated in a special Optional Protocol annexed to the Covenant. This was the consequence of differing opinions on measures of implementation. Given the radically opposed views put forward, this was the only possibility of a final solution. Although eclectic and not, in our opinion, the best solution, it has produced a concrete result.

125. The Covenants and the Optional Protocol annexed to the Covenant on Civil and Political Rights are the outcome of a difficult and laborious compromise. Even though, as the Universal Declaration on Human Rights and the two preambles say, the Covenants spring from a common understanding of human rights, it is obvious that the diversity of political, economic and social systems, the different ideological systems underlying the various institutional forms and the differing levels of development of nation States were bound to be reflected in differing approaches both to the definition of rights and to their limits, especially in regard to measures of implementation. Nevertheless, a generally acceptable result was achieved in the Third Committee. My delegation's general position regarding the Covenants and views on each of the principles they embody have been stated in the Third Committee, at previous sessions and especially during the current session, when, as a result of the exceptional efforts and determination of all States, the conclusion of the work became a real possibility.

126. The three documents—the two Covenants were approved unanimously in the Committee—are in our opinion the least that we can accept in this matter. Perhaps not everything that could have been done was done, especially in regard to measures of implementation and verification. Probably it would have been impossible to move further towards a better and more effective system of international protection. At least, when the Covenants and Protocol, having been adopted by the Assembly and opened for signature, ratification and accession, enter into force, the human person, who is unquestionably a subject of international law, will for the first time in history be protected by a universal international system freely accepted by States.

127. I shall not analyse the various provisions of the Covenants and Protocol and Uruguay's reservations in regard to some of them. I shall not enumerate all the objectives we sought, sometimes unsuccessfully, to achieve. I shall only say that the outcome was a compromise that was more or less acceptable to all and thus held out the possibility of final approval. In view of this possibility we had no alternative but to support the final compromise. I would therefore reiterate the hope that these international instruments, together with the regional covenants on human rights which have been prepared or may be in preparation—and as a Latin American I must mention the draft inter-American convention now in preparation which we hope will soon be ready to enter into force—will be a positive, effective and a realistic landmark in the history of the observance of human rights. This

stage will be followed by others because in this, more than in most other fields, we can be sure that our work today is not the end of a process but the end of one stage and the beginning of the next.

128. Uruguay became an independent nation with a political tradition, proclaimed on a thousand unforgettable occasions, that the individual is the object and end of the political community, that the State is an institution in the service of man, a means of satisfying his needs. My country never believed that to achieve progress, justice or order, it was necessary to deny human freedom or destroy human dignity. My country takes pride in the fact that in our territory human rights are not a mere legal formula couched in high-sounding and beautiful words but a living reality enshrined in the Constitution, in customs and in the minds of all, governors and governed alike. We therefore vote for the Covenants and the Protocol with emotion and sympathy, in the hope that they will very soon enter into force after signature and ratification.

129. One can perhaps voice no other wish for mankind than that the two Covenants on Human Rights may initiate a stage in history when war, tyranny, want and fear will finally be eradicated, when all men may live in freedom and equality, enjoying their rights without fear or oppression, when no State drafting or enforcing laws will make any distinctions based on the ideas, sex, race, language or religion of the individual.

130. Mr. ORNES-COISCOU (Dominican Republic) (translated from Spanish): After two decades of laborious, indeed epic endeavour, of immense ingenuity, of suffering by countless multitudes clamouring for respect for their human rights, our world Organization is at last satisfying the collective conscience by adopting the invaluable Covenants on Human Rights.

131. In the Third Committee, my delegation unreservedly supported each of the successive draft resolutions that protected man and safeguarded human rights. Firm in our fundamental belief that man comes before the State and that, therefore, the State exists for man and not man for the State, we consistently supported these draft resolutions.

132. The attention my delegation gave to balancing, in equal proportions and identical dimensions, the duties that correspond to rights, like two sides of the same coin, is evidence of our wish to reconcile freedom with order, to specify the obligations inherent in every prerogative.

133. We suggested that the correlation of rights and duties should be stressed because of the obvious fact that this is required for the common good, so that use should not degenerate into abuse, and with the clear purpose of ensuring that the undeniable individual and collective freedoms should not be transformed, in the hands of professional agitators into nihilistic instruments that would cause societies to dissolve in anarchy.

134. We wish to reaffirm our firm belief that in a pluralistic world such as that we live in, there is no room for intolerance, whatever theoretical garments may be used to disguise the ugly fact. The right to

differ is holy and sacred, as the right to be free from external coercion in religious matters, for freedom to worship God in the manner his conscience dictates is an undeniable attribute of everyone.

135. The logic of history is part of human rights. This logic, which each day makes man more human, less savage, as Daniel Halevy has shown, is gathering momentum generation by generation, destroying the primitivism so common in every type of barbarity.

136. By adopting the Covenants on Human Rights, the United Nations is fulfilling a duty, meeting the demands of history. Those who do not wish to join the courageous band of heralds of justice will continue to live under the law of the jungle, which assuredly brings neither honour nor dignity. Our delegation is not seduced by extravagantly optimistic visions, nor overcome by sterile pessimism and despair. We know that progress, although slow, is inexorable in its forward march.

137. We, the unarmed, the economically underdeveloped, the technologically underprivileged, have no strength except the strength of law. And that will suffice when mankind becomes truly human. Either we agree to do our duty and respect the rights of others, or the scourge of war, civil and international, will continue to be the tragic lot of man.

138. As representatives of a people who have been battling for over a century to affirm their national identity and individual freedoms, we are pleased to vote for the draft Covenants on Human Rights because we know that nations and men will now have a valuable instrument to assist them in their struggle for the dignity and freedom of mankind.

139. Mr. COMAY (Israel): My delegation will support the draft Covenants and Protocol now before us, one dealing with civil and political questions, and the other with economic, social and cultural questions, since we regard them as a major achievement in the broad field of human rights. We should not, however, indulge in pious self-congratulation, for the harder part of the task still lies ahead. The United Nations can project great ideas more easily than it can convert them into reality. The General Assembly is a parliamentary institution, but not a legislature. The norms of international behaviour it recommends become binding only to the extent that sovereign States subscribe to them. The precepts in the present Covenants are still a long way from being commitments. The initial period of United Nations concern with this subject started in San Francisco with the drafting of the Charter. Europe had just been freed from Hitlerism, and all the ugliness of the Nazi system lay exposed. Tens of millions of people had been deprived of their most elementary rights as human beings. They had been persecuted for their race or religion or politics; made afraid to say what they thought; denied due legal process; thrown into concentration camps or methodically murdered by the officials of the State. It shocked the world that in the twentieth century freedom could be so completely wiped out in the heartland of Europe.

140. The battle for that human freedom had been going on for centuries. It had been expressed in such historic documents as the Magna Carta in 1215; the

Petition of Rights in the English House of Commons in 1628; the American Declaration of Independence in 1776; and the Declaration of the Rights of Man in 1789 during the French Revolution. And these concepts had also been written into many national constitutions in the nineteenth and twentieth centuries. Yet here, in 1945, it became essential to reaffirm that human beings had the right to be free. Once more there had to be a statement of faith in the dignity and worth of the human person. That concept was written into the Charter, and, three years later, found lofty and moving expression in the Universal Declaration which, in its thirty articles, set forth the basic rights and freedoms that would serve as a common standard "for all peoples and all nations". I had the privilege of being present at the dramatic moment in Paris in 1948, when Mrs. Eleanor Roosevelt presented the Universal Declaration to the General Assembly. One other name should be recalled in this regard, that of René Cassin of France.

141. The Declaration had been preceded by a Convention without precedent, that on genocide, the killing of a people. It was followed by a series of international conventions on specific problems: the status of refugees and stateless persons, the political rights of women, the nationality of married women, slavery, forced labour, discrimination in employment and in education. Last year an important milestone was reached in the Convention on racial discrimination, and another one is now being prepared on religious intolerance. However, it was not felt to be practicable or desirable for the whole field of human rights to be developed just in this piecemeal fashion. After the Universal Declaration the monumental task was tackled of spelling out its abstract principles in the form of two comprehensive covenants, with the objective of binding States to agreed international norms. The working drafts were prepared by 1954, and it has taken twelve years of slow and patient work to finalize the text, article by article and line by line. Great credit is due to the Human Rights Commission, the Third Committee and the Secretariat for this labour.

142. Today, with the adoption of the Covenants, we shall enter a new and more difficult phase. The Universal Declaration had great moral force, but moral force alone. The Covenants face each Member State with the decision whether it is prepared to assume a binding commitment, and whether it is prepared to adjust its own laws and practices to the agreed standards. This is the real testing period. The Covenants will not enter into force until thirty-five States have ratified them. None of us is in a position to know at this stage how long a time that will take and how generally they will be accepted and applied after that. What is more, as my fellow representatives know, only the first experimental steps are being taken on the key issue of implementation.

143. The Jewish people has made a distinctive contribution to the recognition of human rights and the dignity and personality of man. In this respect, contemporary civilization has drawn heavily on the inspiration of the Bible and the Hebrew Prophets, with their insistence that man is created in the image of God and that all men are brothers and equals. The

... and tragic experiences of Jewish history in the Dispersion kept alive for us these basic teachings of Judaism. With the renewal of independent Jewish nationhood eighteen years ago, in the land of our forefathers, Israel's Declaration of Independence guaranteed equality of social and political rights to all inhabitants of the State which, it is proclaimed, "will be based on freedom, justice and peace, as envisaged by the Prophets of Israel".

144. Humanistic ideals gained international validity with the general spread of enlightenment and liberal thinking after the French Revolution. At the end of the First World War they were written into the Minorities Treaties. Unlike the present Covenants, the emphasis in those Treaties lay upon international protection of minority groups. What was ignored was the protection of the individual human beings who made up the majority groups in each State. The significance of the United Nations Charter, of the Universal Declaration, and of the Covenants is that they treat all men and women on an equal footing. This brings us back to the original prophetic conception of the individual man and his place in human society.

145. Yet there is room for concern lest the swing from minority rights to individual rights should go too far. Here again our Jewish experience is relevant. We have survived as a distinctive people, as a group with a common ethnic origin, common religion and shared traditions, culture and language. For many centuries, and in many lands, Jewish minorities were persecuted for their faith. In Nazi-occupied Europe, they were persecuted for their race. Six million of our brethren, a third of all the Jews on earth, were sacrificed by the Nazis on the altars of their racial gods. The only offence for which these victims were pushed into the gas chambers was that they did not have Aryan blood in their veins. It is little wonder that we remain intensely aware of fresh manifestations of anti-Semitism, and refuse to take lightly any revived neo-Nazi tendencies, wherever they may occur.

146. At the same time, we remain sensitive to the form of discrimination which denies to a minority group the free exercise of its own distinctive group faith and culture. This, I regret to say, is not just an academic concern at the present time. As my Foreign Minister pointed out in the general debate [1428th meeting], and my delegation in the Third Committee, we are deeply disturbed at the fact that a large section of the Jewish people suffers such cultural deprivation, and does not enjoy even the same degree of religious autonomy that is still extended to other faiths. In that way it has been cut off from its own heritage, as well as from its Jewish brethren in the rest of the world.

147. In the light of those concerns, my delegation welcomes in particular the inclusion in the draft Covenant on Civil and Political Rights of article 27, which reads:

"In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language."

It is our earnest hope that this minimal minorities provision in the Covenants will come to be observed in all lands.

148. These draft Covenants will no doubt still be subjected to criticism, whether in their substantive provisions or their procedural safeguards. It will be maintained that they go too far or that they do not go far enough. They will come under searching scrutiny by the Governments that will be called upon to endorse them, and by the scholars who will write and lecture about them. Let our expectations be sober. Not many Governments are yet ready to accept international scrutiny and intervention concerning the internal regulation of human rights in their countries. In this context let us pledge ourselves anew to the abolition of apartheid and all outmoded doctrines and practices whereby men are deprived of rights and opportunities because of the colour of their skin. Past history does not encourage us to believe that cruelty and greed, or the lust for power and privilege, can be exorcised from the hearts of men by the formulation of any document. The struggle for human freedom and equality is never finally won. Yet, while there is no room for complacency, we should not permit ourselves to be defeatist or cynical. By the most realistic assessment, the adoption of these two Covenants will represent an important step forward along the road of human progress, and should afford us all some satisfaction and a renewal of faith and hope.

149. Mr. LOPEZ (Philippines): The adoption of the Covenants on Human Rights and the Optional Protocol to the Covenant on Civil and Political Rights is a historic milestone in the advance of the world community toward the attainment of the goals set out in the Charter of the United Nations for the protection of human rights and fundamental freedoms.

150. The Philippines, consistent with the libertarian traditions of its people, has supported the most effective, practicable means for the protection of human rights.

151. At this stage of the development of techniques and methods for the promotion of universal respect for, and observance of, human rights, it is incumbent upon the United Nations to establish an international machinery of implementation which would give substance and reality to the human rights enshrined in these Covenants. Without truly effective measures of implementation, the Covenants would be little more than elaborate versions of the Universal Declaration of Human Rights, having no real power to influence the policy and conduct of peoples and Governments in this domain.

152. Guided by those considerations, the Philippine delegation has sought to act in concert with others, to incorporate in the Covenant on Civil and Political Rights the system of petitions by individuals who have been denied the rights recognized by that Covenant.

153. Our support of this proposal is based on the principle that it is the individual human being, and not any other entity, whether political, economic, social or otherwise, who is the bearer of those rights the fullest protection of which we seek to ensure by means of those Covenants.

154. My delegation has been of the view that to place the petitions system, which, being optional, could be described only as minimal, in a petitions protocol would be tantamount to weakening the safeguards for the rights of the individual. That is unfortunately true because, on the international plane, the individual has no means of protection or redress comparable to the vast panoply of power and authority which is at the disposal of the State.

155. My delegation also considers that to establish a separate protocol for the systems of petitions would place the Covenant on Civil and Political Rights in a position of marked inferiority relative to the International Convention on the Elimination of All Forms of Racial Discrimination.

156. However, in a spirit of understanding and cooperation with the other delegations that found it difficult to agree to the incorporation of such a system as an integral part of the Covenant, we did not press our position and joined in the effort to work out a protocol embodying a widely acceptable system of individual petitions.

157. The Philippine delegation also favoured the setting up of a uniform and undifferentiated system of complaints, applicable to all States parties to the Covenant on Civil and Political Rights. We would have preferred that all States parties should automatically, without the necessity of making a specific declaration for this purpose, be covered by this system.

158. Again in a spirit of harmony and understanding of the difficulties of many delegations in this regard, my delegation did not press its opposition to the optional complaints procedure now incorporated in that Covenant.

159. The Philippine delegation also supported the reporting systems provided for the two Covenants as the minimum which we could have supported. We have endorsed the establishment of a human rights committee under the Covenant on Civil and Political Rights which would serve as the essential catalyst in the international process of implementation provided under that Covenant.

160. The Philippine delegation believes that that Committee should play a central role in respect of the reporting, complaints and conciliation procedures and the individual petitions system for the adequate and effective implementation of civil and political rights. These rights, which have received definitive formulation in the Constitutions of practically all Member States of the Organization, are a proper subject of a more formal and institutionalized procedure of international implementation, represented by the human rights committee.

161. This is a memorable day in the annals of the United Nations. By approving those Covenants after nineteen years of dedicated labour, the General Assembly moves a giant step closer to the day when all the nations of the world will have become the grateful beneficiaries of the great principles of justice, equality and freedom enshrined in the United Nations Charter and spelled out in the Universal Declaration of Human Rights. The Covenants do not

satisfy everybody. Indeed, it would have been impossible, and even if possible it would have been undesirable, to endeavour to produce documents entirely acceptable to all of us. Such instruments would have been devised only on the basis of the lowest possible common denominator of human rights for all of our 122 States, but so low that they would have represented no advance whatever nor any hope of advance in the promotion of human rights in the future.

162. The great virtue of these Covenants is that they set up standards of achievement to which all our nations can aspire today, tomorrow and for many long years to come.

163. Mrs. SEKANINOVA-ČAKRTOVA (Czechoslovakia): My country, the Czechoslovak Socialist Republic, has always supported the efforts of the United Nations in the field of the codification of human rights and fundamental freedoms. It has proved its sincere endeavour to make its own contribution to those efforts by its active participation in all stages of the deliberations on the Covenants on Human Rights which will be adopted by the General Assembly on this significant day following more than fifteen years of work.

164. There is no doubt that the International Covenants on Human Rights will constitute, after they enter into force, one of the most important documents adopted by our Organization during the more than twenty years of its existence, instruments that may prove helpful in translating into reality the desire of mankind to achieve peace, justice and respect for fundamental human rights and freedoms. The Covenants represent a significant development of the ideas of the Universal Declaration of Human Rights, not only because they stipulate binding legal obligations on the States parties to them, but also because they cover a wider range of human rights, particularly by confirming the right of peoples to self-determination and to permanent sovereignty over natural resources which are indispensable prerequisites for the enjoyment of all other individual rights. At the same time, the Covenants institute certain important rights and freedoms in the economic, social and cultural fields that were not embodied in the Declaration.

165. At a time when colonialism and apartheid, war and aggression, have not yet ceased to cause flagrant violations of human rights and freedoms, the Covenants will undoubtedly play their role as another impetus, another weapon in the struggle against those evils.

166. Being aware of the significance of the Covenants on Human Rights—which we consider as most intimately interrelated—for the promotion of general respect for human rights and their observance as one of the conditions for the safeguarding of freedom and peace in the world, the Czechoslovak delegation will vote without reservation for all the substantive articles of the draft Covenant on Economic, Social and Cultural Rights, as well as of the draft Covenant on Civil and Political Rights, which, as a whole, anchor an international standard which has already been attained in Czechoslovakia and which is being constantly and dynamically developed. The Czecho-

slovak delegation will also vote in favour of the implementation measures contained in the two drafts.

167. With respect to the final articles of the two drafts, the Czechoslovak delegation would like to emphasize from this rostrum once again that it considers the provisions of article 26 of the draft Covenant on Economic, Social and Cultural Rights, and of article 48 of the draft Covenant on Civil and Political Rights, which, for political reasons, exclude a number of States from participation in the Covenants, as discriminatory and as incompatible with the Charter of the United Nations as well as with the general principles of international law. Convinced that the right of petition of individuals on an international scale is not in accordance with the accepted general principles of international law and that its acceptance would in no way serve either the rights of the individual or the cause of human rights as a whole, the Czechoslovak delegation will abstain from voting on the Optional Protocol to the draft Covenant on Civil and Political Rights.

168. In conclusion, we should like to express the hope that the Covenants will soon enter into force. Our delegation is certain that these important documents will be studied by the Czechoslovak Government with the closest interest and attention at an early date.

169. Mr. ROSSIDES (Cyprus): I wish to make a brief statement because of the long-standing and active interest I have taken in the early conclusion of the Covenants on Human Rights.

170. In 1956, ten years ago, speaking in this Assembly Hall and urging that arrangements be made for more expeditious work on the Covenants, I reckoned that it would take ten years for their completion. We are most gratified that they have been completed within that time.

171. Cyprus, by the Declaration of Intention made by its Government in October 1965,^{2/} is committed to apply fully all human rights in Cyprus in accordance with the Universal Declaration of Human Rights, which the Covenants now seek to implement. Cyprus is further committed under the aforementioned Declaration to agree to international guarantees for the implementation of these rights. I therefore come to this rostrum with firm convictions of the significance of today's event.

172. The work begun eighteen years ago by the Commission on Human Rights is today brought to a successful conclusion. The International Bill of Human Rights, consisting of a Universal Declaration, Covenants and measures of implementation, is now a reality. We are perhaps too close to the event to be able to evaluate its full significance. There can be no doubt, however, that the international instruments which we adopt today will open up a new era in the history of man. A new, an additional, charter will come into existence, bringing the field of human rights within the concept of the rule of law. The moral obligations for respect of human rights will become a legal duty.

Mr. Pazhwak (Afghanistan) resumed the Chair.

173. The draft Covenant on Economic, Social and Cultural Rights, the draft Covenant on Civil and Political Rights and the Optional Protocol to the draft Covenant on Civil and Political Rights embody principles which profoundly affect the relationship between man and man, between the citizen and his Government, and between State and State. By these instruments we declare that man is not only an object of international compassion, but the subject of international right; that Governments are accountable to each other and to the international community for the way they observe and respect the human rights and fundamental freedoms of those within their charge; and that the human person has the right to seek redress for wrongs committed against him by his own Government by petitioning an international body duly constituted for that purpose. Above all, we declare that the fate of the human person, whoever and wherever he may be, is the concern of all of us.

174. Surely the immediate effect of the adoption of the international instruments before us is that they provide a new frame of reference for our work in the field of human rights in the future. We shall well serve our best national interests by acceding without delay to the draft Covenants and the Optional Protocol and by accepting the obligations that they impose on the States parties. We shall well serve the cause of world peace by assisting the United Nations to make the transition from the promotion to the protection of human rights.

175. Guided and informed by the principles and objectives of the Covenants, the United Nations must be enabled in the future to play its full role in relieving tensions arising from situations involving human rights, and to promote amicable and just settlements before they turn into serious international disputes. We earnestly trust that the International Conference on Human Rights, scheduled for 1968 to commemorate the twentieth anniversary of the proclamation of the Universal Declaration of Human Rights, will duly recognize the significance and importance of the adoption of the Covenants on Human Rights as marking a new era, a new epoch, in the development of positive international concern for human rights.

176. The PRESIDENT: I call on the representative of Costa Rica in explanation of vote.

177. Mr. TINOCO (Costa Rica) (translated from Spanish): Today we are at the end of a long journey, a journey as long as the history of the United Nations. The idea of incorporating provisions to safeguard human rights dates back to the spring of 1945 when work began on the drafting of the Charter of the United Nations. Today's date is a historic one which will grow in importance with the passing of the days and years. It will take its place with other dates that mark man's progress towards full recognition of his dignity, of his status as a subject of law, not only of national law but now of international law as well.

178. My delegation, in this and at earlier sessions of the Assembly, has always been concerned to advance this idea, in concert with other delegations that are like-minded but have more knowledge, better

^{2/} See Official Records of the General Assembly, Twentieth Session, Annexes, agenda item 93, document A/6039.

preparation and more to contribute to this great legal structure that we are placing at the disposal of the legislative assemblies of all States Members, for we cannot forget the juridical situation we are creating.

179. In adopting the international Covenants on Human Rights, we are offering men in all latitudes, in every region and of every race, a series of promises and hopes. But we are also offering a challenge to our parliaments, our legislative assemblies: a challenge that they should approve what we are approving here. The international Covenants on Human Rights will not be genuinely binding, will not be legal instruments to which men can have recourse, until they are approved by thirty-five parliaments, thirty-five legislative assemblies.

180. My delegation takes pleasure in voting for all the Covenants and hopes that the Costa Rican Con-

gress will be one of the first to give its final approval to what we are approving today.

181. In conclusion, may I briefly refer to a humble man who was born about two hundred years ago, of an unknown father in a remote corner of Costa Rica and was the first to raise his voice in defence of respect for the equality of man in the Cortes at Cadiz. He was Florencio del Castillo, whose portrait presides over the deliberations of the Legislative Assembly of Costa Rica, which a week ago approved the Convention on the Elimination of Racial Discrimination in All its Forms, thus paying a tribute to the man of Indian and Spanish blood who raised his voice in the Cortes at Cadiz, reached the presidency, and first laid the cornerstone of the magnificent edifice we bring to completion today.

The meeting rose at 1.25 p.m.